

**ORDINANCE NO. 2019-09-040**

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE**

**(Omnibus Text Amendment II – Plan Case No. 2377-T-19)**

**WHEREAS**, the City Council passed 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 (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

**WHEREAS**, the Zoning Ordinance from time to time is amended to assist in the daily administration of the Zoning Ordinance, reduce inconsistencies, and update regulations to meet current professional standards; and

**WHEREAS**, the set of proposed changes have been identified since the last update but, on their own, do not warrant separate amendments; and

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

**WHEREAS**, said petition was presented to the Plan Commission as Plan Case No. 2377-T-19; and

**WHEREAS**, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission continued the public hearing on May 23, 2019 and held a public hearing on the petition on June 6, 2019 and July 18, 2019; and

**WHEREAS**, the Plan Commission voted seven ayes to zero nays on July 18, 2019, to forward Plan Case No. 2377-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

**WHEREAS**, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

**WHEREAS**, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Illinois, as follows:

**Section 1.**

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions."
- B. Article V, "Use Regulations," Section V-2, "Principal and Accessory Uses," Section V-3, "Table of Permitted Uses, by District," Section V-5, "Additional Use Regulations in the R-6B District," Section V-10, "Additional Regulations in the MIC District."
- C. Article VI, "Development Regulations," Section VI-3. "Lot Area and Width," Table VI-3, "Development Regulations by District."
- D. Article VII, "Standards and Procedures for Conditional and Special Uses," Section VII-2, "Conditional Use Procedures," Section VII-4, "Special Use Procedures," Table VII-1, "Standards for Specific Conditional Uses."
- E. Article VIII, "Parking and Access," Section VIII-3, "Design and Specifications of Off-Street Parking," Section VIII-4, "Location of Parking Facilities," Section VIII-7, "Bicycle Parking," Figure VIII-8, "Bicycle Parking Layout Examples and Requirements," Figure VIII-9, "Standards for Circular Drives."
- F. Article IX, "Sign and OASS Regulations," Section IX-2, "Sign and OASS Definitions," Section IX-3, "Measurement Standards," Section IX-4, "General Sign Allowances," and the creation of Table IX-10, "Standards for Temporary Signs."
- G. Article X, "Nonconformities," Section X-8, "Reconstruction of Nonconformities."
- H. Article XI, "Administration, Enforcement, Amendments and Fees," Section XI-1, "Zoning Administrator," Section XI-3, "Zoning Board of Appeals," Section XI-7, "Amendments," Section XI-11, "Protest Procedures."
- I. Article XII, "Historic Preservation," Section XII-2, "Definitions," Section XII-3, "Historic Preservation Commission," Section XII-4, "Historic Districts," Section XII-5, "Historic

Landmarks,” Section XII-6, “District and Landmark Designation Protests,” Section XII-7, “Certificates of Appropriateness & Economic Hardship,” Section XII-8, “Affirmation of Existing Zoning,” Section XII-9, “Building Permits Previously Issued,” Section XII-10, “Penalties,” Section XII-11, “National Register of Historic Places.”

J. Article XIII, “Special Development Provisions,” Section XII-3, “Planned Unit Developments.”

**Section 2.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 3.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 26<sup>th</sup> Day of October, 2020.

AYES: Brown, Colbrook, Hursey, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 27<sup>th</sup> day of October, 2020.

*Diane Wolfe Marlin*  
Diane Wolfe Marlin, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



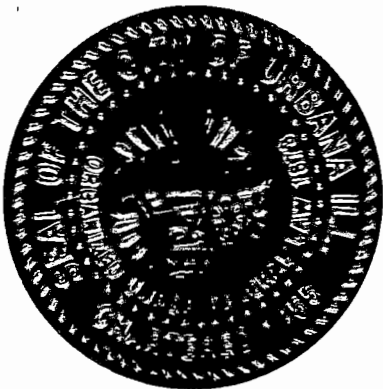
I, Phyllis D. Clark, certify that I am the duly appointed and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 26<sup>th</sup> day of October, 2020, the City Council of the City of Urbana passed and approved Ordinance No. 2019-08-040, entitled:


**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE  
(OMNIBUS TEXT AMENDMENT II – PLAN CASE NO. 2377-T-19)**

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

The pamphlet form of Ordinance No. 2019-08-040 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 28<sup>th</sup> day of October, 2020, 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 28<sup>th</sup> Day of October, 2020.



  
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Phyllis D. Clark, City Clerk

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## ARTICLE II. DEFINITIONS

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### Section II-3. Definitions

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*Carport:* A structure, with one or more open sides-designed to shelter vehicles.

...

*Garage, Private:* A detached accessory building, or a portion of a principal building, designed to house vehicles on the lot on which the garage is located, or other specified dwelling. The term shall also include carports.

...

*Owner:* A person having a legal or equitable interest in personal property or real property. The terms "person," "personal property," and "real property" have the meanings set forth in Urbana City Code Section 1-3, as amended.

...

*Variance, Major:* A deviation from the regulations or standards of the Urbana Zoning Ordinance, other than a minor variance, that does not vary the use regulations. (Ord. No. 8990-65, § 2, 1-16-90)

*Variance, Minor:* A deviation from the regulations or standards of the Urbana Zoning Ordinance that the Zoning Board of Appeals may grant for specific and selected purposes. (Ord. No. 8990-65, § 2, 1-16-90)

...

## ARTICLE V. USE REGULATIONS

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### Section V-2. Principal and Accessory Uses and Structures

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### Section V-5. Additional Use Regulations in the R-6B District

...

### Section V-10. Additional Regulations in the MIC District

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All development regulations of the B-4E zoning district shall apply during the review of a development proposal for a building permit in the MIC District with the following exceptions or additions:

- A. The following uses are permitted by right in this special zoning district: medical related uses, drugstore, day care facility, hospital or clinic, ambulance service, medical carrier service, home for the aged, nursing home, fitness center; guest house for patient families/support members, and health care-related business or professional medical office building and methadone treatment facility. (Ord. No. 2001-10-117, 1792-T-01) ( No. 2002-08-083, 1824-T-02)
- B. The following uses are permitted by right in this special zoning district if constructed within the same structure as a health care-related business: professional office, institution of an educational or charitable nature; telegraph office; university or college; barber shop; beauty shop; fitness center; dry cleaning or laundry establishment; laundry and/or dry cleaning pick-up; self-service laundry; mortuary; bank or savings and loan association; vocational, trade or business school; restaurant; café; photographic studio and equipment sales and service; fast-food restaurant; dairy store; confectionery store; stationery-gift shop-art supplies; florist; bookstore. The health care-related or professional medical office use must be the principal use and exceed the following percentages of the structure's net floor area as outlined below or the property must be rezoned to MIC to allow any of these uses as a stand-alone use per Section XI-7 of the Urbana Zoning Ordinance:

...

## ARTICLE VI. DEVELOPMENT REGULATIONS

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### Section VI-3. Lot Area and Width

...

- D. In the MOR District, the maximum area of a zoning lot shall be 8,500 square feet for the purpose of calculating the floor area ratio. The objective of this Section is to keep new structures compatible with the scale and density of existing development in the MOR District by preventing the use of one large parcel for the purpose of erecting a single large structure. In the case of zoning lots which contain between 8,500 and 17,000 square feet, the amount of square feet in excess of 8,500 square feet may be used for parking, landscaping, open space or other uses in accordance with the site plan review procedure in Section XI-12. In the case of zoning lots that exceed 17,000 square feet, the lot may contain two or more principal structures based on a ratio of one structure for each 8,500 square feet of area in the lot in accordance with this Section. However, in order to establish two principal structures on one lot, a conditional use permit must be approved by the Zoning Board of Appeals in accord with the requirements of Section V-3.C and Section VII-2. (Ord. No. 8283-52, § 1, 3-7-83; Ord. No. 8687-15, § 1,2, 8-4-86; Ord. No. 8990-65, § 5, 1-16-90; Ord. No. 9091-59, § 9, 11-19-90)

...



TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT

Zoning District	Minimum Lot Size (In square feet)	Minimum Lot Width	Maximum Height of Principal Structure	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet) <sup>1</sup>		
						Front	Side	Rear
AG	1 acre <sup>2</sup>	150	35 <sup>3</sup>	0.25	0.55	25	15	25
B-1	6,000	60	35 <sup>3</sup>	0.30	none	15	7 <sup>18</sup>	10 <sup>18</sup>
B-2	6,000	60	35 <sup>3</sup>	1.50 <sup>4</sup>	0.15	15	7 <sup>18</sup>	10 <sup>18</sup>
B-3	6,000	60	none <sup>3</sup>	4.00	none	15	5 <sup>18</sup>	10 <sup>18</sup>
B-3U	6,000	60	none	4.00	0.10	15	5 <sup>18</sup>	5 <sup>18</sup>
B-4	2,000	20	none <sup>3</sup>	9.00	none	none	None <sup>18</sup>	None <sup>18</sup>
B-4E	4,000	40	none	6.00	none	6	5 <sup>18</sup>	5 <sup>18</sup>
CCD	6,000	60	none	4.0	0.10 <sup>5</sup>	6	5	5
CRE	1 acre	150	35 <sup>3</sup>	0.40	0.55	25	15	25
IN-1	6,000	60	none	2.00	none	15	5 <sup>18</sup>	10 <sup>18</sup>
IN-2	10,000	90	none	1.00	none	25	None <sup>18</sup>	None <sup>18</sup>
MIC <sup>6</sup>	4,000	40	none	9.00 <sup>7</sup>	none	6	5	5
MOR	6,000	60	35 <sup>3</sup>	0.70 <sup>8</sup>	0.30 <sup>8</sup>	15 <sup>9</sup>	7 (17) <sup>10</sup>	10
R-1	9000 <sup>11</sup>	80	35	0.30 <sup>11</sup>	0.50 <sup>11</sup>	25 <sup>9</sup>	5 (15) <sup>12</sup>	10
R-2	6,000 <sup>13</sup>	60 <sup>13</sup>	35 <sup>17</sup>	0.40	0.40	15 <sup>9</sup>	5	10
R-3	6,000 <sup>13</sup>	60 <sup>13</sup>	35 <sup>17</sup>	0.40	0.40	15 <sup>9</sup>	5	10
R-4	6,000	60	35 <sup>17</sup>	0.50 <sup>14</sup>	0.35	15 <sup>9</sup>	5 <sup>18</sup>	10 <sup>18</sup>
R-5	6,000	60	35	0.90	0.30	15 <sup>9</sup>	5 <sup>18</sup>	5 <sup>18</sup>
R-6	6,000	60	See Note 15	1.40	0.25	15	5 <sup>18</sup>	10 <sup>18</sup>
R-6B	6,000	60	See Note 15	1.50 <sup>16</sup>	none	15	5 <sup>18</sup>	10 <sup>18</sup>
R-7	6,000	60	35	0.50	0.35	15 <sup>9</sup>	5 <sup>18</sup>	10 <sup>18</sup>

## Footnotes

...

18. In the Multiple-Family Residential, Business, or Industrial B-4, B-4E, and IN-2 Districts, a buffer yard and/or landscaping buffer may be required if the property is adjacent to the MOR Zoning District or any a-residential district, a ten foot rear buffer yard is required, in accordance with Table VI-31 Buffer Yards, and Table VI-2 Landscaping Buffer.

...

## **ARTICLE VII. STANDARDS AND PROCEDURES FOR CONDITIONAL AND SPECIAL USES**

...

### **Section VII-2. Conditional Use Procedures**

Except as otherwise provided herein, the Zoning Administrator shall not permit a conditional use until expressly authorized by the Zoning Board of Appeals and the following procedure is completed:

...

- G. The Secretary to the Zoning Board of Appeals shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested conditional use for the Board Chair's signature.
- H. The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a conditional use. If the Board approves the conditional use, the Secretary to the Board shall record a copy of the decision sheet approving the conditional use with the Champaign County Recorder's Office, and forward a copy of the decision sheet to the petitioner.

...

### **Section VII-4. Special Use Procedures**

The standards and procedures for the consideration of mobile home parks and planned unit developments are specified in Article XIII. All other special uses, as designated in Table V-1, are subject to the procedures and standards stipulated herein. Except as otherwise provided, the Zoning Administrator shall not issue a special use until expressly authorized by the City Council and the following procedure has been completed:

...

- F. The City Council shall consider the recommendation of the Plan Commission regarding the special use, and may authorize the Zoning Administrator to issue the special use by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
- G. In the case of a valid written protest, the special use shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office. Procedures for protest against any proposed special use permit are specified in Section XI-11 of this Ordinance.
- H. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a special use. If the Council approves the special use, the City Clerk shall record a copy of the ordinance approving the special use with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

**TABLE VII-1. STANDARDS FOR SPECIFIC CONDITIONAL USES**

Use	Required Fencing	Setbacks (in feet) <sup>1</sup>			Minimum Lot Size <sup>1</sup>	Other Provisions
		Front	Side	Rear	(acres)	
Sanitary Landfill *	8 foot solid	200	200	200	40.0	
Sewage Lagoon **	8 foot solid	200	200	200	40.0	
Sewage Disposal Plant **	8 foot solid	100	100	100	4.0	

...

\*\* Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurances that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and other assurances that may be required by the Zoning Board of Appeals. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois, and of this Ordinance.

## ARTICLE VIII. PARKING AND ACCESS

...

### Section VIII-3. Design and Specifications of Off-Street Parking

...

#### E. Access Drives

...

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-9, or as approved by the Zoning Administrator.

### Section VIII-4. Location of Parking Facilities

...

#### F. Parking in a Required Yard is Prohibited Except as Follows:

...

2. Accessory off-street, when not in a structure, parking may be located in the required side yard and rear yard, provided that the parking is located behind the front face of the principal structure. In the case of a lot with no principal structure on which a principal use parking lot is to be located, parking may be located in the rear or side yard. (Ord. No. 9697-154, 6-16-97) (Ord. No. 1999-06-045, 06-11-99)

...

### Section VIII-7. Bicycle Parking

- A. Provisions for the convenient and accessible parking of bicycles shall be made in accordance with Table VIII-6. In addition the following provisions shall also apply:

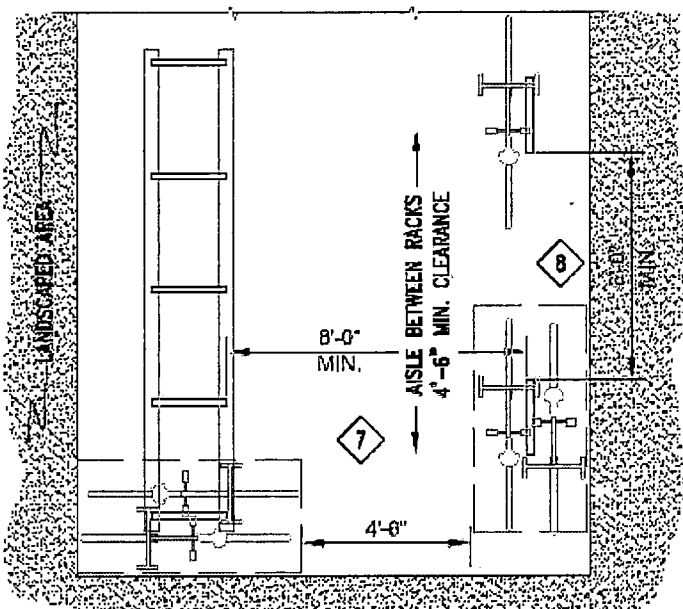
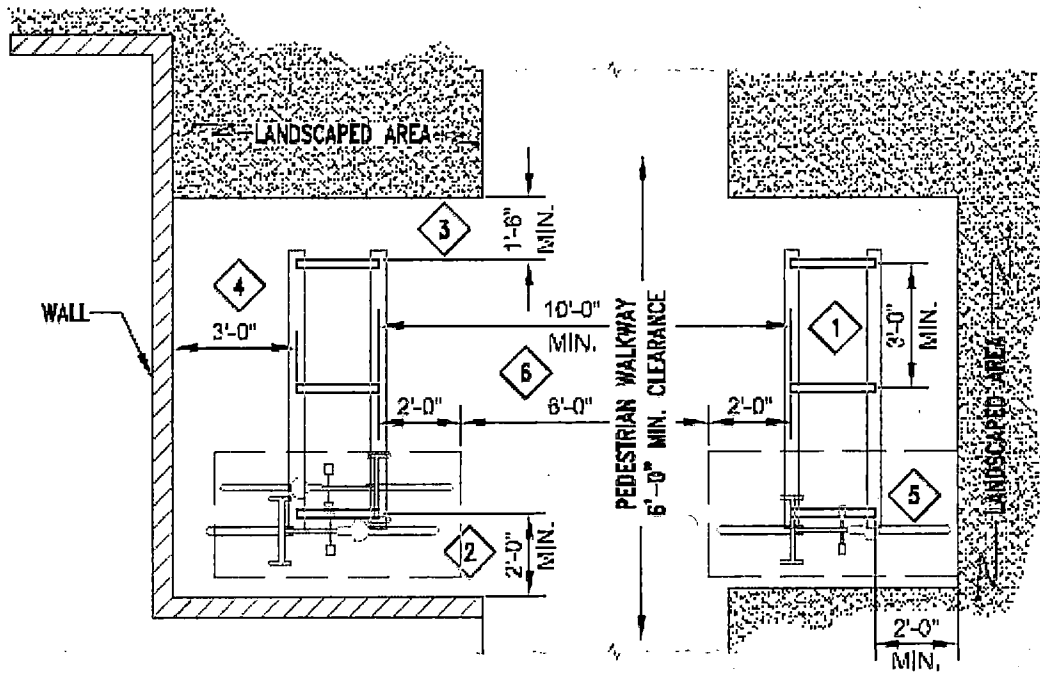
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2. *Type and Location of Bicycle Parking Racks*

- a) Provisions regarding type and location of bicycle parking racks shall apply to new development as well as to changes in use or intensity of use in existing development.
- b) Bicycle parking rack types, placement, and layout 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, and examples and requirements for bicycle parking layout are in Figure VIII-8.

...

FIGURE VIII-8. BICYCLE PARKING LAYOUT EXAMPLES AND REQUIREMENTS



- 1 DIMENSION SHALL BE A MINIMUM OF 36" BETWEEN SIDES OF LOOPS.
- 2 DIMENSION SHALL BE A MINIMUM OF 24" FROM WALL TO SIDE OF LOOP.
- 3 DIMENSION SHALL BE A MINIMUM OF 18" FROM LANDSCAPED AREA TO SIDE OF LOOP.
- 4 DIMENSION SHALL BE A MINIMUM OF 36" FROM WALL TO END OF LOOP.
- 5 DIMENSION SHALL BE A MINIMUM OF 24" FROM LANDSCAPED AREA TO END OF LOOP.
- 6 DIMENSION OF AISLE SHALL BE A MINIMUM OF 10'-0" FROM END OF LOOP TO END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 7 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN SIDE OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")
- 8 DIMENSION OF AISLE SHALL BE 6'-0" BETWEEN END OF LOOP AND END OF LOOP.
- 9 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN ROADWAY AND END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 10 DIMENSION OF AISLE SHALL BE 8'-8" BETWEEN END OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")

FIGURE VIII-8. BICYCLE PARKING LAYOUT REQUIREMENTS (CONT.)

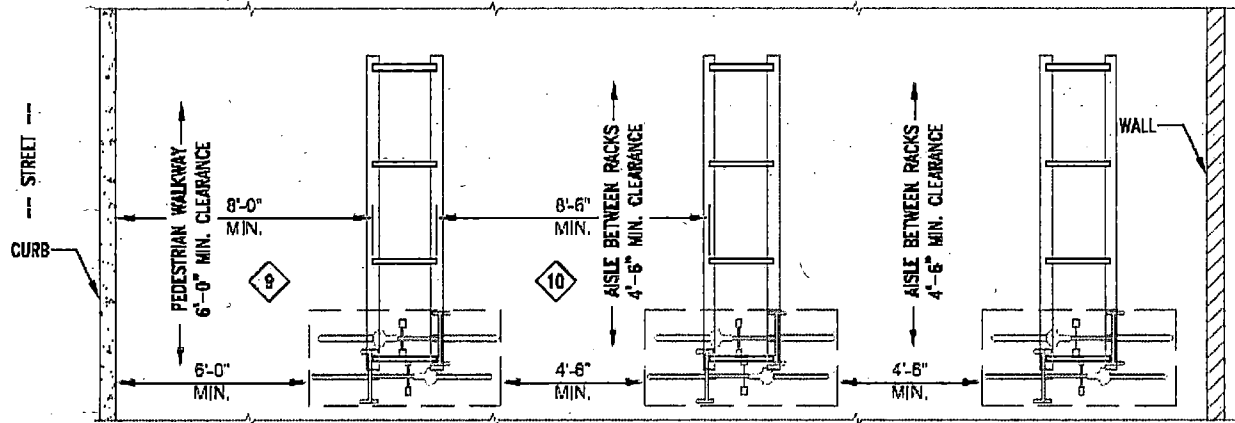
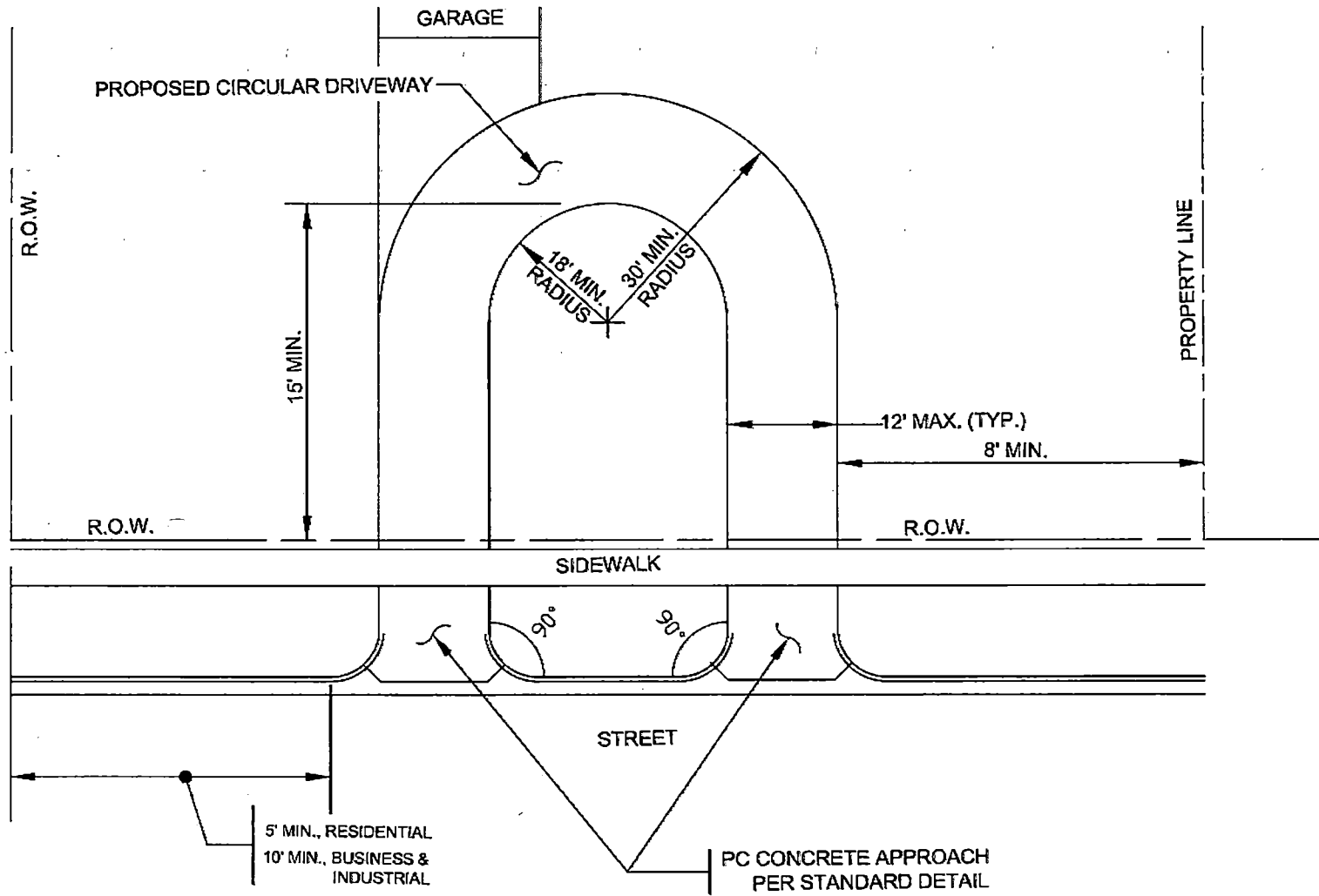


FIGURE VIII-9. STANDARDS FOR CIRCULAR DRIVES



CIRCULAR DRIVEWAY DETAIL

## ARTICLE IX. SIGN AND OASS REGULATIONS

...

### Section IX-2. Sign and OASS Definitions

...

*Private Traffic Directional and Instructional Signs:* Any on-premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner.

...

### Section IX-4. General Sign Allowances

...

- C. *Electronic Display.* Freestanding signs and wall signs authorized by this Article in the B-3, General Business, and CRE, Conservation-Recreation-Education Zoning Districts, and institutional freestanding signs authorized by this Article in the B-4, Central Business Zoning District, may include an element of electronic display when designed and operated to meet the following requirements:

...



## ARTICLE X. NONCONFORMITIES

...

### Section X-8. Reconstruction of Nonconformities

- ...
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out Section X-8.A, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7.A. The owner of the damaged building may, at his/her own option and at his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two appraisal reports shall be referred to the Zoning Board of Appeals for its resolution.
- ...

## ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES

### Section XI-1. Zoning Administrator

...

- B. **Duties of the Zoning Administrator:** The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance, and shall:

...

4. Issue all conditional use permits, where authorized by the Board of Zoning Appeals, according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions and standards specified therein;
5. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
6. Conduct such inspections of principal and accessory structures and uses as may be necessary to determine compliance with this Ordinance;
7. Maintain permanent and accurate records pertaining to variances granted, modified, or denied by the Zoning Board of Appeals, and of their other decisions and actions;

...

### Section XI-3. Zoning Board of Appeals

...

- C. **Powers and Duties of the Board.** The Board shall have the power and duty to hear and decide:

...

2. On requests for variances or variations from the terms of this Ordinance.
  - a) **Authorization.** The Board is authorized to grant a minor variance and, in accordance with Section XI-3.C.2.(d), recommend approval of a major variance to the City Council. Under no circumstances shall the Board grant a variance to allow a use not permitted either by right, by special use permit or by conditional use permit under the terms of this Ordinance in the district involved, or any use expressly or implicitly prohibited by the terms of this Ordinance in the district involved, except in the case of an appeal regarding the decision of the Zoning Administrator, pursuant to Section XI-1.B. (Ord. No. 1999-07-064, 07-06-99)
  - b) **Minor Variances.** After the Board considers the finding of fact, the Board shall have the authority to grant variations for the following purposes only and no other:

...

- 10) To grant a variance from the provisions of Section X-9.B, so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming

outdoor advertising sign structure where such change, alteration, re-establishment, or maintenance shall not increase the size of the outdoor advertising sign structure, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the Zoning Board of Appeals shall in any way postpone the time for removal of the nonconforming outdoor advertising sign structure as provided in Section X-9.C, beyond the time when the original outdoor advertising sign structure which was permitted to be changed, altered, re-established or maintained hereunder would have been required to be removed.

c) *Variance Criteria*

...

- 3) 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;

...

d) *Minor Variance Procedures.*

- 1) The Administrative Secretary to the Board shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested minor variance for the Board Chair's signature.
- 2) The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a minor variance request. If the Board approves the variance, the Secretary to the Board shall record a copy of the decision sheet approving the variance with the Champaign County Recorder's Office, and forward a copy of the recorded decision sheet to the petitioner.

e) *Major Variance Procedures*

...

- 3) After receiving the findings and recommendations of the Zoning Board of Appeals, the Council shall consider and decide whether or not to grant the major variance. If the Council decides to grant the major variance requested, it shall do so by adopting an ordinance by a majority vote of alderpersons then holding office that recites the findings of fact which support their decision and sets forth any conditions the Council deems necessary or desirable. In the event of a tie, the Mayor may cast the deciding vote. The Council may take additional testimony or other evidence regarding the requested major variance.
- ...
- 6) The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a major variance request. If the Council approved the variance, the City Clerk shall record a copy of the ordinance approving the variance with the

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Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

### **Section XI-7. Amendments**

The regulations and standards, restrictions, and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No such action may be taken except by following the procedure set forth in this Section or by approval and execution of an annexation agreement according to State Law and procedures outlined in Section XI-14 in this Article. The required procedure in this section includes the following:

- A. A written application is submitted to the Plan Commission. The City Council, the Plan Commission, the Zoning Board of Appeals, the Zoning Administrator, the City Attorney or any interested person may initiate such application. If the proposed amendment involves the reclassification of property, the application must be submitted either by the City Council, the Plan Commission, the Zoning Board of Appeals, the Zoning Administrator, or the owners of more than 50% of the property involved.

An application by the City Council, Plan Commission, or Zoning Board of Appeals may be initiated only by a majority vote of the body. Upon such action, said body shall direct the Zoning Administrator to file the written application on its behalf.

- B. Each such application, except those submitted by either the City Council, the Plan Commission, the Zoning Board of Appeals, the City Attorney, or the Zoning Administrator, shall be accompanied by a fee, to be paid by the applicant as provided in Section XI-8 of this Article.

...

- F. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment. The City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

### **Section XI-11. Protest Procedures**

In the case of a valid written protest against any mobile home park, planned unit development, special use permit, change in the classification of land, or major variance filed with the City Clerk of Urbana prior to the commencement of the City Council meeting in which a vote on the proposed action is taken, the action shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office.

In the case of a valid written protest against a proposed conditional use permit, the protest shall be filed with the Secretary of the Zoning Board of Appeals prior to the commencement of the meeting at which a vote of the proposed conditional use permit is taken. The conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the Zoning Board of Appeals.

...

## ARTICLE XII. HISTORIC PRESERVATION

...

- Section XII-6 District and Landmark Designation Protests**
- Section XII-7. Certificates of Appropriateness and Economic Hardship**
- Section XII-8. Affirmation of Existing Zoning**
- Section XII-9. Building Permits Previously Issued**
- Section XII-10. Penalties**
- Section XII-11. National Register of Historic Places**

...

### Section XII-2. Definitions

...

*Parcel:* A parcel of real property other than railroad right-of-way which qualifies as a lot of record under the Urbana Subdivision and Land Development Code; and is included within a proposed historic district or is a designated landmark.

...

*Valid Protest:* A valid protest is a document signed by the requisite number of owners respecting each parcel which expresses a protest against the designation of such parcel as either a landmark or as part of a historic district.

### Section XII-3. Historic Preservation Commission

...

B. *Purpose.* The Preservation Commission is created for the purpose of:

...

5. Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic properties or buildings, structures, sites or objects.

...

F. *Powers and Duties.* The Preservation Commission shall have the following powers:

...

- 10. To review and comment upon submitted applications for zoning amendments, special use permits, conditional use permits, Mixed Office Residential District provisions, or zoning variances for properties contiguous to or separated only by public right-of-way from designated landmarks and historic districts. The Zoning Administrator should send notification of such applications to the Preservation Commission for comment prior to the hearing by the Plan Commission, the Zoning Board of Appeals, or the City Council.

...

**Section XII-4. Historic Districts**

A. *Historic District Nomination.*

...

- 2. A completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a property shall be, if a sole owner, by his or her signature, and if multiple owners, by the owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation, a signed corporate resolution must be submitted authorizing an endorsement; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership. Each property is considered independently, regardless of single ownership of multiple property.
- 3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
  - a) The name and address of the owner of each property proposed for designation;

...

B. *Notice.* The following forms of notice shall be made for historic district nominations:

- 1. *Notice of Application.* Within ten days of accepting a complete application, the Secretary shall notify owners within the proposed district of said application. If there are multiple owners for one property, each owner shall be sent a notice. Such notification shall be given by first class mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
- 2. *Notice of Public Hearing.* Not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:
  - a) *Property Owner.* The Secretary shall notify owners of the time, date, and location of the public hearing and include a form whereby the owner can express his/her opinion regarding the proposed designation. Notification shall be by first class mail to:

- 1) The occupant of the property at the address of the property;

...

- b) *Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:

...

- c) Owners within proposed historic district shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.

- d) The Secretary shall send a copy of the decision and the accompanying report to:

The City Council  
The nominator(s); and  
The Urbana Building Safety Division.

2. City Council Authority:

- a) If the City Council determines that the proposed historic district should be created, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.
- b) No application relating to the same property or district may be filed during the 12 months following such a denial by the Urbana City Council.
- c) A property can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic property vote in another proposed historic district.

...

F. *Amendment of Designation.* Once the City Council has designated a historic district, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation. The Preservation Commission shall record said amendment at the office of Champaign County Recorder of Deeds.

1. To repeal designation of an existing historic district, in whole or in part, a completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties within the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a property shall be as stated in Section XII-4.A.2.
2. To enlarge an existing historic district, a completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties being proposed to be added to the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a property shall be as stated in Section XII-4.A.2.

**Section XII-5. Historic Landmarks****A. Historic Landmark Nomination.**

...

3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:

- a) The name and address of the owner of each property proposed for designation;

...

**B. Notice.** The following forms of notice shall be made for historic landmark nominations:

1. *Notice to Property Owner.* Within ten days of accepting a complete application, the Secretary shall notify the owner(s) of the proposed landmark of the time and date of the Commission meeting where review of the application will occur. The Secretary shall include a copy of the application or relevant portions thereof for the property owner's information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required. Notification shall be made by first class mail to:

...

2. *Notice by Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

**D. Review Process.**

1. *Public Hearing.* The Preservation Commission shall commence a public hearing on the question of designation within 60 days of receiving a complete application. At the public hearing, the Preservation Commission shall take comments from the nominator(s), the owner(s), and any other parties who wish to be heard on the application. In addition, the Preservation Commission shall consider all written comments received by the Preservation Commission prior to or during the hearing. It is the responsibility of the nominator(s) to provide evidence of suitability for historic landmark status as well as documentation of such evidence. The owner(s) of the property may request a continuation of the public hearing until the next regularly scheduled meeting of the Preservation Commission. If such a request is made, the Preservation Commission shall grant the request and continue the public hearing until the next meeting.

...

**E. Decisions on Designation.**

1. Historic Preservation Commission Authority:
  - a) If the owner consents in writing to landmark designation, and the Preservation Commission finds that the property conforms to one or more criteria set forth in Section XII-5.C.1, the Preservation Commission may make the final determination and designate the property as a historic landmark, following the voting requirements per Section XII-3.D.2.
  - b) Lacking written owner consent to the landmark designation, the Preservation Commission shall recommend that the Urbana City Council approve or deny said application as specified in Section XII-3.D.2. The Preservation Commission's



recommendation shall be in writing and shall be accompanied by minutes of the meeting. Said recommendation shall then be forwarded to the Urbana City Council for consideration at a City Council meeting occurring within 60 days following the date of the close of the public hearing.

- c) The landmark owners shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.
- d) The Secretary shall send a copy of the decision and the accompanying report to:
  - The City Council
  - The nominator(s); and
  - The Urbana Building Safety Division.

2. City Council Authority:

- a) If the City Council determines that the proposed historic landmark should be designated, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

## **Section XII-6. District and Landmark Designation Protests**

- A. If a valid protest is timely filed against any application to designate a historic district or historic landmark, or to amend or rescind an existing designation, such application shall only be approved by a minimum two-thirds vote of the alderpersons then holding office, excepting those who abstain for reason of a proclaimed conflict of interest.
  - 1. With respect to a historic district, to be considered a valid protest, at least 40% of the properties within the subject district shall have protest documents signed and submitted on behalf of such properties by the respective owners of such properties as set forth in subsection C) below.
  - 2. With respect to a landmark, to be considered a valid protest as to the subject property, a protest document, signed and submitted on behalf of such property by the respective owner(s) of such property as set forth in subsection C) below.
  - 3. For a protest to be valid, it must be signed by the following persons as appropriate:
    - a) If a sole owner, by such sole owner;
    - b) If the owners are more than one, by not less than 50% of the title interest in such property or properties; or
    - c) If the owner is a corporation, it must be accompanied by a signed corporate resolution authorizing the protest; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership.
- B. Each property is considered independently, regardless of single or multiple ownership.
- C. To be considered as timely filed, a valid protest must be filed with the City Clerk by 5:00PM on the Wednesday preceding the City Council meeting at which the designation will be considered

until which time said protest can be withdrawn but after which time said protest shall be final. The City Clerk shall forthwith provide a copy of said protest to the Secretary.

## **Section XII-7. Certificates of Appropriateness & Economic Hardship**

...

### **B. Certificate of Appropriateness process.**

...

3. *Minor and Major Work.* Except for applications determined to be exempt undertakings requiring no review, as provided in Section XII-7.B.1, the Zoning Administrator and Chair shall determine whether the proposed undertaking(s) constitutes Minor Work or Major Work as defined under Section XII-2 and Tables XII-1 and XII-2 of this Article. When both the Zoning Administrator and Chair determine that the activity constitutes Minor Work then the project shall be reviewed administratively.
4. *Administrative review.* When both the Zoning Administrator and Chair determine that the proposed undertaking(s) constitutes Minor Work, then the application shall be reviewed administratively following the criteria specified in Section XII-7.C of this Article. For Minor Work, within ten working days of receipt of a complete application, written notice shall be made that said application is either approved, approved with conditions, or denied. Approval or approval with conditions shall require agreement of both the Zoning Administrator and Chair that the application conforms to the specified criteria. In the case of denial by both the Zoning Administrator and Chair, the reasons for denial shall be cited. If one but not both the Zoning Administrator or Chair determines that the application does not conform to the specified criteria, the Secretary shall forward the application to the Historic Preservation Commission for review.
5. *Historic Preservation Commission review.*

...

- b) *Review criteria.* Following input provided at the public hearing, the Historic Preservation Commission shall determine whether the application conforms to the criteria specified in Section XII-7.C of this Article.
- c) *Commission action.* Following input, the Commission shall vote on a motion to approve, approve with conditions, or deny the application based on the application's conformance with the review criteria. Any conditions imposed for approval must relate to the specified review criteria. In denying a Certificate of Appropriateness, the Commission shall provide reasons for denial and should recommend ways to bring the application into conformance. The Commission is the final decision-making body for Certificates of Appropriateness, unless the decision is appealed in accordance with Section XII-7.E of this Article.

...

D. *Certificate of Economic Hardship.*

...

2. *Public hearing.* The Historic Preservation Commission shall hold a public hearing within 50 calendar days of the Secretary having received a complete application. Notice of the public hearing shall conform to the procedures specified in Section XI-10.

...

4. *The Factors and Standards for Commission Decision.* The factors to be considered by the Commission on the issue of economic hardship shall include, but are not limited to, the following:

...

- b) A substantial decrease in the financial return to owner(s) as a result of the denial of the certificate of appropriateness;

...

E. *Appeals*

4. *Notice of appeal.* The Secretary shall give due notice of the hearing in writing to the appellant, the owner, and the City Council. At least 15 days, but not more than 30 days, notice of the time and place of the hearing on the appeal shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property involved in the appeal, if any, and a brief description of the issue being appealed.

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**Section XII-8. Affirmation of Existing Zoning**

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**Section XII-9. Building Permits Previously Issued**

...

**Section XII-10. Penalties**

...

**Section XII-11. National Register of Historic Places**

...

## ARTICLE XIII. Special Development Provisions

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### Section XIII-2. Mobile Home Parks

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- C. *Application Procedure.* It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein.

...

3. *Preliminary Development Plan Review.* Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the Chair of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 60 days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, shall continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council for consideration.

...

4. *Preliminary Development Plan Approval*

- a) The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
- b) Approval by ordinance of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, duly passed and approved. Council approval of the preliminary development plan shall be valid for a period of 12 months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5, below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.

...

7. *Final Development Plan Approval and Recording.* The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and may vote whether or not to approve the final development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance shall apply.

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...

8. *Combined Preliminary and Final Development Plan Approval.* The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, duly passed and approved. In approving a combined plan, the City Council may impose any conditions, 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 XIII-3. Planned Unit Developments**

(Ord. No. 2007-01-003, 04-02-07)

#### *H. Preliminary Development Plan Review*

...

2. *City Council Review.* The City Council shall review the application and Plan Commission recommendations and either approve, approve with changes, or disapprove the preliminary Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any requirements. A waiver of any requirement shall be expressly written.

...

4. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Preliminary Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner within six months following passage of the ordinance approving said plan.

...

#### *J. Final Planned Unit Development Review.*

...

4. The City Council shall consider the recommendation of the Plan Commission and either approve, approve with changes, or disapprove the Final Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
5. In the case of a valid written protest, the Planned Unit Development Permit shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Procedures for protest against any proposed Planned Unit Development Permit are specified in Section XI-11 of this Ordinance.

6. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Final Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner within six months following passage of the ordinance approving said plan.

...

### **Section XIII-5. Neighborhood Conservation Districts**

(Ord. No. 2007-06-059, 11-05-07)

...

#### **M. Final Determination.**

1. The City Council shall by majority vote of alderpersons then holding office either approve, approve with amendments, or deny both the proposed district and any design guidelines. In the event of a tie, the Mayor may cast the deciding vote.
2. In the case of a valid protest as specified in Section XIII-5.M, action on both the proposed district and any design guidelines shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office.

...