

ORDINANCE NO. 2013-09-078

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

(Multipart Zoning Ordinance Text Amendment - Plan Case No. 2208-T-13)

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 #2208-T-13; 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 August 22, 2013; and

WHEREAS, the Urbana Plan Commission voted four ayes to zero nays on August 22, 2013 to forward Plan Case #2208-T-13 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 I-1.R is hereby added as follows:

To provide procedures for appeals, variations from, and amendments to the Zoning Ordinance, in conformance with the State Zoning Act (65 ILCS 5/11-13-1).

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

Assisted Living Facility: A facility that provides residences and care for seniors and others in need of assistance with some activities of daily living, but not in need of nursing care.

Building Area: See "Floor Area, Gross."

Carport: A structure, with one or more open sides, attached to a dwelling designed to shelter automobiles belonging to the occupants of said dwelling.

Dwelling, Single-Family (Extended Group Occupancy): A building containing only one dwelling unit and occupied at any given time by a group consisting of only:

1. A household as defined herein; and
2. Such additional persons who are permanent members of a housekeeping unit, and in a *loco parentis* relationship with one or more members of the

basic group such as foster children or persons in a group home licensed by the State of Illinois.

Farmer's Market: An event held periodically at which a group of farmers and artisans sell produce they have grown, goods they have prepared, and/or crafts they have created directly to the public.

Floor Area, Gross: The total area of all floor levels of a building. Gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface. Gross Floor Area regulations are found in Section VI-4.

Open Space: The portion of ground level area of a lot which is unobstructed from the ground level upwards and which meets the criteria listed in Section VI-4.D.

Roadside Produce Sales Stand: A temporary sale of agricultural produce from an individual producer. Goods may be sold from a temporary shelter such as a tent or from a vehicle. Roadside sales require a permit from the City Clerk.

Section 3. Article II, Figure 2 is hereby amended as shown in Attachment A.

Section 4. Paragraph V-2.D.7.C is hereby amended as follows:

The gross floor area of a shed, as defined herein, shall not exceed 120 square feet.

Section 5. Paragraph V-9.B is hereby amended as follows:

General Provisions

1. All common-lot-line dwelling units shall have an Owner's Certificate recorded with the Champaign County Recorder's Office providing for the perpetual maintenance of the common-lot-line dwelling units as specified in Section 21-19-D of Chapter 21 of the Urbana City Code.

2. All fee simple transfers of ownership that were approved by the City of Urbana prior to May 1, 1993 shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision plat to be established as common-lot-line dwelling units.

Section 6. 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	MOR	IN-1	IN-2
All Other Retail Stores							C			S	C	D	D	D	D			C	C	
Farmer's Market												D	D	D	D		S			
Church, Temple, or Mosque	S	S	S	P	P	P	P	S	S	P	P	P	P	P	P		S	P	C	
Hospital or Clinic					S	S						S	S	S	S				S	
Movers												D							P	P
Automobile/Truck Repair												D		C					P	P
Truck Rental												P							P	P
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P	P	P	C	P		P					P		
Assisted Living Facility				C	P	P	P				P	C	P	C	C			P		

Section 7. Section VI-4 is hereby amended as follows:

Section VI-4 Floor Area and Open Space

A. Floor Area shall be regulated as follows:

Gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface.

1. Gross Floor Area includes stairs, stairwells and public egress/ingress balconies.
2. Gross Floor Area excludes:
 - a) Areas used for parking facilities within the principal building.
 - b) Areas used as private balconies.
 - c) Areas used for basements in single-family dwellings.
 - d) Areas used for and solely dedicated to the housing of mechanical systems.
 - e) Areas used as unfinished attics.
 - f) Areas used for detached accessory structures to single and two-family dwellings and which are used for home maintenance, storage or parking. Said accessory structure must conform to Section V-2.D.7.

- g) Where part or all of the off-street parking spaces required by Section VIII-5 are provided underground below a principal structure or incorporated within a principal structure in the B-3U, General Business-University Zoning District, the maximum floor area ratio specified in Table VI-3 may be increased by a maximum of 25% in accordance with the following formula:

$$a = 4.00 + b/c \times 25\% \times 4.00$$

Where:

a = the maximum floor area ratio after including the bonus allowed for providing parking underground or within the structure

b = the number of parking spaces provided underground below the principal structure or incorporated within the structure

c = the number of parking spaces for the use required by Section VIII-5 of the Zoning Ordinance

(Ord. No. 9091-61, § 7, 11-19-90)

- C. In the MIC District, the minimum floor area that shall be devoted to health care-related or professional medical office uses is outlined in Section V-10.B of this Ordinance.
- D. Open Space

Open space shall be provided in the amounts required in Table VI-3 of the Urbana Zoning Ordinance. The following restrictions shall apply to required open space areas:

1. Its minimum dimensions are 15 feet by 15 feet;
2. At least 50% of such area is in lawns, live plantings, and other permeable ground cover;
3. No more than 50% of such area is covered by paving for sidewalks, leisure and recreational areas such as patios, tennis courts, and swimming pools;
4. No part of such area is used for parking, drives, or loading areas;
5. For residential uses, at least 75% of such area shall be accessible to and for the use of all residents of the building; except that, in the case of a residential building where all units open directly onto open space at ground level, up to 75% of such required open area may be divided, as equally as practicable, among all the dwelling units as private open space, provided that each unit shall have at

least 150 square feet with a minimum dimension of nine feet.

The following areas may also be considered open space, provided that they do not comprise more than 25% of the total open space, and shall be considered in the percentage limitation specified in point 3 above:

1. Roof areas free of all obstructions and available for safe and convenient use for leisure and recreation, and with minimum dimensions of 15 feet by 15 feet;
2. Private balconies having a minimum dimension of four feet, six inches by four feet, six inches if there is a minimum clearance of seven feet six inches between the floor of such balcony and the underside of the balcony immediately next above;
3. The ground area immediately below a private balcony if there is a minimum clearance of seven feet six inches between the ground level and the underside of the balcony immediately next above.

Section 8. Paragraph VI-5.B is hereby amended to include the illustrations in Attachment B.

Section 9. Paragraph VI-5.B is hereby amended to read as follows:

- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, ~~or~~ mechanical equipment, or swimming pool shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):
 1. Cornices, sills, belt courses, eaves, and other ornamental features to a distance of not more than two feet, six inches.
 2. Fire escapes to a distance of not more than five feet, or enclosed fire escapes and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet and when the main structure was built prior to the November 6, 1950. The encroachment or projection shall not be permitted on new construction.
 3. Access to buildings and outdoor living areas when consisting of uncovered stairways, stairway landings, and stoops which are at or below the plane of the ground floor of a building constructed prior to November 6, 1950, may encroach up to five feet into a required yard, but not within six inches of a property line.

4. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required yard more than one-third of said ~~side~~ yard.
5. Outdoor living areas raised nine or more inches above existing grade, such as porches, terraces and decks, and which are open to the elements, may encroach up to five feet into a minimum required yard as specified in Table VI-3, regardless of average setback, but not within five feet of a property line. For the purposes of this provision, the definition of "open to the elements" shall include and allow any roof, awning, or pergola covering a raised outdoor living area, enclosed with mesh screening and screen frames but which are not glassed in or otherwise walled or enclosed above a height of 30 inches above the floor of the raised outdoor living area, and/or any balustrade required for guardrail safety.

When replacing or upgrading an existing porch and/or porch stairs in an R-1, R-2, R-3, or MOR zoning district, the replacement porch and/or porch stairs may be constructed in the location of the existing porch and/or porch stairs but no closer than six inches from any property line, measured from the closest part of the structure. The porch stairs may further encroach the minimum amount required to bring the rise/run of the stairs up to current Building Code standards.

6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.
7. Driveways, walks, fences, walls, and underground structures, provided that any fences or other landscape improvements comply with "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, and with all provisions of the Urbana City Code regarding fencing, and also provided that all parking and access thereto comply with Section VIII-4 of this Ordinance.
8. Concrete, asphaltic concrete, or other all-weather surfaces; however parking is allowed only in accordance with provisions of Article VIII of this Ordinance.
9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and cannot extend nearer

than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side or rear lot line, measured from the closest part of the structure, if all of the following conditions apply:

- 1) The subject lot is 60 feet wide or less;
- 2) No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
- 3) No gutters or other appurtenances will extend across the property line; and
- 4) In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

- 1) The subject properties share a common driveway and access drive;
- 2) The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
- 3) Replacement garages meet all applicable building codes.

10. Flagpoles, decorative lights, lattices, bird baths, bird houses, and other landscape features.

11. Balcony which is open, as defined in Article II of this Ordinance, provided that they do not occupy in the aggregate more than one-third of the length of the building wall per floor on which they are located. In no case shall any private open balcony be located within five feet of the property line.
12. See Section VIII-4 for allowable parking uses in required yards.
13. Ground-mounted solar panels up to a height of six feet in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts are permitted in required side and rear yards, but shall not extend nearer than 18 inches as measured from the closest part of the structure to the property line.
14. Signs, as permitted in Article IX of this Zoning Ordinance.
15. Ramps or other structures for handicapped accessibility may encroach into required yards.

Section 10. Footnote 3 of Table VI-3 is hereby amended as follows:

3. In the AG, CRE, B-1, B-2, MOR, and IN-1 Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and S VI-5.G.1 respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

Section 11. Paragraphs VIII-3.F.1 and VIII-3.F.2 are hereby amended as follows:

1. One shade tree, as listed in Table VIII-5, shall be planted for every nine parking spaces provided on a lot. 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.)
2. Tree plantings shall begin within 20 feet of the ends of adjoining parking rows.

Section 12. Paragraph VIII-4.H is hereby amended as follows:

- H. In residential zoning districts the following shall regulate the parking of commercial vehicles, recreational vehicles, watercraft, trailers, and off-road vehicles:
1. Recreational vehicles and watercraft, either of which are greater than 20 feet in length, and off-road vehicles be stored only in the following manner:
 - a) Inside a carport or garage in conformance with Section V-2.D.7, or
 - b) Outside behind the face of the principal building, or
 - c) Outside in the front yard at least five feet from the front lot line provided:
 - (1) Said parking is for loading and unloading operations completed within a 24 hour period, or;
 - (2) Space is not available in the side yard, or there is no reasonable access to either the side yard or rear yard. A lot shall be deemed by the Zoning Administrator to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or landscaping. A corner lot shall be deemed to have reasonable access to the rear yard.
 2. The length of the watercraft for the purpose of this paragraph shall not include any portion of any trailer used for transporting the watercraft which extends beyond the watercraft itself.
 3. For any single or two-family residential use, the parking surface of accessory off-street parking for recreational vehicles, watercraft and off-road vehicles or trailers shall consist of either asphalt, concrete, brick, CA-10 or equivalent gravel or other surface approved by the Zoning Administrator. CA-10 or gravel parking shall be contained by curbing or approved landscape edging treatment. For any multiple-family residential use, the parking surface of any such parking lot shall conform with Section VIII-3.A. Those accessory parking surfaces on the site of single- or two-family residences shall meet the requirements of paragraph J below.
 4. No recreational vehicle shall be occupied while stored.

Section 13. Paragraph VIII-5.L is hereby added as follows:

L. Off-street parking reduction for designated Legacy Trees

Upon application and subsequent verification by the City Arborist, new construction or significant structural alterations to existing buildings shall be entitled to a reduction in the minimum parking requirements of Section VIII-5, if the lot containing the proposed development has a designated Legacy Tree(s). This reduction shall not apply to single and two family residences.

For the purpose of providing an incentive, said minimum parking requirements set forth in Section VIII-5 may be reduced by no more than 30 percent. The reduction in the minimum number of parking spaces shall only be allowed if the reduction in the amount of required parking pavement is necessary to preserve the root zone of the Legacy Tree(s) on that lot. The City Arborist shall issue a certificate to the Community Development Department confirming that a reduction may be earned under the provisions of this section.

Section 14. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
Public Utility Plants or Storage Building (not including offices)	None
Building Material, Hardware and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, excluding outdoor seating areas
Hospital	1 space for each bed based on permitted bed occupancy and 1 space for each employee on regular work day shift (beds do not include bassinets)
Church, Temple or Mosque	1 for every 5 seats in the principal assembly area, or 25% of the capacity in persons of an open assembly area (per VIII-5.H)
Public or Private Parochial Elementary or Junior High School, or Senior High School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats plus 1 for every 50 classroom seats in the 11 th and 12 th grade, whichever is greater
Gasoline Station/Convenience Store	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
College or University Facility	Based on the individual uses housed within the subject building.

Section 15. 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.

(Ord. No. 2011-02-007, 2-21-2011; Ord. No. 8485-73, § 2, 4-15-85)

Section 16. Paragraph IX-4.I.3 is hereby amended as follows:

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four one-week banner displays per business frontage per calendar year. Banner displays may be consecutive or concurrent, but shall not exceed four weeks per calendar year for one banner, or one week for four banners. Banners must be securely fastened at both ends to a building or other structure, or at one side if displayed as a vertical banner secured to the ground. If more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley.
 - a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, 50 square feet for freestanding banner signs and 25 square feet for vertical banners secured to the ground on one side.
 - b) A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.

Section 17. Table IX-9, Freestanding Shopping Center Signs is hereby amended to add a reference to footnote 4 in the title.

Section 18. Table IX-10, Standards for Property Sale and Rental Signs is hereby amended so that the cell under the fourth column, "Maximum Height of Freestanding Sign" reads "5 feet for freestanding signs".

Section 19. Paragraph XI-1.B.12 is hereby added as follows:

12. Issue all home occupation permits where authorized by this ordinance, and keep permanent and accurate records thereof;

Section 20. Paragraph XI-3.C.2.c.3 is hereby amended as follows:

In determining whether or not a variance should be granted, the body considering the variance shall consider the following criteria:

- (a) The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district;
- (b) The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner;
- (c) The variance will not alter the essential character of the neighborhood;
- (d) The variance will not cause a nuisance to adjacent property;
- (e) The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.
- (f) The variance requested is the result of practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land.

Section 21. Paragraph XI-12.D.1 is hereby amended as follows:

- 1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board.

Section 22. Paragraph XI-12.E.1 is hereby amended as follows:

- 1. Meetings of the MOR Development Review Board shall be called as needed.

Section 23. Section XI-12.G is hereby amended as follows:

G. Application and Development Plan Submittal Requirements

- 1. A request for development plan approval by the MOR 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. Development 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. Development Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

4. The MOR Development Review Board may require additional information necessary to consider applications.

Section 24. The first Paragraph of Section XII-3.C is hereby amended as follows:

Officers. There shall be a Chair and a Vice-Chair elected by the Preservation Commission.

Section 25. Paragraph XIII-3.C is hereby amended as follows:

C. *Goals*

The general goals of a planned unit development are:

1. To encourage high quality non-traditional, mixed use, and/or conservation development in areas identified in the Comprehensive Plan;
2. To promote infill development in a manner consistent with the surrounding area;
3. To promote flexibility in subdivision and development design where necessary;
4. To provide public amenities not typically promoted by the Zoning Ordinance;
5. To promote development that is significantly responsive to the goals, objectives, and future land uses of the Urbana Comprehensive Plan;
6. To provide a higher level of street and pedestrian connectivity within the development and the surrounding neighborhood in accordance with the Urbana Comprehensive Plan.
7. To coordinate architectural styles, building forms, and building relationships within the development and the surrounding neighborhood;
8. To encourage the inclusion of a variety of public and private open space, recreational facilities, greenways and trails not typically promoted by the Zoning Ordinance;
9. To conserve, to the greatest extent possible, unique natural and cultural features, environmentally sensitive areas, or historic resources, and to utilize such features in a harmonious fashion.

Section 26. Paragraph XIII-4.C.1 is hereby amended as follows:

1. Whether the Creekway permit is compatible with the 2008 Boneyard Creek Master Plan as it may be amended from time to time in a manner consistent with the Urbana Comprehensive Plan.

Section 27. Paragraph XIII-4.E.3 is hereby amended as follows:

3. *Building Line.* Boneyard Creek corridor limit lines shall be as indicated either on the 1978 Boneyard Creek Master Plan or the 2008 Boneyard Creek Master Plan, as applicable. The building line shall be set back five feet from the corridor limit lines. No fence or structure, other than sidewalks, bike paths, and drainage facilities, shall be permitted between the building line and the Boneyard Creek corridor limit line.

Section 28. Paragraph XIII-4.E.4 is hereby amended as follows:

4. *Access.* In addition to frontage on a public street, additional requirements may include easements for the construction of public sidewalks, bike paths, and drainage facilities consistent with the Boneyard Creek Master Plan and any amendments thereto or subsequent plans that specifically define such elements, and, when necessary, shall include easements for construction, maintenance, and police and fire access to the riparian properties of the Boneyard Creek.

Section 29. Paragraph XIII-4.G.2 is hereby amended as follows:

2. *Application Requirements.* After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the reasons for which any modification in the underlying zoning requirements is sought; and information necessary for determining whether a Creekway permit shall be issued. In addition to the information required by this section, the applicant shall provide all other information required by the Rules of Procedure promulgated for the Boneyard Creek District by the Plan Commission.

Section 30. Paragraph XIII-4.H is hereby amended as follows:

- H. *Notice of Intent to Issue Permit.* When the Zoning Administrator intends to administratively approve a Creekway Permit, the Zoning Administrator shall make written notification to the Plan Commission, City Council, and Mayor of the pending issuance of the permit. Within ten (10) calendar days of transmittal of the notice, any elected or appointed official may appeal the Zoning Administrator's decision in writing. Appeals procedures shall conform to Section XIII-4.N of the Urbana Zoning Ordinance. Lacking any written appeal, the pending Creekway Permit shall be issued once the ten-day period has lapsed.

Section 31. The first paragraph of Section XIII-4.J is hereby amended as follows:

J. *Plan Commission Determinations.* The Plan Commission shall determine whether the reasons set forth in the application justify the granting of the Creekway permit based upon the criteria specified in Section XIII-4.C. Notice of hearing for Plan Commission determinations shall be given in the manner required by Section XIII-M of the Urbana Zoning Ordinance. The Plan Commission shall have the following options:

Section 32. 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).

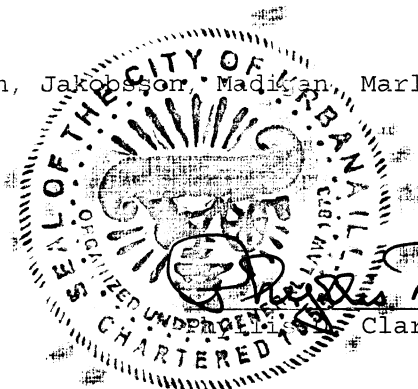
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of September, 2013.

PASSED by the City Council this 16th day of September, 2013.

AYES: Ammons, Brown, Jakobson, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINS:



Shirley J. Clark
Clark, City Clerk

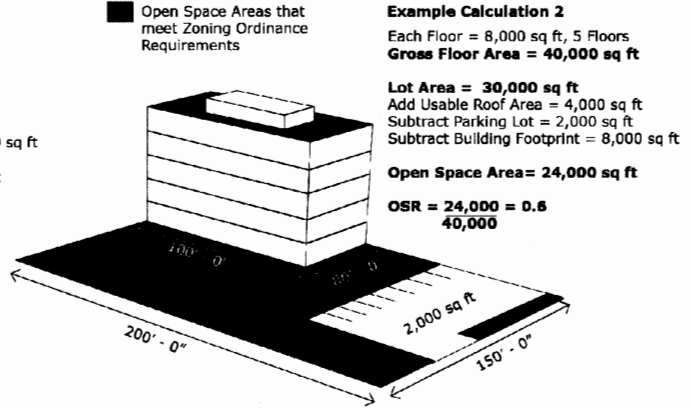
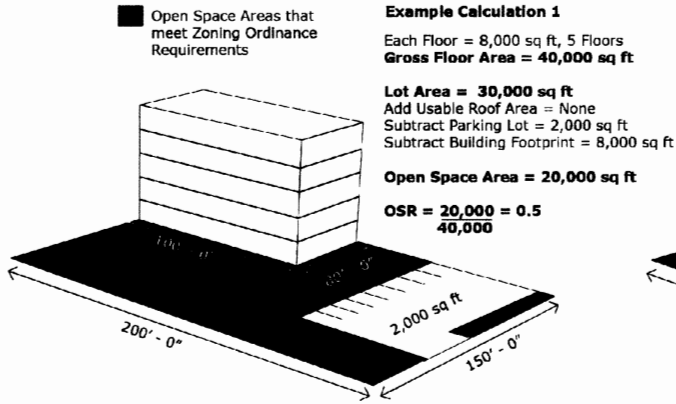
APPROVED by the Mayor this 20th day of September, 2013.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

Attachment A

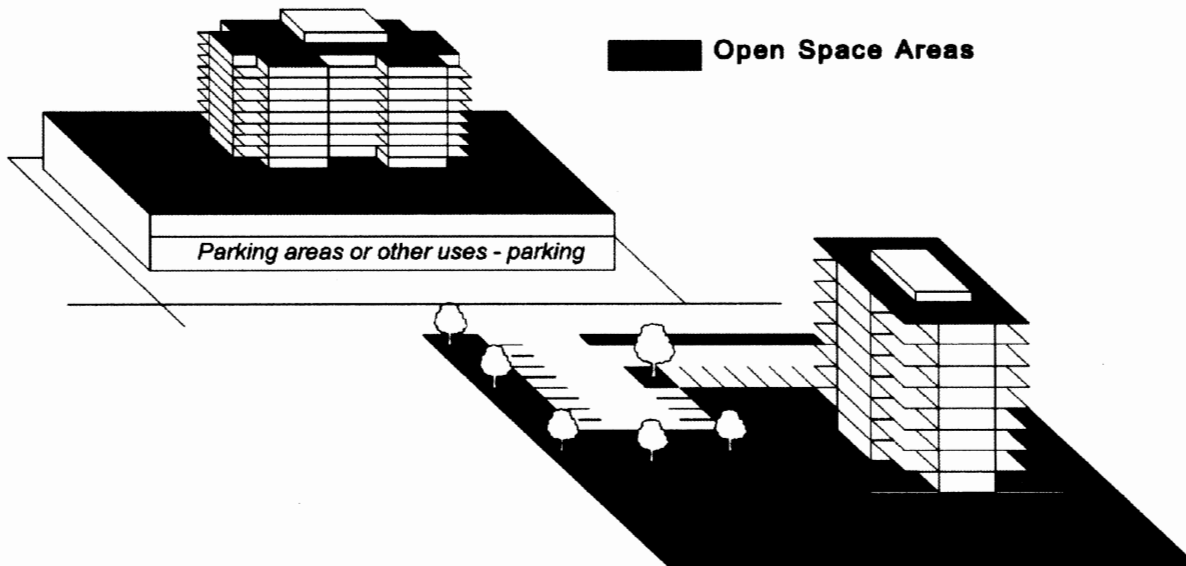
Open Space Ratio

$$\text{Open Space Ratio} = \frac{\text{Open Space Area}}{\text{Gross Floor Area}}$$



Note: All Open Space and Gross Floor Area must meet all requirements of Article II of the Urbana Zoning Ordinance

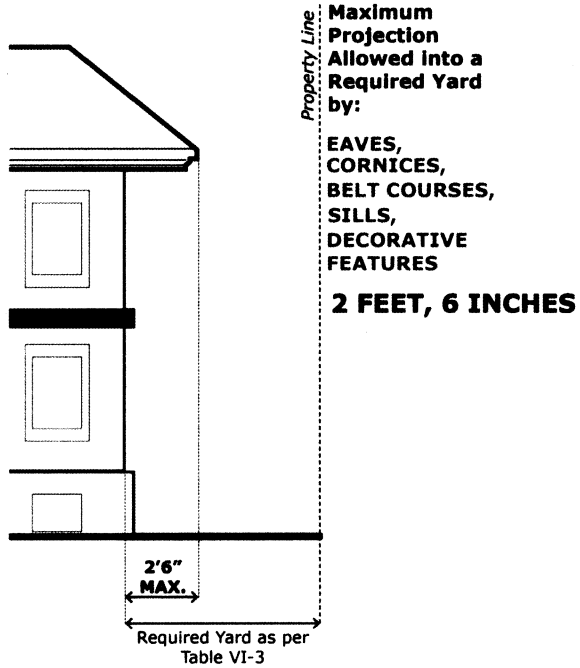
Open Space



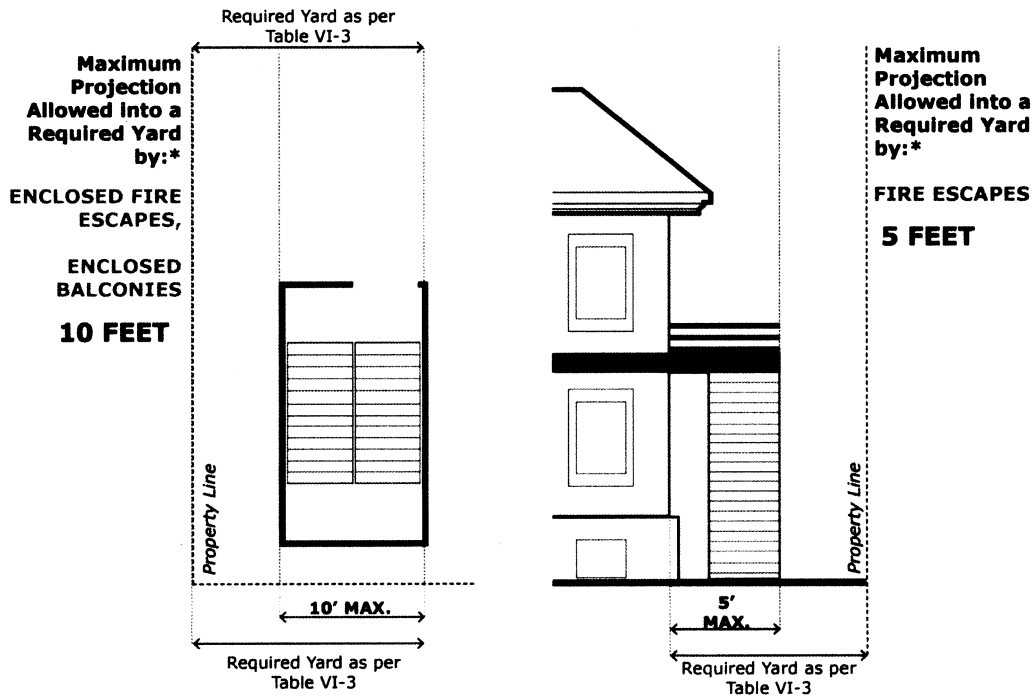
Note: All Open Space and Gross Floor Area must meet all requirements of Article II of the Urbana Zoning Ordinance

ATTACHMENT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.1



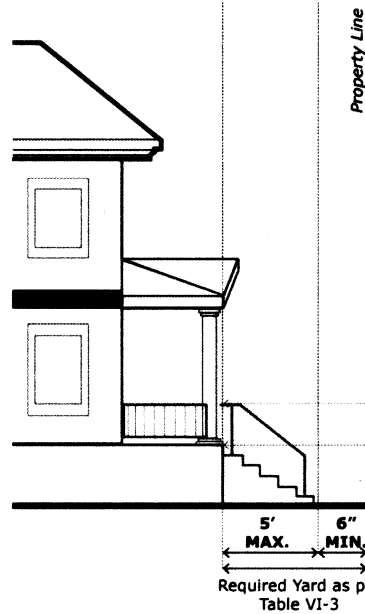
Section VI-5 Yards B.2



*If main structure built prior to November 6, 1950

ATTACHMENT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.3



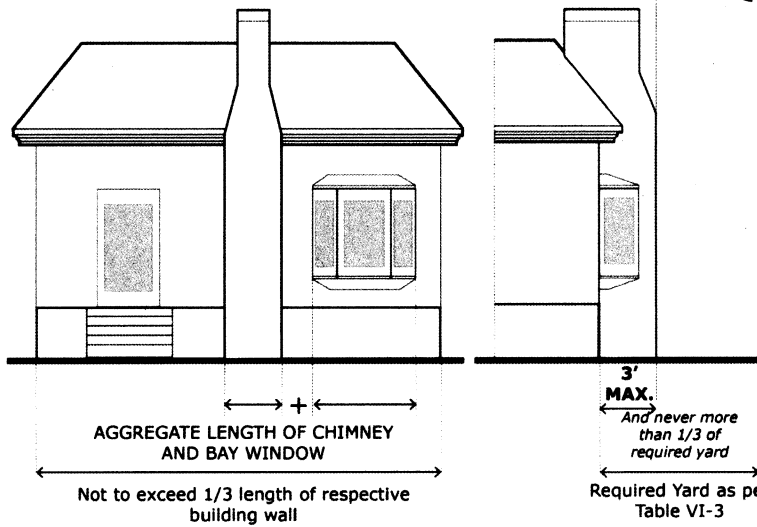
Maximum Projection Allowed Into a Required Yard by:*
UNCOVERED STAIRWAYS, STAIRWAY LANDINGS, STOOPS

5 FEET
But not within 6 inches from the property line

Stairway and landing not to extend beyond entrance floor level

**If main structure built prior to November 6, 1950*

Section VI-5 Yards B.4



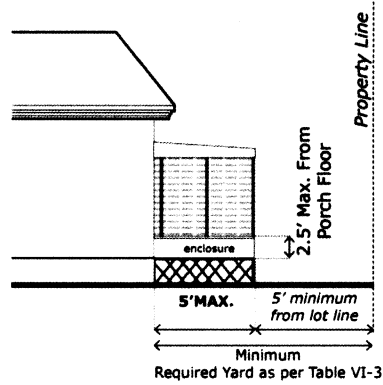
Maximum Projection Allowed Into a Required Yard by:

CHIMNEYS, BAY WINDOWS

3 FEET
And never more than 1/3 of required yard

ATTACHMENT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

**Section VI-5 Yards
B. 5**

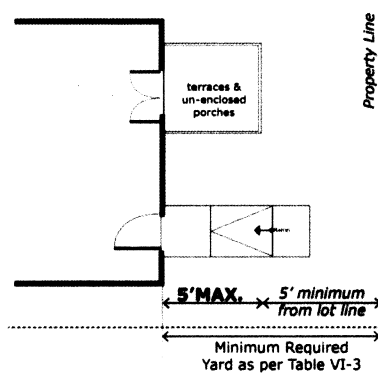


Maximum Projection Allowed into a Required Yard by:

Terraces & Open Un-enclosed Porches

which may have roofs and mesh screening but which are not glassed in or enclosed above 2.5 feet from porch floor

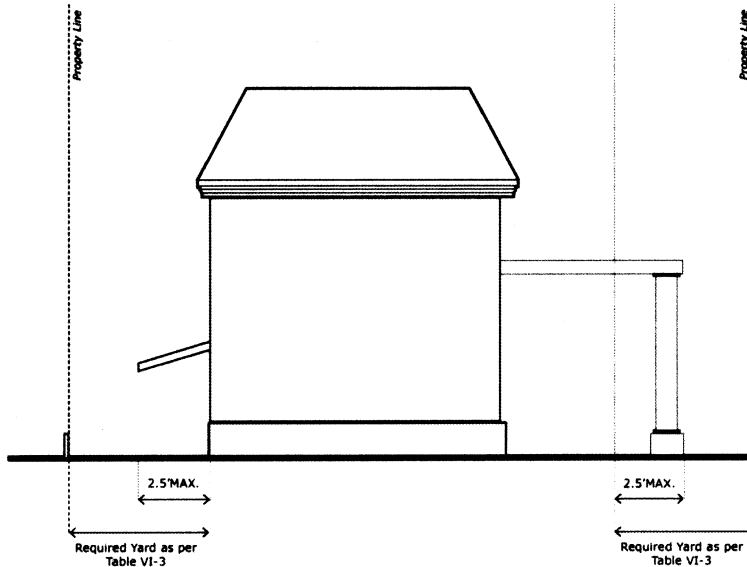
5 FEET
Regardless of average setback, but not within 5 feet of lot line



Exception:

Ramps & Structures for Handicapped Accessibility may encroach into a required side yard

**Section VI-5 Yards
B. 6**



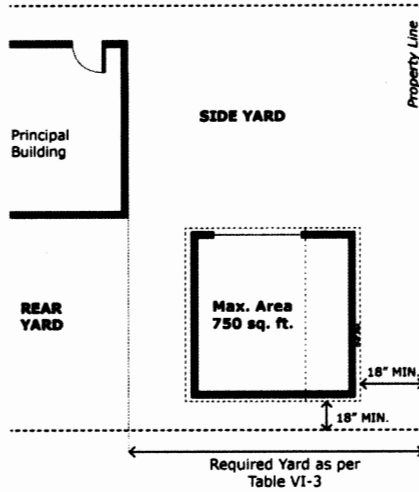
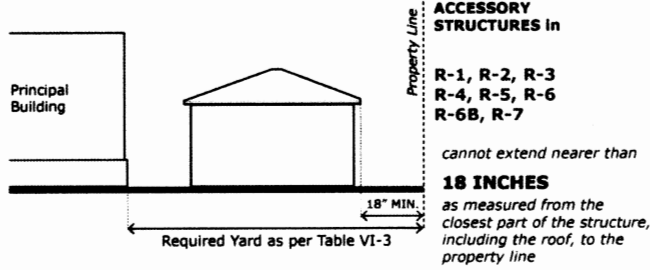
Maximum Projection Allowed into a Required Yard by:

PORT-COCHERES, CANOPIES

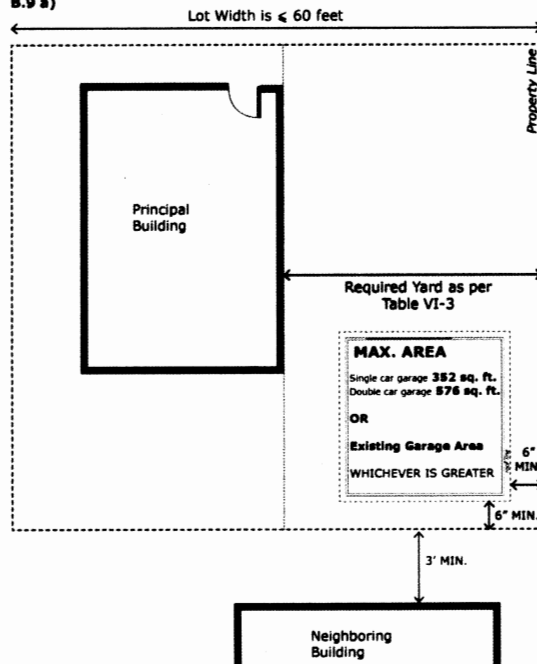
2.5 FEET

ATTACHMENT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9



Section VI-5 Yards B.9 a)



REPLACING ONE EXISTING PRIVATE GARAGE in

R-1, R-2, R-3

**MAY BE CONSTRUCTED IN
THE LOCATION OF EXISTING
GARAGE**

but no closer than

6 INCHES

as measured from the closest part
of the structure, including the
roof, to the property line, IF

1) lot width is less than or equal
to 60'; and

2) no building exists on the
adjacent property which is closer
than 3' from existing garage on
subject property; and

3) no gutters or appurtenances will
extend across the property line; and

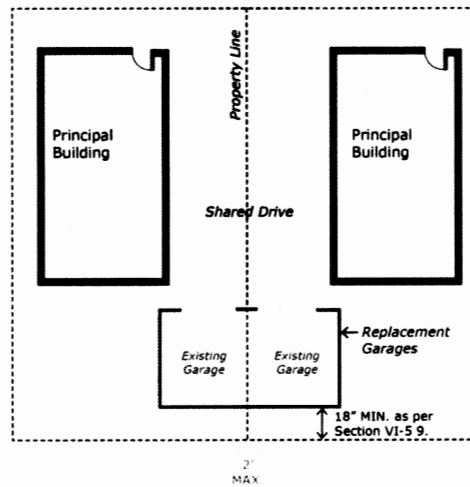
4) Maximum Area:
Single car garage 352 sq. ft.
Double car garage 576 sq. ft.

OR Existing Garage Area

WHICHEVER IS GREATER

ATTACHMENT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9 b)



REPLACING

AN EXISTING SHARED PRIVATE GARAGE

OR

TWO EXISTING PRIVATE GARAGES ON ADJACENT LOTS SEPARATED BY A DISTANCE OF 2 FEET OR LESS In

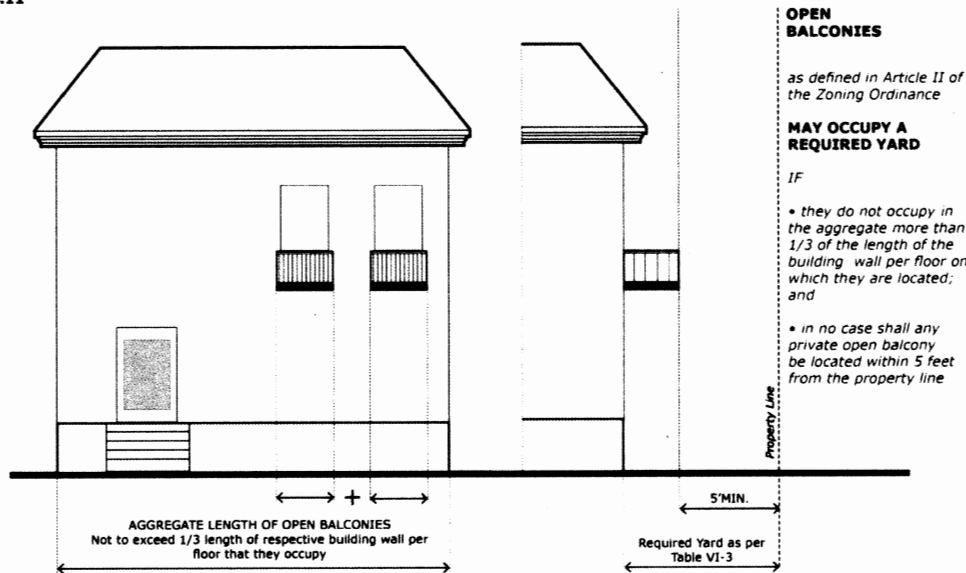
R-1, R-2, R-3

MAY BE CONSTRUCTED AS COMMON-LOT-LINE GARAGES

IF

- 1) the subject lots share a common driveway and access drive; and
- 2) the owner of subject properties execute and record a required maintenance agreement; and
- 3) replacement garages met all applicable building codes

Section VI-5 Yards B.11





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 September, 2013, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2013-09-078, entitled:

"AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (MULTIPART ZONING ORDINANCE TEXT AMENDMENT - PLAN CASE NO. 2208-T-13)"

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

The pamphlet form of Ordinance No. 2013-09-078 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 23rd day of September, 2013, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 23rd day of September, 2013.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
by [Signature] Deputy Clerk