

ORDINANCE NO. 2015-07-084

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

(OMNIBUS TEXT AMENDMENT - PLAN CASE NO. 2254-T-15)

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 #2254-T-15; 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 23, 2015; and,

WHEREAS, the Urbana Plan Commission voted eight ayes to zero nays on July 23, 2015 to forward Plan Case #2254-T-15 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 include the following terms and their definitions:

Awning: See "Canopy or Entrance Structure".

Banquet Facility: A facility or hall available for lease by private parties for events such as dinners and banquets.

Catering Service: An establishment that prepares and supplies food to be served and consumed off premises.

Deli: See "Food Service Establishments, Café".

Principal Structure: A structure housing the principal use of a lot.

Principal Use: The primary use on a lot.

Self-Storage Facility: See "Warehouse, Self-Storage".

Section 2. Section II-3, Definitions, is hereby amended as follows:

Floor Area Ratio: The quotient of gross floor area of all buildings on the lot divided by the lot area (See Figure 1).

Hotel or Motel: A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. See Section V-11 for occupancy limits for hotel or motel units. (Ord. No. 2012-02-019, 1-16-2012; Ord. No. 1999-06-045, 06-11-99)

Landfill: See "Sanitary Landfill".

Structural Alteration: See "Alteration, Structural".

Structure: Any building, or anything constructed, which requires attachment to the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

Townhouse: See "Rowhouse or Townhouse".

Section 3. Article II, Figure 1 is hereby amended as shown in Attachment A.

Section 4. Section V-12 is hereby amended to read as follows:

- A. Without a Certificate of Occupancy, any activity that meets (but does not exceed) the following criteria:
1. There are no persons, other than members of the household residing in the dwelling unit, engaged in the home occupation; and
- B. Any activity which exceeds any of the criteria set forth under Section V-12.A, above, shall require approval by the Zoning Administrator and require the issuance of a Certificate of Occupancy, and furthermore shall be limited to the following restrictions and conditions:
1. No more than one person, other than members of the household residing in the dwelling unit, is engaged in the home occupation; and
 2. Two off-street parking spaces must be provided on-premise as approved by the Zoning Administrator. Driveways may qualify in meeting this requirement; and
 3. No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises; and
 4. There is no activity, construction, or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in Section V-12.A.5; and
 5. There are no other signs other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and
 6. Storage of materials and space for equipment use in an accessory building is limited to 200 square feet. No outdoor storage is permitted; and
 7. The occupation does not or will not constitute a violation of any nuisance code; and
 8. No more than two customers or clients may be on the premises at any one time; and
 9. There is no exterior storage of vehicles other than those owned by members of the immediate family residing on the premises; and
 10. No more than two commercial or business vehicles used in conjunction with the home occupation may be parked on the premises or on an abutting street.

- C. Any activity which exceeds the criteria under Section V-12.B shall be prohibited as a home occupation as herein defined. Furthermore, since it is the intent of this subsection to prohibit any activity as a home occupation which may use hazardous materials, any activity which the Zoning Administrator classifies as exterminator, lawn care (except lawn manicuring), dry cleaning, or medical diagnostic laboratory shall be prohibited as a home occupation as herein defined.
- D. A home occupation involving a landscaping business shall not be permitted to grow outdoor plant materials on the home premises for the purpose of later removing the material for sale or transplanting on another site.
- E. A home occupation involving vehicle repair shall be permitted as a home occupation only if subject vehicle(s) are repaired inside the garage and no inoperable vehicle is stored outside. Any vehicle to be repaired may not queue outside of the garage. Additionally, the garage must meet all applicable building codes, and any such work may not violate any of the City's nuisance codes and ordinances. Additionally, no major automobile repairs as defined in this Ordinance are permitted.
- F. Only one home occupation, as defined herein, is permitted per dwelling unit and/or accessory structure.
- G. Certificates of Occupancy for home occupations issued prior to the effective date of this amendment not meeting the conditions of Section V-12.B shall be considered legally nonconforming. (Ord. No. 1999-06-045, 06-11-99)
- H. The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

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	MOR	IN-1	IN-2
Business																				
<i>Food Sales and Service</i>																				
Banquet Facility										C	C	P	P	P	P	P		C	P	
Catering Service										C	P	P	P	P	P	P		C	P	
<i>Professional and Financial Services</i>																				
Vocational, Trade or Business School									C			P	P	P	P		P	P	P	C
<i>Miscellaneous Business</i>																				
Contractor Shop and Showroom (Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops)										C	C	P	P	P	P				P	P
Lawn Care and Landscaping Service										C	C	P	P	P	P				P	P
Residential																				
Mobile Home Park (See Section XIII-2)									S											
Residential Planned Unit Development (See Section XIII-3)		D	D	D	D	D	D	D								D		D		

Section 6. Paragraph V-4.A is hereby amended as follows:

- 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. When an encroachment over a

right-of-way has been approved by the City for a habitable structure, the gross floor area of the structure shall be increased by the gross floor area of the encroachment. (Ord. No. 8485-51, § 4(c), 1-21-85)

Section 7. Section VI-5, Figure B. 5 is hereby amended as shown in Attachment B.

Section 8. Section VI-5, Figure B. 6 is hereby amended as shown in Attachment C.

Section 9. Paragraph VI-5.B.10 is hereby amended as follows:

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

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

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-1. 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.

Section 11. Table VI-3, Development Regulations by District, is hereby amended to change the regulations listed in the table as follows:

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet) ¹		
						Front	Side	Rear
B-2	6,000	60	35 ³	1.50 ⁴	0.15	15	7	10
B-4	2,000	20	none ³	9.00	none	none	none	None ¹⁸
B-4E	4,000	40	none	6.00	none	6	5	5 ¹⁸
IN-2	10,000	90	none	1.00	none	25	none	none ¹⁸

Section 12. Footnote 18 of Table VI-3 is hereby added as follows:

18. In the B-4, B-4E, and IN-2 Districts, if the property is adjacent to a residential district, a ten foot rear buffer yard is required, in accordance with Table VI-3.

Section 13. Paragraph VII-7.3.h is hereby amended as follows:

- h) *Residential:*
Assisted Living Facility
Bed and Breakfast Inn

Bed and Breakfast, Owner Occupied
 Boarding or Rooming House
 Dwelling, Duplex
 Dwelling, Duplex (Extended Occupancy)
 Dwelling, Multiple-Family
 Dwelling, Community Living Facility, Category I
 Dwelling, Community Living Facility, Category II
 Dwelling, Community Living Facility, Category III
 Dwelling, Home for Adjustment
 Dormitory
 Nursing Home

Section 14. Paragraph VIII-5.G is hereby amended as follows:

- G. Drive-through facilities shall provide a lane(s) for the stacking of motor vehicles waiting to use the drive-through facility. The minimum length of each stacking lane for drive-through facilities other than fast-food restaurants (such as automobile washes, banks) shall be 60 feet per drive-up facility or window. The minimum total capacity of all stacking lanes for fast-food restaurants shall be 90 feet, measured from the front of the space(s) where orders are given. Each stacking lane shall have a minimum width of seven and one-half feet. Such stacking lane(s) shall not include any portion of any access aisles for off-street parking lots. This subsection shall not apply to gas stations.

Section 15. Paragraph VIII-7.A.2.b is hereby amended as follows:

- b) Bicycle parking rack types and placement shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator as part of the building permit review process. Examples of acceptable and unacceptable bicycle rack types are provided in Figure VIII-7.

Section 16. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
Gaming Hall	1 for every 250 sq. ft. of floor area

Section 17. Figure VIII-2 is hereby amended as shown in Attachment D.

Section 18. Paragraph IX-4.C.4 is hereby amended as follows:

4. *Illumination.*

- a) Electronic display signs shall be equipped with automatic dimming technology which adjusts the sign's illumination level based on ambient light conditions.
- b) The maximum illumination level of an electronic display shall be 0.3 foot candles above ambient light levels, to be measured as follows. First, at least 30 minutes past sunset, and with the electronic display turned on, a light level reading in foot candles will be taken with a light meter aimed directly at the electronic display at the distance specified by the following:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign (Sq. Ft.)} \div 100}$$

Section 19. Section XI-10 is hereby amended to add the following

paragraphs:

D. Continued Hearings or Meetings

In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:

1. Posting the continued meeting or hearing notice at the City Building; and
2. Posting the continued meeting or hearing notice on the City's website.

E. In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the board or commission members present may reschedule the meeting to a new date and time. In the event a meeting is canceled prior to the scheduled meeting, any agenda items will be continued to the next regular meeting or to a posted special meeting. No additional mailed or published notices shall be required for continued or canceled meetings.

Section 20. Paragraph XII-5.C.1.d is hereby amended as follows:

- d) Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area, or notable work of a firm or group whose collective genius has influenced an area.

Section 21. Paragraph XIII-1.5.b is hereby added as follows:

- b) Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless there are unusual geographic or public health, safety, and welfare or other public policy considerations.

Section 22. Table XIII-2, Planned Unit Development Recommended Design

Features, is hereby amended as follows:

Pedestrian Connectivity		
Connectivity	All pedestrian facilities should connect to on-street and off-street bicycle facilities, existing and planned bicycle and shared-use paths identified in the <i>Urbana Bicycle Master Plan, Champaign County Greenways and Trails Plan, the Urbana Capital Improvements Plan, and the Urbana Comprehensive Plan.</i>	All
Parking Areas		
Maximum Parking	The amount of parking provided should be reduced to the minimum amount required by the use, as identified in Table VIII-7, or by additional data related to parking demand.	All

Section 23. Paragraph XIII-4.E.1 is hereby amended as follows:

1. **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 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 September, 2015.


PASSED BY THE CITY COUNCIL this 21st day of September, 2015.

AYES: Ammons, Brown, Jakobsson, Marlin, Roberts, Smyth

NAYS: Madigan

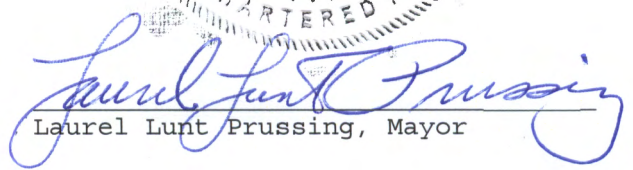
ABSTAINED:

RECUSE:



 Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 25th day of September, 2015.

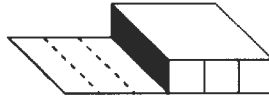


 Laurel Lunt Prussing, Mayor

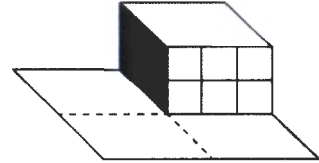
Floor Area Ratio

Formula: $\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$

F.A.R.: 0.50

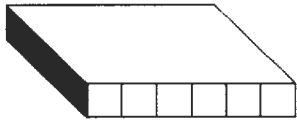


1 story on 1/2 of the lot area

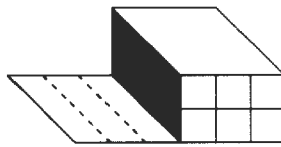


2 stories on 1/4 of the lot area

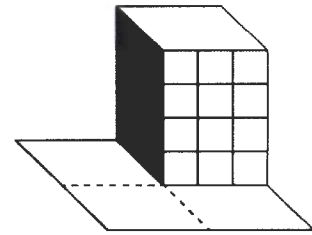
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1 story on the full area of the lot

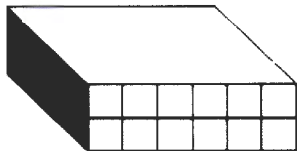


2 stories on 1/2 of the lot area

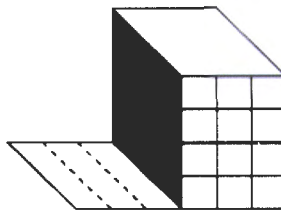


4 stories on 1/4 of the lot area

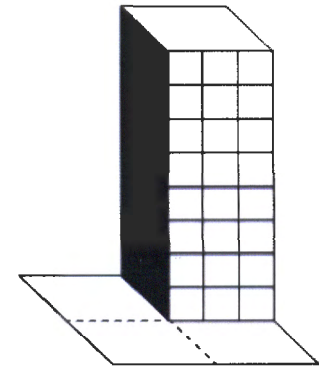
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2 stories on the full area of the lot

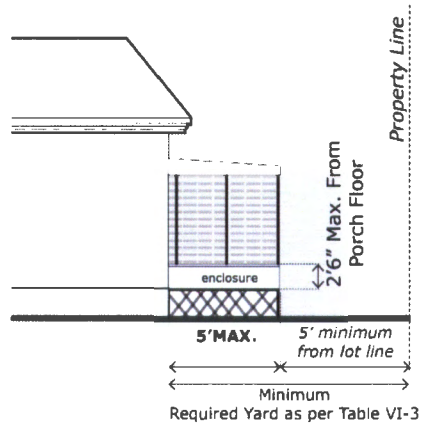


4 stories on 1/2 of the lot area



8 stories on 1/4 of the lot area

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



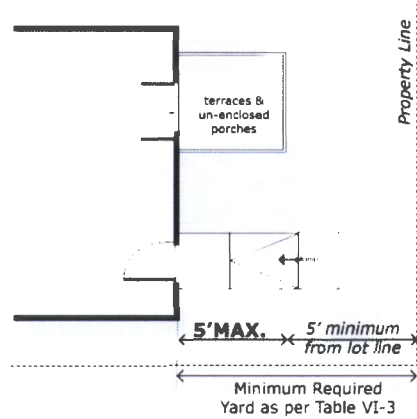
Maximum Projection Allowed into a Required Yard by:

Terraces & Open Un-enclosed Porches

which may have roofs and mesh screening but which are not glassed in or enclosed above 2 feet, 6 inches from porch floor

5 FEET

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

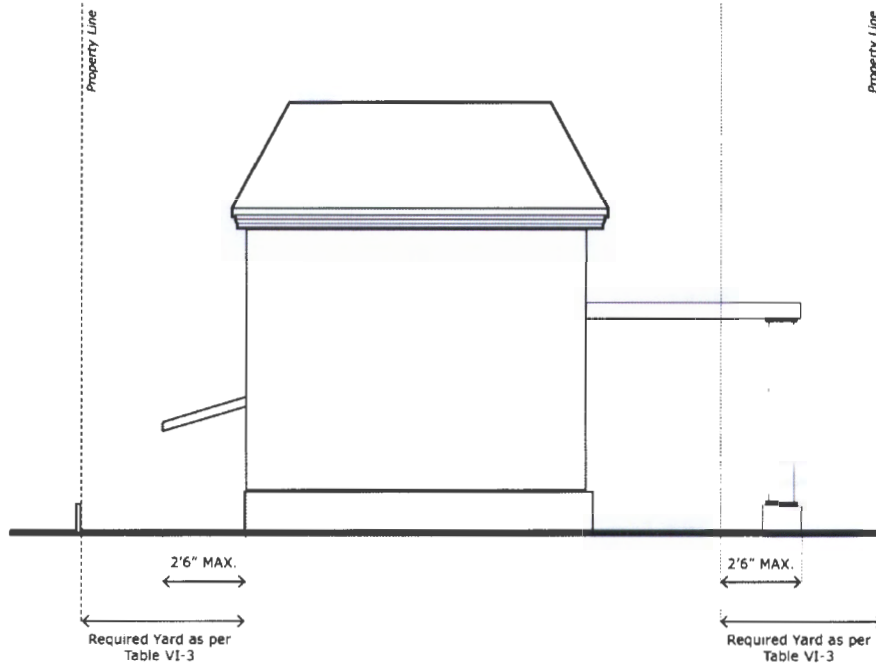


Exception:

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

Attachment C

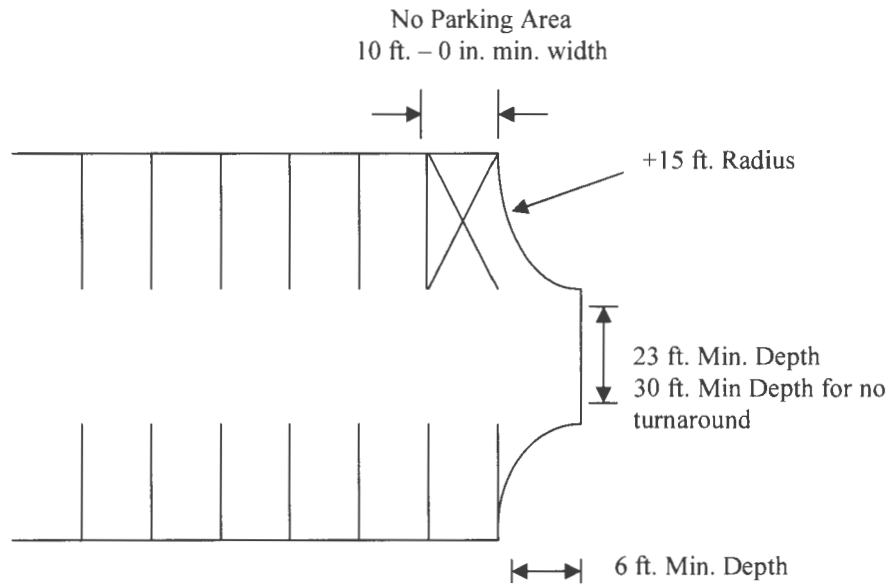
Section VI-5 Yards
B. 6



Property Line
Maximum Projection Allowed into a Required Yard by:
PORT-COCHERES,
CANOPIES

**2 FEET,
6 INCHES**

FIGURE VIII-2. Typical Turnaround Design for 90° Parking Access Drive



(Not Drawn to Scale)