

**ORDINANCE NO. 2017-06-032**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE**

**(Addition of Section XIII-8 to create the Southeast Urbana Overlay District and special procedures/ Plan Commission Case No. 2302-T-17)**

**WHEREAS**, the City Council of the City of Urbana, Illinois adopted Ordinance No. 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 area referred to as the Silver/Vawter area presents unique zoning compatibility issues, and the Zoning Administrator proposes an amendment to the Urbana Zoning Ordinance in response to these compatibility concerns; and

**WHEREAS**, the proposed amendment would establish the Southeast Urbana Overlay District and procedures for review of multiple-family development within the Overlay District; and

**WHEREAS**, the proposed procedures would require a Special Use Permit for new construction, large additions, or major renovations to multiple-family structures; and

**WHEREAS**, in addition to the standard criteria on which a Special Use Permit is evaluated, other criteria, including meeting the intent of the specified guidelines for construction, would be also considered; and

**WHEREAS**, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

**WHEREAS**, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their June 8, 2017, meeting; and

**WHEREAS**, the Urbana Plan Commission on June 8, 2017, voted 6 ayes to 1 nay to forward the proposed Zoning Ordinance amendment to the Urbana City Council with a recommendation for approval; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS**, as follows:

**Section 1.** That Section 8, Southeast Urbana Overlay District, is added to Article XIII as

follows:

Section XIII-8. Southeast Urbana Overlay District

A. Background and Intent

1. *Location.* Generally bounded by Colorado Avenue to the north; Philo Road to the east; East Harding Drive and East Mumford Drive to the south; and Fletcher Street, Bruce Drive, and Anderson Street to the west. The exact boundaries of the Southeast Urbana Overlay District are shown in Figure XIII-1.
2. *Land use.* This area is primarily comprised of medium-to-high density residential and commercial land uses and is located adjacent to low density residential. The area is nearby and to the west of the Philo Road Commercial Area.
3. *Intent.* To improve the quality of life within the District and in the surrounding neighborhood, specific environmental design standards are established and which apply to certain properties in the District. These standards are referred to herein as the Guidelines for Construction, and are set forth in Section XIII-8.E below. The guidelines for construction focus on four key areas: Natural Surveillance, Maintenance, Territoriality, and Accessibility.
4. *Exemptions.* The provisions listed within this section only apply to multiple-family residential principal use structures within the District; Lower density residential and commercial principal use structures are exempt.

B. The Purposes of the Southeast Urbana Overlay District are as follows:

1. To ensure that planning and development are consistent with the goals and objectives of the Urbana Comprehensive Plan, particularly as this plan relates to the protection of neighborhoods.
2. To protect the health, life, safety and welfare of the residents residing within and nearby the District.
3. To ensure that any new development or substantive redevelopment is constructed so as to be compatible with the fabric and character of the surrounding neighborhood.
4. To build residential pride through the promotion of development and redevelopment that residents and visitors recognize as being of a high quality.
5. To encourage the incorporation of design elements in new developments and redevelopments that contributes to and improves the functionality and appearance of the area.
6. To protect property owners' investments in the area by encouraging the timely and appropriate maintenance of property within the District.
7. To preserve and enhance the overall quality and condition of the neighborhood.
8. To prevent and ameliorate any evidence of blight within the area.

C. Applicability to Urbana Zoning Ordinance and Zoning Map

1. Definitions and requirements of the Urbana Zoning Ordinance are applicable within the District unless specifically modified pursuant to this section; however, no lawful existing use or building shall be made nonconforming by virtue by the provisions of this section so long as the existing use or building is not modified and remains in compliance with Article X. Nonconformities in Zoning Ordinance.
2. The provisions of this section are applicable to all properties within the Southeast Urbana Overlay District, the boundaries of which are shown in Figure XIII-1 and which shall be shown as an overlay district on the Official Zoning Map of the City.
3. This section establishes new standards for the development of property within the District and may require the obtainment of a Special Use Permit for such development as identified in Section XIII-8.D.

D. Special Use Permits Required

1. No building permits within the Southeast Urbana District shall be granted except in compliance with the provisions of this section.
2. A special use permit shall be required for any development which involves:
  - a. Construction of a new principal use multiple-family residential structure; or
  - b. Increasing the building footprint or the floor area ratio of an existing multiple-family residential structure by more than 15%; or
  - c. Renovations of a multiple-family residential structure that would result in an estimated construction cost of more than 50% of the current estimated market value of the improvements on the property, as calculated by the Champaign County Assessor.
3. Construction of single family homes, duplexes, and structures used solely for commercial purposes shall be exempt from the provisions in this section.

E. Guidelines for Construction

1. *Generally.* The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all new construction, major additions, and major renovations of multiple-family residential structures in the Southeast Urbana District, except as otherwise stated or modified in this section. The following are Guidelines for Construction:
  - a. *Pedestrian Access Networks and Points.* Development patterns that are appropriate and of human scale for pedestrians shall be promoted. Access provisions that are connected and continuous without the need to cross barriers to and from sidewalks, carports, parking lots, bus stops, entrances and exits of buildings shall be ensured.
  - b. *Landscaping and Screening.* Each Special Use Permit application shall include a landscape plan indicating the type, number, size and location of trees, shrubs and any other landscaping features to be retained or provided. The use of low maintenance landscaping is encouraged. Placement of landscape materials should

be such that it does not interfere with sight lines. For example, shrubs should be no higher than three (3) feet tall and tree canopies should be no lower than eight (8) feet, especially around entryways and windows.

- c. *Facades.* Blank facades should be avoided in order to encourage natural surveillance of the area. As a general guideline, no more than one third of a façade should be blank. In addition, windows that look out on streets and alleys should not be blocked by landscaping.
- d. *Lighting.* Lighting should be appropriately placed and oriented and should not result in excessive shadow or glare. For example, pedestrian access networks should not have unnecessarily tall, upwards-facing lighting. Lighting fixtures should be well spaced and kept in good working order. Alleys, walkways, and parking lots should be well lit. Lighting should be placed in outdoor common spaces and apartment lobbies and should reflect the intended hours of operation. Motion sensing lights are optimal for these common areas. (Refer to Section VI-8 Outdoor Lighting Requirements for more detailed lighting standards.)
- e. *Entrances/ Exits.* Entrances and exits should be clearly visible and well-lit both internally and externally, without excessive shadow or glare. Entrances and exits should be located such that they can be clearly legible from the street. Signage should be clearly legible from the street, with lobbies that are visible from the outside. Recessed doorways should be avoided.
- f. *Public versus Private Spaces.* A thoughtful separation between public and private property should be created, taking into consideration fencing, landscaping, screening and sight lines. These distinctions may be made using features such as low walls, fencing, seating, landscape features, and changes of material and texture. Unnecessarily high fences and “keep out” signs should be avoided.
- g. *Materials.* The use of context appropriate, durable and low-maintenance building materials are encouraged. Materials should also be graffiti and vandalism-resistant.
- h. *Natural Imperatives.* Additional items not listed herein should be considered to promote healthy behaviors and reduce mental fatigue. These can include such measures as providing adequate natural lighting, ventilation for fresh air, additional, landscaping, and access to water features. In addition, proximity to bus stop locations, provision of tenant amenities, and access to exercise equipment can improve health outcomes.
- i. *Security.* The installation of appropriately placed security cameras is encouraged, such as in stairwells and elevators and other locations where sight lines may be blocked or which may feel isolated. Elements should be employed which help to clearly define private property from the public domain. When considering fencing, medium to low heights and use of transparent durable materials should be considered.

F. Approval Criteria

In addition to the criteria of approval for Special Use Permits set forth in Section VII-4. A, the Plan Commission shall also find that the following criteria are met:

1. That the proposed use is consistent with the 2005 Comprehensive Plan, as amended, as it pertains to the protection and preservation of Urbana's Neighborhoods.
2. That the location, size, and type of proposed development is appropriate to and compatible with the area in which it is to be located.
3. That the proposed use is designed and located so that it is in conformance with the intent of the guidelines for construction as contained herein.
4. That the proposed development meets the standards contained herein without creating an unreasonable burden on the property owners.

G. Application Procedures

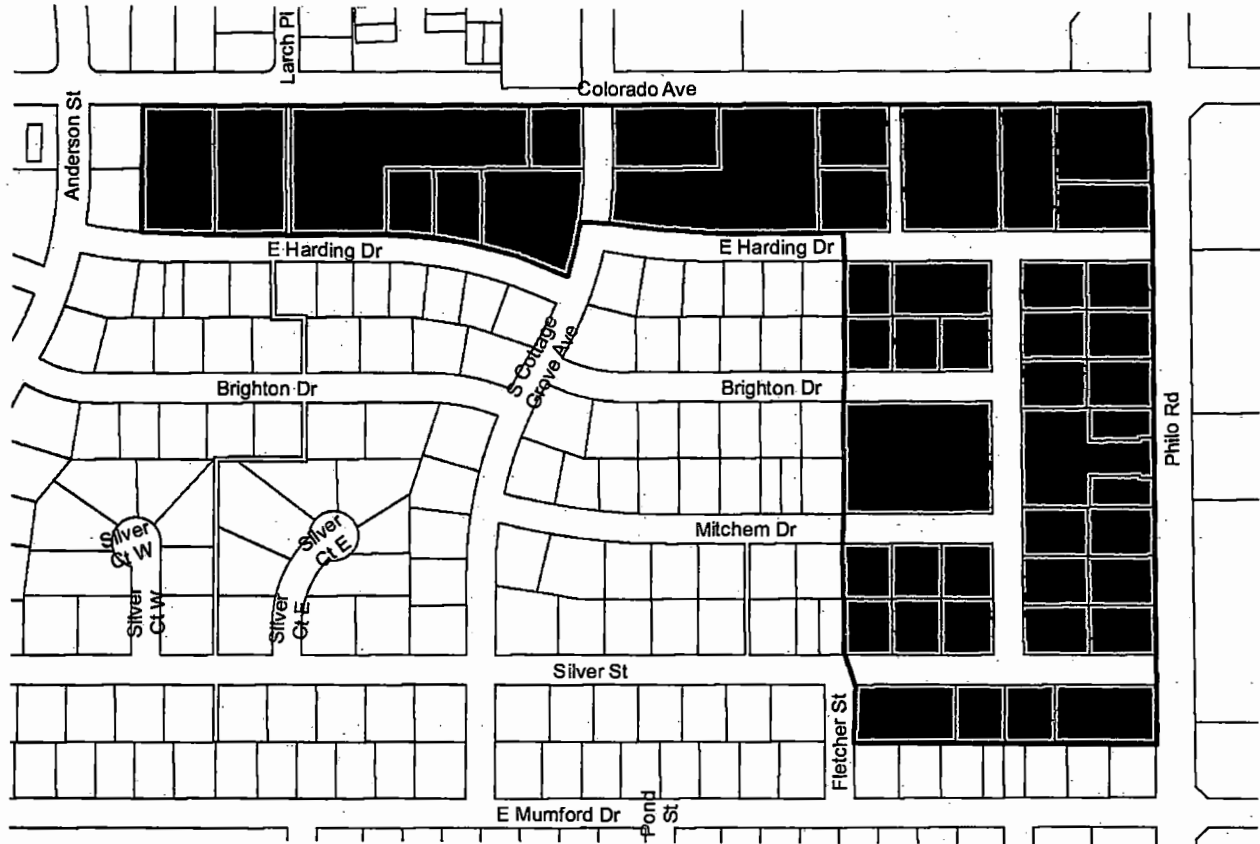
The procedures for a special use permit within the Southeast Urbana Overlay District shall be the same as those required in Section VII-4, except as modified herein.

H. Submittal Requirements

In addition to the submittal requirements listed in Section VII-4, the Special Use Permit application for this District shall also demonstrate conformance with the approval criteria contained herein.

**Section 2.** 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).

Figure XIII-1 Southeast Urbana Overlay District



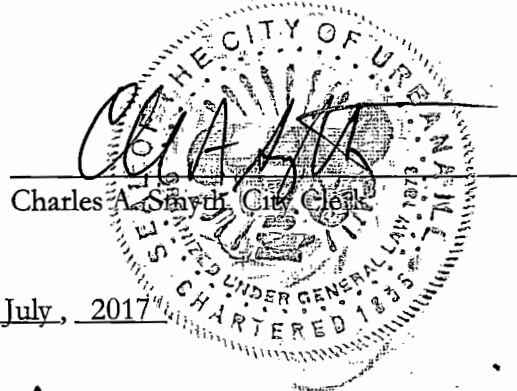
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 10<sup>th</sup> day of July, 2017.

**PASSED BY THE CITY COUNCIL** this 10<sup>th</sup> day of July, 2017.

AYES: Ammons, Brown, Hazen, Miller, Roberts, Wu

NAYS:

ABSTAINED:



**APPROVED BY THE MAYOR** this 12<sup>th</sup> day of July, 2017

*Diane Wolfe Marlin*  
Diane Wolfe Marlin, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, CHARLES A. SMYTH, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

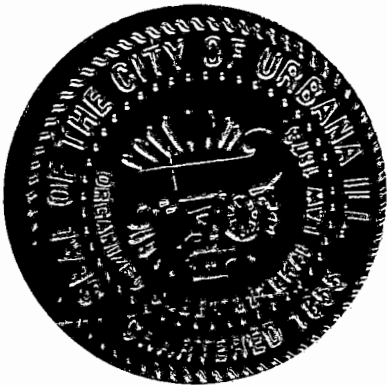
I certify that on the 10<sup>th</sup> day of July, 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-06-032, entitled:

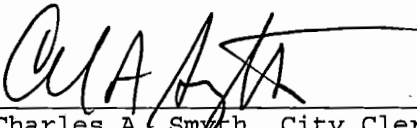
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2017-06-032 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 12<sup>th</sup> day of July, 2017, 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 12<sup>th</sup> day of July, 2017



  
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Charles A. Smyth, City Clerk