Zoning Ordinance
of the
City of Urbana, Illinois

Adopted
July 1, 1993

Current through
September 25, 2015

The Urbana Zoning Ordinance
2015 Edition

The Zoning Ordinance of the City of Urbana was originally adopted in September 1940 and was re-adopted in November 1950. In 1979 and 1993, the City approved comprehensive amendments that altered significant portions of the Zoning Ordinance.

Since the 1993 re-adoption, there have been a number of smaller amendments to the Zoning Ordinance. The Planning Division of the Community Development Services Department has republished the Zoning Ordinances to include these amendments in 1998, 1999, 2003, 2005, 2006, 2008, 2010, 2012, 2013, and now 2015. In addition, City staff corrected typographical and formatting errors in the editing process.

Additional information regarding the Zoning Ordinance of the City of Urbana can be obtained from the following City departments:

For zoning and development inquiries:

Planning Division
400 S. Vine Street
Urbana, IL 61801
(217) 384-2440

For paper copies ($15.00) please contact:

Office of the City Clerk
400 S. Vine Street
Urbana, IL 61801
(217) 384-2362

For a free electronic version:

www.urbanaillinois.us/zoning

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REVISIONS TO THE ZONING ORDINANCE OF THE CITY OF URBANA

Note: The following revisions have been incorporated into this document.
This table is intended to be used for general reference.

Date	Plan Case No./ Ordinance No.	REVISED PROVISIONS
09/25/15	2254-T-15 2015-09-099	➢ Microbrewery Regulations
09/25/15	2254-T-15 2015-07-084	➢ Omnibus Text Changes (Minor Changes throughout Zoning Ordinance)
04/09/15	2250-T-15 2015-03-029	➢ Gaming Hall Regulations
11/19/14	2244-T-14 2014-11-106	➢ Allow Electronic Message Boards in CRE District
08/06/14	2234-T-14 2014-08-076	➢ Medical Cannabis Dispensary and Cultivation Center Regulations
09/16/13	2208-T-13 2013-09-078	➢ Omnibus Text Changes (Minor Changes throughout Zoning Ordinance)
12/17/12	2192-T-12 2012-11-106	➢ Allow Pawn or Consignment Shop in B-3 District
08/20/12	2181-T-12 2012-08-084	➢ Gun Sales and Shooting Range Regulations
05/21/12	2167-T-12 2012-05-049	➢ Creation of IN-1, Light Industrial/Office and IN-2, Heavy Industrial Districts
06/07/12	2167-T-12 & 2168-M-12 2012-05-050, 2012-05-051, 2012-05-052 2012-05-053	➢ Text Changes to incorporate rezoning of OP-Office Park and IN-Industrial Districts to IN-1 Light Industrial/Office District and IN-2 Heavy Industrial District. ➢ Text amendments in Article IV, V, VI, VIII, IX and XIII.
01/16/12	2165-T-11 2012-02-019	➢ Hotel and Motel Occupancy
11/28/11	2162-T-11 2011-11-123	➢ Revision to SectionVIII-5 Regarding Parking Requirements in the Campus Commercial District (CCD)

11/7/11	2155-T-11 2011-11-121	Legal Description Text Amendment ➢ Paragraph XI-10.A amended
9/19/11	2142-T-11 2011-09-108	➢ Added Article VI-9, Portable Storage Containers
2/21/11	2136-T-11 2011-02-007	Omnibus Zoning Ordinance ➢ Article II-3(Definitions) amended to include *Footprint, Public Maintenance and Storage Garage.* ➢ Article V-2, D 7 pertaining to single or two-family dwelling accessory structures and article V-13 concerning home occupation signage, and table V-1, Table of principle uses and footnotes amended. ➢ Text changes in footnotes for Table VI-3 Development Regulations by District.. ➢ Article VI-5, B.14 pertaining to signs permitted in yards and Article VI-6. B.1.a, Screening, on Off-Street Parking and Storage Areas, design materials and maintenance. ➢ Article VIII-3.A.3, Minor text amendment ➢ Table VIII-7, Parking requirements by Use amended ➢ Articles IX-3.D, IX-4.B, Table IX-3, Table IX-7 and Table IX-10-Minor Text amendments, ➢ Paragraph X-1.C added ➢ Paragraph XI-3.A.3 amended ➢ Paragraph XI.C.2.b(9) amended ➢ Paragraph XI.10.B amended ➢ Paragraph XIII-1.D.2 amended ➢ Paragraph XIII-3.H.3 amended ➢ Paragraph XIII-3.J.4 amended
10/04/10	2115-T-09 2010-09-075	➢ Add Section XIII-7, “Wind Energy Systems”
08/16/10	2130-T-10 2010-08-073	➢ East Urbana Design Guidelines and Review District Expansion
08/16/10	2122-T-10 2010-08-071	➢ Omnibus and Fence Height Text Changes (Minor Changes throughout Zoning Ordinance)
07/19/10	2125-T-10 2010-07-067	➢ Amend Article XII, Historic Preservation Ordinance
06/07/10	2126-T-10 2010-06-044 2010-06-045	➢ East Urbana Review District and Design Guidelines Text Amendment
09/21/09	2113-T-09 09-09-103	➢ Revise Table VIII-3, “Widths for Access Drives”, and Section VIII-4, “Location of Parking Facilities”, pertaining to widths of access drives serving individual townhouse units
09/21/09	2110-T-09 09-09-106	➢ Amend Section IX-4.C, “Electronic Display”, pertaining to Sign Illumination
06/01/09	2104-T-09 09-05-053	➢ Amend Article IX, Comprehensive Sign Regulations

04/20/09	2081-T-09 09-03-018	➢ Addition of Section VI-8, “Outdoor Lighting Standards”
03/16/09	2097-T-09 09-03-019	➢ Revisions to Section VI-5, “Yards” Pertaining to Garage Replacement
03/02/09	2098-T-09 09-03-015	➢ Revisions to Section V-8, “Additional Use Regulations in the MOR District”
01/20/09	2074-T-08 09-01-004 09-01-005	➢ Adopt design guidelines for the Lincoln-Busey Corridor, amend the Zoning Ordinance to enable design review in certain areas, and establish the Lincoln-Busey Corridor design overlay district.
12/15/08	2063-T-08 2008-12-147	➢ Omnibus Text Changes (Minor Changes throughout Zoning Ordinance)
06/16/08	2072-T-08 2008-06-055	➢ Add Section XIII-6, Concerning Condominium Conversions
03/03/08	2053-T-07 2008-03-012	➢ Allow members of the Historic Preservation Commission to nominate properties as historic landmarks and districts
12/03/07	2050-T-07 2007-10-120	➢ Repealing Section VII-11, Special Use Requirements for OASS; Amending Article IX, Comprehensive Sign Regulations; and Amending Article X, Non-Conformities
11/05/07	2023-T-06 2007-06-059	➢ Add Section XIII-5, “Neighborhood Conservation Districts”
04/02/07	2020-T-06 2007-01-003	➢ Text Changes to the Planned Unit Development , Section XIII-3, Article XIII
12/11/06	2013-T-06 2006-12-145	➢ Outdoor Storage
06/04/07	2002-T-06 2007-05-044	➢ Article VIII regarding Gravel Multi-Family Parking Lots
06/19/06	1997-T-06 2006-06-081	➢ Regulation of Gas Canopy Structures
08/21/06	1991-T-06 2006-07-099	➢ Regulation of Signs Allowed Without a Permit
06/05/06	1988-T-06 2006-06-071	➢ Amend Article IX regarding Outdoor Advertising Sign Structures (OASS)
04/17/06	1979-T-06 2006-04-040	➢ Omnibus Text Changes (Minor Changes throughout Zoning Ordinance)
08/15/05	1944-T-05 2005-08-127	➢ Extend OASS Moratorium 180 Days
02/18/05	1915-T-04 2005-02-017	➢ Regulation of Accessory Parking Lots located in close proximity to Single-Family Neighborhoods
01/28/05	1914-T-04 2005-01-010	➢ Over-Occupancy of Dwelling Units and Overall Enforcement of the Zoning Ordinance

09/28/04	1907-T-04 2004-09-126	➢ Add Section IX-10, Outdoor Advertising Sign Structure (OASS) Moratorium
04/30/04	1878-T-04 2004-03-029	➢ B-1 Text Amendment – Various changes to the Use Regulations and Development Regulations
11/25/03	1865-T-03 2003-11-120	➢ Various revisions to the requirements of the MOR, Mixed-Office Residential Zoning District and the procedures of the Development Review Board
07/22/03	1859-T-03 2003-07-073	➢ Add Section XI-15, Interim Development Ordinance – Moratorium on development in the MOR, Mixed-Office Residential Zoning District ➢ Expired 120 calendar days from July 22, 2003.
03/03/03	1850-T-03 2003-03-019	➢ Add Section X-10 – Text amendment with respect to the relocation of nonconformities created through government acquisition.
02/17/03	1849-T-03 2003-02-017	➢ Table VI-1. Development Regulations for CCD Zoning District were put into table. Three footnotes about the Open Space Ratio in the CCD were added to the table.
09/16/03	1824-T-02 2002-08-083	➢ Section II.3, added definition of Methadone Treatment Facility, and the use to Table V-1. Also added to Section V-10, as a use permitted by right in the MIC district.
11/1/02	1843-T-02 2002-11-130	➢ Section XII-2, definitions, added Definition of "noncontributing"; Section XII-6, Certificate of Appropriateness Review, added Table XII-1 and Table XII-2; and Other minor changes to the Historic Preservation Ordinance.
06/17/02	1794-T-01 2001-09-111	➢ Table IX-3, Standards for Projecting Signs, replaced with revised Table IX-3, Standards for Projected Signs, which amended and added provisions.
04/15/02	1816-T-02 2002-04-041	➢ Table V-1, Table of Uses, amended to no longer allow Dwelling, Multi-Family to be permitted in R-7 Zoning District under any provisions.
02/04/02	1812-T-02 2002-02-011	➢ Section IX-6 C.5, Community Event Signs, added "Electric Display Signs" with definition and criteria used by Zoning Administrator to review permit applications. ➢ Section IX-7 A.4, Prohibited Signs, added Section XI-6 Community Event Signs, as possible exceptions.
01/07/02	1807-T-01 2002-01-001	➢ Section II-3, Definitions, added definition of "University-or-College Related Use" ➢ Section IV-1 Number and Definition of Districts, added CCD Campus Commercial District as a Zoning District. ➢ Section IV-2, Purpose of Districts, added paragraph relating to purpose and intent of CCD. ➢ Article V, Use Regulations, added new item #14, Use and Parking Regulations in the CCD District, listing uses by right or by special permit.
11/05/01	1799-T-01 2001-11-140	➢ Moratorium on Outdoor Advertising Sign Structures.
10/15/01	1792-T-01 2001-10-117	➢ Section II-3, Definitions, definition of 'Medical Related Use' amended to include guest house for patient families/support members. ➢ Section IV-2 I, Purpose of Districts, Medical Institutional Campus District amended to add addition of guest house for patient families/support members of Carle Clinic.

07/16/01	1787-T-01 2001-07-078	➢ Section IX-10, Interim Development Ordinance-**Moratorium** on Outdoor Advertising Sign Structures. ➢ Expired 180 calendar days from July 16, 2001.
06/04/01	1777-T-01 2001-05-044	➢ Section II-3, Definitions, "Outdoor Advertising Sign Structure (OASS)," is amended to add paragraph that further describes OASS. ➢ Section IX-1, Legislative Intent and Findings, amended to add a paragraph describing certain design standards for OASS's ➢ Section IX-3 C., Measurement of outdoor advertising sign structure surface display area, amended to include language which describes the projection of the display area for an OASS. ➢ Table IX-5, Standards for Future Outdoor Advertising Sign Structures, revised table and added new notes 8-13.
03/19/01	1774-T-01 2001-03-024	➢ Section VIII-3.F.4, Location of Parking Facilities, revised to include B-2, B-3U, and IN zoning districts. ➢ Section VIII-3.F.5, Added new section, Location of Parking Facilities, for B-2, B-3, B-3-U Zoning Districts.
03/05/01	1772-T-01 2000-03-017	➢ Section VI-5.D.1, Front Yards, amended to include maximum front yard requirements for R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts. ➢ Footnote 1, Table VI-1, Development Regulations by District, amended to include maximum front yard requirements for R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts.
12/18/00	1768-T-00 2000-11-136	➢ Section IX-10, Interim Development Ordinance-**Moratorium** on Outdoor Advertising Sign Structures. ➢ Expired 180 calendar days from December 18, 2000.
12/27/00	1767-T-00 2000-12-149	➢ Section II-3, Definitions, added definitions of "Mail Order Business," and "Utility Provider." ➢ Section II-3, Definitions, revised definitions of retail store and wholesale store. ➢ Table V-1, Table of Uses, Added the uses and zoning designation use provisions: "Utility Provider," "Packaging/Mailing Services," "Automobile/Truck Repair, minor," "Towing Service," "Truck Stop," "Mail Order Businesses, less than 10,000 square feet of gross floor area," "Mail Order Business, greater 6than 10,000 square feet of gross floor area. ➢ Table V-1, Table of Uses, revised uses and related zoning designation use provisions. Replaced "Automobile Repair, major" with "Automobile/Truck Repair, major."; Gasoline and Service Station" with "Gasoline Station." Deleted "Lawnmower Sales & Services." Amended "Manufacturing and Processing of Athletic Equipment and Related Products" to allow conditional use in B-4)
12/04/00	1756-T-00 2000-11-135	➢ Section VI-5 Yards, Added a paragraph describing bicycle parking provisions. ➢ Section VIII-4, Amount of Parking Required, Deleted existing paragraph, added two additional provisions for bicycle parking requirements. ➢ Added Table VIII-7, Bicycle Parking Requirements by Use. ➢ Section VII-5 D.3.i, Planned Unit Developments, Added paragraph explaining conditions of Green Space Options for Commercial Parking lots. ➢ Section VIII-4. H., Amount of Parking Required, added paragraph referring to Provisions of Section VII-5 D.3.i. ➢ Section VIII-2 G, Wheelstops and Sidewalks, added category and paragraph describing parking wheelstops adjacent to Sidewalks.

08/07/00	1750-T-00 2000-07-087	➢ Section XII, Historic Preservation Ordinance, amended to add definition of “Secretary.” ➢ Section XII, Historic Preservation Commission, amended some language referring to the purpose of the Commission. ➢ Section XII-4 Historic Districts, amended language about procedures. ➢ Section XII-5 Historic Landmarks, added new section. ➢ Section XII-6, Certificate of Appropriateness, amended to add language about when a certificate will be required. ➢ Section XII-8, Amended language pertaining to building permits previously issued.
08/07/00	1746-T-00 2000-07-074	➢ Section II-3, Definitions, added definitions of “Athletic Training Facility, Non-Residential,” and “Athletic Training Facility, Residential.”
05/01/01	1741-T-00 2000-05-043	➢ Section II-3, Definitions, added definition of “Electronic and related accessories applied research and limited manufacturing.” ➢ Table V-1, Table of Uses, added the uses and zoning designations use provisions for: “ Check Cashing Services,” “Copy and Printing Service,” “Video Store,” “Athletic Training Facility, Nonresidential,” “Athletic Training Facility, Residential,” “Light Assembly Manufacturing, 50,000 gross square feet or less,” “Light Assembly Manufacturing, more than 50,000 gross square feet,” “ Electronics and Related Accessories-Applied Research and Limited Manufacturing.”
08/03/99	1716-T-99 1999-08-079	➢ Section VI-5 B, added a new paragraph 13 to describe parking requirements in the B-3, General Business Zoning District. ➢ Section VI-5 G.2, Yards, added a new paragraph to describe parking requirements in the B-3, General Business Zoning District. ➢ Section VIII-3 F.4, Location of Parking Facilities, added to describe parking requirements. ➢ Section VIII-3I, Location of Parking Facilities, amended to describe accessory parking for one and two family residences. ➢ Table IX-9, Freestanding Shopping Center Signs, amended general shopping center maximum area.
07/06/99	1722-T-99 1999-07-064	➢ Delete Section XI-3, Board of Zoning Appeals and replace with revised XI-3, Board of Zoning Appeals.
06/07/99	1716-T-99 1999-06-045	➢ Section II-3, Definitions, amended "Applicant (as is applies to telecommunications structure)", added "Arts and crafts store and studio", "Construction Yard", "Home Occupation", "Hotel or Motel". ➢ Section IV-1, Districts and Boundaries Thereof, added "Medical Institutional Campus" and "Office Park", number and designation of Zoning Districts. ➢ Table V-1, Table of Uses, added "Contractor shop and show room" to the table with details of services offered and zoning districts. ➢ Table V-1, Table of Uses, added "Lawn care and landscaping service" to the table with details of services offered and zoning districts. ➢ Added new Section V-13, Regulation of Home Occupation. ➢ Section VII-6 I, amended to include language about a special use permit as it pertains to the radio and television towers and stations. ➢ Section VIII-3 F.2, Location of Parking Facilities, amended to clarify that in the case of a lot with no principal structure, parking may encroach the rear and side yards. ➢ Table VIII-6, Parking Requirements By Use, added a category for arts and crafts stores and studios and require one parking space for every 500 square feet of floor area.

11/16/98	1704-T-98 9899-46	➢ Section II-3, Definitions, added definition of warehouse, self-storage facility. Includes Table V-1, Table of Uses.
07/20/98	1699-T-98 9899-13	➢ Section VI-5, Subsection B.5, amended to describe requirements for terraced and open unenclosed porches.
06/06/98	1686-T-98 9798-112	➢ Ordinance approving an Amendment to the Zoning Ordinance, creating a Historic Preservation Ordinance.
11/17/97	1677-T-97 9798-66	➢ Section VI-5, paragraphs D and F repealed. ➢ Section VI-5, added paragraph G, to describe language for buffer and landscape yards. Includes Table VI-2, Shade Tree Species and Table VI-3, Parking Screening Shrubs.
11/17/97	1611-T-96 9798-43	➢ Section II-3, Definitions, added definition of light assembly manufacturing. ➢ Section IV-2, added paragraph J. To describe the purpose of the Office Park District. ➢ Table V-1, amended table of uses to incorporate uses permitted by right, as a conditional use, and as a special use in the Office Park Zoning District. ➢ Section V-3, added Office Park Designation to paragraph D so that more than one principal use may be allowed in a single building without the Zoning Board of Appeals Approval if the uses are permitted by right. ➢ Section V-11, added section to denote additional regulations in the Office Park Zoning District. ➢ Section VI-1, added Office Park to paragraph on applicability. ➢ Section VI-2, revised to update special regulations for height requirements to include Office Park Zoning District. ➢ Section VI-5, revised to update special regulations for side and rear yards to include Office Park Zoning District. ➢ Table VI-1, added development regulations for Office Park Zoning District. ➢ Section VII-5, revised to update section on planned unit developments to include regulations for Office Park Zoning. ➢ Table VII-2, added development regulations for planned unit developments in the Office Park Zoning District.
09/15/97	1661-T-97 9798-44	➢ Added new Section V-11, “Telecommunications Facilities, Towers and Antennas;” providing definitions; providing conditions for permitted uses, accessory uses, and special uses; and providing for the repeal of certain ordinance sections.

06/16/97	1647-T-97 9697-154	➢ Section II-3, Definitions, added definition of block face ➢ Table V-1, Table of Uses, removed "Telegraph Office;" rename "Reducing Salon" to "Health Club/Fitness;" rename "Dairy Store" to "Convenience Store." ➢ Added new use category, "Driving Range," as permitted by right in the both the AG, Agriculture Zoning District and B-3, General Business Zoning District, and as a conditional use in the CRE, Conservation-Recreation-Education District. ➢ Added new use category "Miniature Golf Course," as also permitted by right in the both the AG, Agriculture Zoning District and B-3, General Business Zoning District, and as a conditional use in the CRE, Conservation-Recreation-Education District. ➢ Table VI-1, Development Regulations by District, revised to clarify how to calculate average setback. ➢ Section VII-6 J, Validity of a Special Use Permit, revised to clarify that a permit is authorized, not actually issued, and specify that the use must be established through a building permit or Certificate of Occupancy no more than one year after the use is authorized. ➢ Section VIII-3 F.2, Limitations on Parking in a Required Yard, removed the reference to Section VII-2 G, a paragraph regarding wheel stops.
06/16/97	1647-T-97 9697-154	➢ Table VIII-6, Parking Requirements by Use, revised to omit "Dime Store," make "Miniature Golf" a separate category from golf course and change parking requirements for miniature golf courses from four parking spaces per tee to one space per tee plus one space per every four employees. Add "Driving Range" to the list of parking requirements with a requirement of one parking space per tee plus one for every four employees. ➢ Section IX-4 E, General Provisions for Signs, revised to allow for a new category of signs, Inflatable and Balloon Signs. ➢ Section IX-7 B, Removal of Prohibited Signs, revised to clarify that this section refers to permanent, not temporary signs and place the responsibility to comply with the Ordinance on the land owner and the business owner. ➢ Section XI-14 C, Conditional Use Permits, revised to include an explanation that, although conditional uses are usually authorized by the Zoning Board of Appeals, in the case of an annexation agreement, the City Council may authorize a conditional use as part of the agreement without having the request heard by the Zoning Board of Appeals.
12/4/95	1592-M-95 9596-48	➢ Section IV-2, Added definition of "Medical Institutional Campus District" ➢ Section II-3, Added definition of "Medical Related Use" ➢ Added new Section V-10, Additional regulations in the Medical Institutional Campus District.
11/20/95	1598-T-95 9596-58	➢ Section VI-5, paragraph C-1, deleted ref. to R-5 and R-7 Districts ➢ Footnote 1 to Table VI-1, corrected reference to front yard in R-1 to indicate 25' ➢ Section XI-4 corrected to show para. E regarding City Council approval of site plans in TIF Districts, para. F regarding enacting modifications in properties zoning through enactment of annexation agreements, and para. G regarding other responsibilities assigned to City Council. ➢ Corrects labeling mistake in Ord. No. 9495-80 and labels authorization of use of yard signs for public notice as Section XI-10, para. C. ➢ Corrects labeling mistake from Ord. No. 9495-95 and labels Article XI provision concerning enactment of zoning changes in annexation agreements as Section XI-14.

11/20/95	1597-T-95 9596-57	➢ Section II-3, replaces definition of “Bed and Breakfast” with definitions for “Bed and Breakfast Inn” and “ Bed and Breakfast , Owner Occupied” ➢ Table V-1, Replaces row for “Bed and Breakfast” with rows for “Bed and Breakfast Inn” and Bed and Breakfast, Owner Occupied”; revises table to show Single Family Dwelling as permitted by right (P) in the R-7 District.
08/21/95	1593-T-95 9596-20	➢ Section V-2, para. C-7 revised to allow accessory garages over 750 square feet for single and two-family residences in certain instances. ➢ Section VI-5, para. B-9 revised to require garages over 750 square feet to comply with regular r ear, side yard requirements.
03/06/95	1565-T-95 9495-80	➢ Added new yard sign public notice provision but incorrectly labeled it as Section IX-10, para. C; Labeling mistake corrected in Plan Case 1598-T-95 (see above)
04/21/95	1564-T-95 9495-95	➢ Section XI-2, para. Revised to change para C-7 to C-8 and add new C-7 re: considering provisions in annexation agreements which alter otherwise prescribed conversion of zoning districts upon annexation. ➢ Section XI-7 revised to refer to procedure for enacting zoning changes in annexation process. ➢ Added new section to Article XI setting forth procedure for enacting zoning changes in annexation process, but mistakenly labeled new Section XI-13. Labeling mistake corrected in Plan Case 1598-T-95 (see above).
03/06/95	1548-T-95 9495-81	➢ Section II-3 revised to add definition of “Grand Opening Sign” ➢ Section IX-4 revised to add para. E authorizing display of temporary commercial signs by permit. ➢ Section IX-7 revised to show exception for temporary signs in para. A-5, and to expressly prohibit portable signs in para. A-8. ➢ Section IX-8 revised to exempt temporary commercial signs from two ink drawing requirement in para. B-4 ➢ Section IX-9 revised to delete para. E and revise para. B to authorize warning ticket procedure for enforcement of temporary commercial sign regulations. ➢ Section XI-9 is completely revised to authorize ticketing system to settle zoning violation complaints.

ARTICLE I. GENERAL PROVISIONS

Section I-1. Purpose
Section I-2. Relationship to State Zoning Act
Section I-3. Title
Section I-4. Continuation of Prior Law and Effective Date
Section I-5. Publication in Pamphlet Form
Section I-6. Severability

Section I-1. Purpose

The purpose of this Zoning Ordinance, applicable in the City of Urbana, Illinois, is to implement the policies of the City of Urbana as expressed in the 2005 Comprehensive Plan adopted by the City Council on April 11, 2005, and as it may be further amended from time to time, in accordance with the objectives of Division 13, Article 11, Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/11-13-1), and under the Home Rule Authority granted to the City of Urbana pursuant to Article VII, Section 6(a) of the Illinois Constitution of 1970.

Specific policies intended to be implemented by this Zoning Ordinance include, but are not limited to, the following:

A. To provide adequate light, pure air, and safety from fire and other dangers;

B. To conserve the value of land, buildings, and structures;

C. To reduce and avoid congestion in the public streets;

D. To promote the public health, safety, comfort, morals, and general welfare in accordance with a well-considered and comprehensive plan for the use and development of property;

E. To regulate the height and bulk of buildings and structures hereafter to be erected;

F. To establish and regulate the building setback lines on or along any street, traffic-way, drive, or parkway;

G. To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces within and surrounding buildings and structures;

H. To classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specific residential, commercial, industrial, and other land uses;

I. To preserve the character of Urbana neighborhoods in a manner consistent with the other stated policies of this Ordinance, with reasonable allowances for existing uses, and thus provide a range of residential densities for the citizens of Urbana;

J. To divide the city into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures; intensity of the use of the lot area; area of open space; and other classification as may be deemed best suited to carry out the purposes of this Ordinance;

K. To fix regulations and standards to which buildings, structures, or uses therein shall conform;

L. To prohibit uses, buildings, or structures incompatible with the character of such districts;

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M. To prevent additions to and alterations or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance;

N. To protect natural features such as forested areas and water and drainage courses and to minimize the hazards to persons and damage to property resulting from the accumulation or runoff of storm and flood waters;

O. To ensure and facilitate the preservation of sites, areas, and structures of historical, architectural, or aesthetic importance;

P. To encourage the compact development of urban areas in order to conserve energy and minimize the cost of development of public utilities and public transportation facilities;

Q. To provide for the enforcement of its provisions, for the operation of a Plan Commission and a Board of Appeals, and for penalties for the violation of its provisions. (Ord. No. 8485-51, § 1,2, 1-21-85)

R. 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 I-2. Relationship to State Zoning Act

This Ordinance is enacted by the corporate authorities of the City of Urbana, Illinois, pursuant to its home rule powers as provided for in Article VII, Section 6, of the Constitution of the State of Illinois, 1970. It is recognized that some provisions of this Ordinance are presently inconsistent with the State Zoning Act (65 ILCS 5/11-13-1, et. seq.), and that future amendments to either the State Zoning Act or this Ordinance shall create inconsistencies between the State Zoning Act and this Ordinance; therefore, as a guide to interpretation in such instances, the following shall be applied: Where the provisions of this Ordinance, regardless of when enacted, provide differently from the State Zoning Act either when such Ordinance is enacted or because the State Zoning Act was amended after the subject Ordinance was enacted, or where such provisions cannot be reasonably interpreted to be consistent with the State Zoning Act, then the provisions of the Urbana Zoning Ordinance shall control and prevail.

Section I-3. Title

This codification ordinance repeals and re-adopts the “1979 Comprehensive Amendment to the Zoning Ordinance of 1950, as subsequently amended” which was adopted by the Urbana City Council in Ordinance No. 7980-68 on December 17, 1979. This codification ordinance also incorporates all amendments made to the Urbana Zoning Ordinance between December 17, 1979 and the date of adoption of this codification ordinance. This codification ordinance shall be known as the “Zoning Ordinance of the City of Urbana, Illinois,” and may be cited as the “Urbana Zoning Ordinance” and is herein referred to as “this Ordinance.”

Section I-4. Continuation of Prior Law and Effective Date

The provisions of this codification of the Urbana Zoning Ordinance shall be construed as a continuation of prior Zoning Ordinances in effect at the time this codification ordinance was enacted, notwithstanding the repeal of said prior Zoning Ordinances. The repeal of said prior Zoning Ordinances by this codification ordinance shall not abrogate or affect any act committed, or any penalty incurred, or any pending litigation under such repealed Ordinance. If, in any other ordinance, reference is made to an ordinance, which is

continued in this codification ordinance, such reference shall be held to refer to this codification ordinance. The effective date of this codification ordinance shall be deemed to be ten days after its publication in accordance with law as to those sections of the prior Zoning Ordinance actually changed herein. The effective date of those provisions of prior Zoning Ordinances not affected by this codification ordinance, shall remain unchanged. (Ord. No. 8567-87, § 3, 5-19-86)

Section I-5. Publication in Pamphlet Form

The City Clerk shall certify to the passage and approval of this Ordinance and cause it to be published in pamphlet form.

Section I-6. Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in the said ruling.

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ARTICLE II. DEFINITIONS

Section II-1. General Provisions
Section II-2. Interpretive Provisions
Section II-3. Definitions

Section II-1. General Provisions

For the purposes of this Ordinance, the following words and phrases shall have the meaning specified herein. Any word or phrase not a part of this listing shall be construed to have its usual definition. Definitions relating to telecommunication facilities, mobile home parks, and planned unit developments are located in Article XIII and definitions relating to historic preservation are located in Article XII.

Section II-2. Interpretive Provisions

For the purposes of this Ordinance, the following interpretations shall prevail:

A. The present tense shall include the future tense;

B. The singular number shall include the plural and vice versa;

C. The word “structure” shall include the word “building;”

D. The word “person,” where it is used in the context of occupancy of a residential dwelling, shall mean a natural person; in all other contexts, the word “person” shall include not only natural persons but partnership, association, firm, trust, club, company, or corporation.

E. The word “shall” is mandatory and not discretionary or permissive.

Section II-3. Definitions

Access Drive: An access for vehicles from a public right-of-way to a parking space, garage, dwelling, parking lot, or other structure. An access drive as regulated by this Article is located entirely in the zoning lot and no portion is within the right-of-way. (Ord. No. 8990-08, § 3, 2-5-90)

Accessory Building or Structure: An attached or detached building or structure subordinate to and used for purposes customarily incidental to the main or principal use, building, or structure. In no case shall said buildings or structures dominate in area, height, extent, or purpose the principal use, building, or structure (see Section V-2.D for specific area regulations). The following are types of accessory structures:

A. *Private Garage:* A detached structure intended primarily for the parking and storage of vehicles

B. *Shed:* A structure intended primarily for non-vehicular storage purposes that is not designed to be served by heat, electricity or plumbing and does not need to be placed on a permanent foundation.

C. *Miscellaneous:* Any accessory structure that does not match the definitions of private garage or shed.

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Accessory Use: A use of land or of a building or portion thereof incidental to and subordinate to the main or principal use or structure and located on the same lot as the principal use or structure. An accessory use shall not dominate in area, extent, or purpose the principal use, building, or structure.

A*djoining*: Bordering, touching, contiguous, or adjacent. Lots separated by a public right-of-way less than 28 feet wide, but not greater, shall be considered adjoining.

Adult Entertainment Use: Sex related and oriented business establishments providing adult services, products, or entertainment including but not limited to those uses defined as follows:

A. *Adult Entertainment Activity*. An establishment having as a substantial or significant portion of its business involving the sale, rental, display, exhibition, or viewing of books, magazines, films, photographs, sexual paraphernalia; or other materials distinguished by or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct and specified anatomical areas and which excludes minors by virtue of age.

B. *Adult Entertainment Cabaret.* A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers where such performances are distinguished by or characterized by an emphasis on sexual conduct or specified anatomical areas.

C. *Model Studios.* Any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any activity sponsored by an educational institution recognized by the State of Illinois in the course of its educational activities.

D. *Sexual Encounter Center*. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purposes of engaging in sexual conduct or exposing specified anatomical areas.

E. *Adult Massage Parlor.* Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation’s, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment and manipulation or service thereto exposes specified anatomical areas.

F. *Adult Motion Picture Arcade.* Any place to which the public is permitted or invited where coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images so displayed are distinguished or characterized by an emphasis on matters depicting, describing, or relating to sexual conduct or specified anatomical areas and which excludes minors by virtue of age.

G. *Adult Motion Picture Theater.* An enclosed building with a capacity for more than 50 persons which excludes minors by virtue of age for a substantial or significant portion of its presentations to the public because such presentations contain material distinguished or characterized by an emphasis on matters depicting, describing, or relating to sexual conduct or specified anatomical areas for observation by patrons therein.

H. *Further definitions:*

1. *Sexual conduct*:

a) The fondling or other touching of human genitals, pubic region, buttocks or female breasts;

b) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy;

c) Masturbation; and

d) Excretory functions as part of or in connection with any of the activities set forth in a) through c) above.

2. *Specified anatomical areas:*

a) Less than completely or opaquely covered:

1) Human genitals;

2) Pubic region;

3) Buttocks;

4) Female breasts below a point immediately above the top of the areola; and

b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. No. 8384-14, § 1A, 4-16-84)

Agriculture, Cropping: The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit, and truck or vegetable crops. Floriculture; horticulture; mushroom growing; orchards; and forestry; farm buildings used for growing, harvesting, and preparing crop products for market or for use on the farm; and farm dwellings are also included. (Ord. No. 8485-51, § 4(a), 1-21-85)

Agriculture, General: Agricultural cropping and keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; roadside stands; farm buildings for storing and protecting farm machinery and equipment from the elements; for housing livestock or poultry; and for use on the farm. General agriculture includes all types of agricultural operations, but does not include industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

Alteration, Structural: Any change in a bearing wall, columns, beams, girders, or supporting member of a structure; any change in the total floor area of a building; any change in size of structure, whether by extending horizontally or by increasing in height; or any movement of a structure from one location to another.

Ambulance: Any motor vehicle that is designed and constructed, equipped, and intended to be used for, and maintained or operated for and used for, the transportation of patients in emergency situations. Such a vehicle must meet the State of Illinois Department of Public Health Licensure requirements. (Ord. No. 8586-22, § 1, 8-19-85)

Ambulance Service: The commercial activity, maintenance, operation, or use of an ambulance which responds to emergency calls for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless at the time of dispatch of an ambulance. Such a service must meet the State of Illinois Department of Public Health Licensure requirements. (Ord. No. 8586-22, § 1, 8-19-85)

Amusement Center/Arcade: A location which is maintained or operated for amusement, patronage, or recreation of the public where there are money or token operated amusement devices, including but not limited to video and pinball machines, which are operated as the principal use. (Ord. No. 8485-51, § 3(a), 1-21-85)

Antenna: Any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced specialized mobile radio" and "personal communications services," telecommunications services, and its attendant base station. See Article XIII for additional telecommunication definitions and regulations (Ord. No. 9798-44, 9-15-97)

Area, Lot: The total area within the lot lines.

Arts and Crafts Store and Studio: A studio for the creation, display, or sale of arts and crafts. (Ord. No. 1999-06-045, 06-11-99)

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.

Athletic Training Facilities: A specialized facility provided for the training needs and related activities of athletes. This use may include classrooms and meeting space, as well as specialized sports facilities, such as ball courts, gymnasiums, weight rooms, play fields, and pools. Activities may include training sessions, practices, and competitive events. Unlike a health club or private indoor recreational development, these facilities are primarily for the pre-arranged use of specific teams and programs, rather than for general public walk-in use. However, limited public use is permitted for regular training and fitness classes and public outreach. (Ord. No. 2000-07-074, 08-07-00)

Automobile Repair, Major: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender-straightening or repair; overall painting or paint shop; or vehicle steam-cleaning.

Automobile Repair, Minor: Replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.

Automobile Service Station: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor but not major automobile repairs.

Automobile Wrecking: The permanent dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Awning: See *"Canopy or Entrance Structure."*

Balcony: An upper-story platform open on at least one side and having a balustrade railing or other guard, which may either be recessed behind the face of the building or extend out from the building. The following are types of balconies:

A. *Private Balcony*: A balcony exclusively for the use of and accessible from only an individual dwelling unit.

B. *Public Balcony*: A balcony primarily for the use of ingress and egress, and accessible from two or more dwelling units and one or more vertical exitways. Public balconies shall meet minimum corridor width requirements of the building code and shall be limited in their use to that providing exit access.

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

Basement: That portion of a structure which is at least one-half below grade.

Bed and Breakfast Inn: A converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. A dining area that is open to both guests of the Inn and to the public as a restaurant and retail sales are permitted activities within a Bed and Breakfast Inn if they are subordinate to the use of the Inn for lodging. (Ord. No. 9596-57, 11-20-95)

Bed and Breakfast, Owner Occupied: An owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to the principal use as a single-family dwelling.

Block: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

Block Face: The total frontage measured in linear feet of lots on the same side of the street between the nearest intersecting streets. The concept being illustrated by the following:

The block face shall be considered to run from one cross street to the next cross street. A block face opposite of the cross street in a "T" intersection shall be considered to be a single block face and not two separate block faces. In the case of corner lots, the block face shall be measured using each individual frontage. In the case of a cul-de-sac, the block face shall be said to begin at the entrance to the cul-de-sac and continue along the same side of the street to the end of the cul-de-sac. (Ord. No. 9697-154, 6-16-97)

Boardinghouse: A building, other than a single-family dwelling, two-family dwelling, a hotel, or a dormitory, with an occupancy capacity of not more than 15 people. Meals and lodging are regularly provided or offered for compensation by pre-arrangement and for definite periods of time, but which is not open to transient customers.

Boneyard Creek District: An overlay district of the zoning map within which the goals and objectives of the Boneyard Creek Master Plan shall be implemented (see Section XIII-4).

Building: Any support, enclosure, or shelter for persons, animals, or property.

Building Area: See *"Floor Area, Gross."*

Building, Attached: A building having one or more walls or roofs in common with other buildings, other than a private garage.

Building, Detached: A building having no walls or roofs in common with any other buildings, and separated by a minimum distance as specified in Section VI-5.B.

Building Height: The vertical distance, measured from the average established grade at the front building line, to the highest point of the top of the cornice for flat roofs, to the deckline for mansard roofs, or to the mean height level between eaves and ridge for gambrel, gable, and hip roofs. Where a building is located upon a natural terrace or slope up from the front line, the height may be measured from the average ground level at the front building wall.

Building Line: A line usually parallel to the front, side, or rear lot line, set so as to provide the required yards around a building or structure.

Café: See *"Food Service Establishments."*

Camp: A tract of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes, which may include a structure, used for any assembly of persons for what is commonly called "day camp" or overnight camping purposes, whether or not operated for profit and whether occupied by adults or children, either as individuals, families, or groups, but not including a hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution, or mobile home park.

Canopy or Entrance Structure: A shelter or overhang projecting from a wall or doorway.

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

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

Certificate of Occupancy: A permit, issued by the Zoning Administrator, authorizing the occupancy of a building, or the use of a building, structure, or land; or certifying its nonconforming status.

City Arborist: The City Arborist of the City of Urbana, Illinois or the City Arborist's designee.

City Engineer: The City Engineer of the City of Urbana, Illinois or the City Engineer's designee.

Club: The buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated for profit or to render a service which is customarily carried on as a business.

Church, Temple or Mosque: A building, together with its customary accessory buildings and uses, where people regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and/or mission.

Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not-for-hire, and displaying the name or symbol of a commercial or industrial enterprise, not including, however, a vehicle used in a ride sharing arrangement. (Ord. No. 8990-68, § 3, 2-5-90)

Conditional Use: A use the character of which is not ordinarily permitted in a district but is appropriate under certain conditions spelled out by the Zoning Board of Appeals in accordance with the procedures of Article VII of this Ordinance.

Construction: The excavation of earth to provide for a foundation, basement, or cellar; and/or the addition or removal from a lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent manner; and/or the demolition, elimination, and/or removal of an existing structure in connection with such construction.

Construction Yard: A construction yard is an area for the storage of building material and equipment which is required to be enclosed by other sections of this ordinance. Temporary or on-site construction storage or staging area shall not be considered a construction yard. (Ord. No. 1999-06-045, 06-11-99)

Creekway Permit: A permit issued by the Zoning Administrator for development or redevelopment in the Boneyard Creek District which may modify the requirements of the underlying zoning district. (See Section XIII-4)

Day Care Home: Any facility, in a home, for the care of no more than a total of five children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called “day nurseries,” “nursery schools,” or “private kindergartens,” etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care home shall be considered a home occupation.

Day Care Facility: Any facility, other than a day care home, for the care of children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called “day nurseries,” “nursery schools,” or “private kindergartens,” etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care facility shall not be considered a home occupation.

Deli: See *“Food Service Establishments, Café”.*

Disability, Mental or Physical: A mental, intellectual, or physical impairment or a combination of mental, intellectual, or physical impairments:

A. That are likely to continue for a significant amount of time or indefinitely; and

B. That result in functional limitations in three or more of the following areas of major life activities:

1. Self-care;

2. Receptive or expressive language;

3. Learning;

4. Mobility;

5. Self-direction;

6. Capacity for independent living;

7. Economic self-sufficiency; and

C. Reflects the disabled person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. No. 9091-120, § 2, 4-15-91)

District: A section or sections of the City of Urbana for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform for each class of use permitted therein.

Domestic Partnership: Two individuals who share a common permanent residence and have filed a valid Registration of Domestic Partnership Affidavit approved by the City of Urbana City Clerk.

Dormitory: A building where group sleeping accommodations are provided for persons in one room, or a series of closely associated rooms, with an occupancy capacity of more than 15 people on a regular basis, for compensation and by pre-arrangement for a specified period of time, under single management. Cooking facilities are to be common. College residence halls, fraternal chapters, and cooperatives are considered typical forms of dormitories. (Ord. No. 8384-25, § 1, 10-17-83)

Drive-Through: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon or driven through the premises.

Driveway: A private roadway to a parking space, garage, dwelling, or other structure or to individual lots and located entirely within the right-of-way. (Ord. No. 8990-68, § 3, 2-5-90)

Dwelling: Any building, but not a travel trailer, which is exclusively designed for or used for one or more dwelling units.

Dwelling, Common-Lot-Line: A dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being located on its own separate lot and within a common-lot-line development approved by the City of Urbana. Each common-lot-line dwelling unit is legally eligible for separate ownership through a transfer of fee simple title.

Dwelling, Community Living Facility: A dwelling designed to provide supervision, food, lodging, and other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit in which medical or nursing care is not a principal use. The residents of a community living facility shall consist of:

A. A basic group of members of a service dependent population; and

B. Additional staff persons providing supervision of service to the basic group.

Dwelling, Community Living Facility, Category I (CLF I): A dwelling, community living facility with a basic group limited to not more than four service dependent individuals plus a maximum of two resident (live-in) staff at any given time, subject to a higher number of staff if required to meet state or federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements. (Ord. No. 8889-44, § 1, 1-3-89)

Dwelling, Community Living Facility, Category II (CLF II): A dwelling, community living facility with a basic group limited to not more than eight service dependent individuals plus a maximum of two residents (live-in) staff at any given time, subject to a higher number of staff if required to meet state or federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements. (Ord. No. 8889-44, § 1, 1-3-89)

Dwelling, Community Living Facility, Category III (CLF III): A dwelling, community living facility with a basic group limited to not more than 15 service dependent individuals plus staff. Said facility may be used for temporary placement of service dependent individuals. (Ord. No. 8889-44, § 1, 1-3-89)

Dwelling, Duplex: A building containing two dwelling units.

Dwelling, Duplex (Extended Group Occupancy): A building containing two dwelling units, each of which is occupied at any given time by:

A. A household as defined herein; and

B. Such additional persons who are permanent members of the housekeeping unit, ordinarily 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.

Dwelling, Home for Adjustment (e.g., halfway houses, rehabilitation centers, crisis centers, etc.):

A. A dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency; and

B. A dwelling to provide emergency shelter. (Ord. No. 8889-44, § 1, 1-3-89)

Dwelling, Loft: One to two dwelling units established above the ground level in a nonresidential building.

Dwelling, Multiple-Family: A building containing three or more dwelling units, each of which is occupied at any given time by a single household as defined herein.

Dwelling, Single-Family: A building containing one dwelling unit, and occupied at any given time by a single household as defined herein.

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:

A. A household as defined herein; and

B. 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.

Dwelling Unit: One room or suite of two or more rooms in a building, designed for and used by a single household for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway. (Ord. No. 8485-51, § 4(b), 1-21-85)

Efficiency Apartment: A dwelling unit consisting of one room, exclusive of bathroom, hallway, and closets, not to exceed 350 square feet in area. (Ord. No. 7980-95, § 2, 5-5-80)

Electronics and Related Accessories Applied Research and Limited Manufacturing: This use encompasses technology- and computer-related businesses involving research and development activities as well as some form of limited component assembly. Such uses may be expected to occur in business zones, particularly nearby the University of Illinois, as well as in off-campus office and industrial parks. This use allows for “incubator” development of assembly operations that may then expand and relocate upon full realization. It does not cover full-scale electronics manufacturing and distribution activities, which are classified as “electrical and electronic machinery, equipment and supplies manufacturing” or as “light assembly manufacturing.” (Ord. No. 2000-05-043, 05-01-00)

Equipment Enclosure: A structure, shelter, cabinet, or vault used to house and protect electrical equipment including, but not limited to, air conditioning units, metering equipment and emergency generators.

Extended Stay Unit: A hotel or motel unit with accommodations for sleeping along with in-unit full kitchen and bathroom facilities. See Section V-11 for occupancy limits and building code standards for extended stay units. (Ord. No. 2012-02-019, 1-16-2012)

Farm: A tract of land devoted to agricultural purposes and the uses accessory thereto. It shall not include more than three dwelling units, nor a commercial feedlot.

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.

Firearm: Any device from which a projectile is discharged by gunpowder through a barrel.

Firearm Store: A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

Firing Range, Private Indoor: A building inside of which club members, or the public at large, discharge firearms for target practice.

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.

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

Food Service Establishments: All establishments where the principal business is the retail sale of ready-to-consume servings of food and/or beverages, are to be considered as being in one of the following three categories as defined herein. These categories are mutually exclusive:

A. *Café*: Any establishment where food consumption takes place on-premise, which has a maximum seating capacity of 50 people, and which does not include drive-in or drive-through facilities, or curb service.

B. *Restaurant*: Any establishment, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which does not include a drive-in or drive-through service facility or offer curb service.

C. *Restaurant, Fast-food*: Any establishment, whose principal business is the sale, at retail, of ready-to-consume servings of packaged foods and/or beverages, including frozen desserts, for consumption within the building, or at tables on the premises, or for carry-out; or any establishment which includes a drive-in or drive-through service facility or offers curb service.

Footprint: The total horizontal area measured to the outermost face of the outside walls of the main or principal building(s) exclusive of uncovered porches, terraces, and steps; awnings, marquees, nonpermanent canopies and planters. (Ord. No. 2011-02-007, 02-21-2011)

Force Majeure: Any acts of God; acts of public enemies; compelling orders from the government of the United States or of the State of Illinois or any of their departments, agencies, or officials, or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquake; fire; storms; floods; washouts; droughts; restraint of government and utilities; or any similar cause or event not reasonably within the control of the affected parties.

Fraternal Establishment: The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Frontage: That portion of a lot abutting a public street or alley or, in a Planned Unit Development abutting a private street.

Gaming Hall: An establishment whose primary purpose is to operate video gambling terminals where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is subsidiary to the operation of the video gambling terminal or terminals. In the event that any establishment derives 60% or more of its estimated gross revenue from the display, play and/or operation of video gambling terminals, such establishment shall be deemed a Gaming Hall and shall be required to obtain a Class G-2 license. Notwithstanding the immediate foregoing, the following may also be considered in determining whether an establishment constitutes a gaming hall:

A. A seating area for video gaming terminals being greater than the seating area where food and beverage, including alcoholic beverages, are served;

B. The absence of a full service kitchen; and

C. An overall size of 1,500 square feet or less.

D. Such other conditions which readily suggest or indicate that the establishment is intended to be operated or is being operated as an establishment whose primary purpose is the display of gambling terminals for play or operation by the public.

For purposes of this subsection, fraternal establishments and veterans establishments (as defined in the Video Gaming Act, 230 ILCS 40/5) shall be exempt.

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

Garage, Public: Any principal building or structure used for the storage of more than one automobile for compensation.

Garden, Home: A private garden in which fruits and/or vegetables are raised for consumption by the gardener and his family, and none of the produce thereof is sold or placed on the market.

Gasoline Station: See *"Automobile service station."*

Golf Course: The acreage marked off for the game of golf over a prescribed course of at least nine holes. The term does not include a miniature golf course or driving range.

Home Occupation: Any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises. (Ord. No. 1999-06-045, 06-11-99)

Hospital: A building or portion thereof used for the treatment of sick, injured, or infirm persons, and licensed as a hospital by the State of Illinois.

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)

Household: A group of persons, consisting of one or more persons related by direct lineal descent, adoption, marriage, foster child/parent relationship, or domestic partnership (as defined herein) living and cooking together as a single housekeeping unit.

Intermediate Care Facility: See *"Nursing home."*

Institution of an Educational or Charitable Nature: A private or public organization that is organized and operated for the purpose of providing an educational or philanthropic service or carrying on a trade or business without profit and for charitable purposes.

Junk or Salvage Yard: A lot, land, building, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery, appliances, or vehicles not in running condition and for the sale of parts therefrom.

Kennel: Any structure or premises in which household animals are boarded, trained or bred for compensation, or in which more than five fully grown household animals are offered for sale.

Landfill: See *"Sanitary Landfill."*

Light Assembly Manufacturing: The manufacture of finished goods from components manufactured elsewhere. No storage or processing of raw materials may occur at the site. No storage of materials or equipment is permitted outside of any buildings. Accessory storage buildings must be constructed of materials similar in appearance to those used in the principal building. In addition, all manufacturing activities must occur within the principal building.

Loading Dock: A platform, pier, or fixed hydraulic lift from which loading and unloading of trucks or tractor trailers takes place.

Loading Space: An area within a building or on the same lot, providing for trucks and tractor trailers to be temporarily parked while loading and unloading from or to a building. (Ord. No. 2010-08-071)

Lot: A parcel of land occupied or intended to be occupied by a principal building and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Ordinance, and which piece of parcel either has frontage of 20 feet or more on an improved public street, is a previously recorded lot of record, or is part of an approved Planned Unit Development.

Lot, Adjoining: Two lots that share a common lot line, or are separated by a public right-of-way less than 28 feet wide.

Lot, Corner: A lot located at the intersection of two or more streets, where the corner interior angle formed by the intersection of the two streets is 135° or less; or a lot abutting upon a curved street or streets if tangents to the curve at the two points where the lot lines meet the curve, form an interior angle of less than 135°.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line dividing a lot from the street right-of-way. In the case of multiple street frontages, the shortest in length shall be the front lot line.

Lot Line, Rear: The lot line opposite the front line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three-sided lot, it shall mean a line within the lot, ten feet long, concentric with and at the maximum distance from the front lot line. A lot need not have a rear lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street shall be called a side street line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Champaign County Recorder's Office, or a parcel of land, the deed of which was of record as of November 6, 1950.

Lot, Through: A lot other than a corner lot, with frontage on two or more streets.

Lot Width: For regularly shaped lots, the average distance between the side lot lines, measured at right angles to the depth of the lot; for irregularly shaped or wedge-shaped lots, the distance between the side lot lines measured at the point of intersection of the front setback line with the side lot lines.

Lot, Zoning: A single tract of land located within a single block, which (at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record.

Mail Order Business: A business in which goods are ordered via the Internet, mail, or telephone and shipped from the premises to the ultimate consumer. If more than 25% of the floor area of the business is designated for retail purposes where products are sold to customers on the premises, the business shall be considered a retail store as herein defined. Mail Order Businesses located in the B-1 zoning district shall contain minimal truck traffic for shipping and delivery in order to reduce potential negative impacts to surrounding residential uses. (Ord. No. 2000-12-149, 12-18-00)

Manufacturing: The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

Massage Therapist: Any establishment where for pay, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments or any other treatment or manipulation are practiced on the human body. This term shall not apply to adult massage parlors as defined and permitted as an adult entertainment use, nor shall it apply to a place where therapeutic massage or manipulation is conducted by a licensed physician, osteopath, chiropractor, registered or practical nurse operating under a physician's direction, registered speech pathologist, or physical and occupational therapists. (Ord. No. 8384-46, § 1B, 4-16-84)

Medical Cannabis Cultivation Center: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (410 ILCS 130/10(e))

Medical Cannabis Dispensary: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Medical Cannabis Cultivation Center for the purpose of dispensing cannabis, cannabis use and storage paraphernalia, or related supplies and educational materials to registered qualifying patients. (410 ILCS 130/10(o))

Medical Carrier: Any motor vehicle which is specifically designed, constructed, or modified and equipped, and is intended to be used for, and is maintained or operated for the non-emergency transportation of persons to or from a hospital, nursing home, or the patient's home. Such a vehicle must be licensed as a business vehicle as required by the State of Illinois Secretary of State. (Ord. No. 8586-22, § 1, 8-19-85)

Medical Carrier Service: The commercial operation of a medical carrier within the City of Urbana in the transportation by individual coach, by prior appointment of non-ambulatory individuals not requiring emergency medical care in transit to or from a hospital, nursing home, or the patient's home. (Ord. No. 8586-22, § 1, 8-19-85)

Medical Related Use: Medical Related Uses shall include doctors' offices, laboratory facilities, rehabilitation services, alternative medical practices such as acupuncture or massage therapy, guest house for patient families/support members, insurance or health maintenance organization office, sale of medical supplies, prosthesis, medicines, and other uses which are supportive of or affiliated with medicine, hospital, or clinic and accessory parking for said uses. (Ord. No. 9596-48, § 2, 12-4-95) (Ord. No. 2001-10-117, 1792-T-01)

Methadone Treatment Facility: Methadone treatment facility means any properly licensed facility, other than a hospital, where the drug methadone is administered or dispensed to patients for the purposes of opiate addition treatment. (Ord. No. 2002-08-083, 09-16-03)

Microbrewery: A facility for brewing beer that produces less than 15,000 barrels per year. A microbrewery may include a tasting room and retail space to sell beer and related products to patrons on site.

Mobile Home: A movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components, for repeated towing. Removal of wheels, towing devices, or any other alteration does not qualify a mobile home as a conventional single-family dwelling unless such alterations enable the unit to meet the Building, Plumbing, and Electrical Ordinances of the City of Urbana. See Article XIII for additional mobile home definitions.

Mosque: See "*Church, Temple or Mosque.*"

Nonconforming Lot: Any lot lawfully existing at the time this Ordinance became effective as to such lot, which does not conform to the area or width requirements for the district in which it is located. The term shall also include any lot that is rendered nonconforming by virtue of annexation or any subsequent amendment to this Ordinance.

Nonconforming Structure or Building: Any building or structure which was lawfully existing at the time this Ordinance became effective as to such building or structure, but whole dimensions, floor area, open space, yards, location on the lot, parking facilities, or other physical characteristics do not conform to the development regulations for the district in which the building or structure is located, or do not conform to the parking requirements and other development regulations, if any, for the use occupying the structure or building. The term shall also include any building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this Ordinance.

Nonconforming Use: Any use of a building or land which lawfully existed at the time this Ordinance became effective as to such building or land, but which does not conform with the use regulations of the district in which it is situated, or for which a conditional or special use permit is required but has not been issued. The term also includes any use of a building or land which is rendered nonconforming by a subsequent amendment to this Ordinance.

Nonconformity: Any nonconforming building, lot, structure, or use, as herein defined.

Nursery: See *"Day care home," "Day care facility."*

Nursing Home: Defined in three classes according to State nursing home licensing requirements, generally as follows:

A. *Sheltered Care Facility*. A care facility used for boarding and care of not less than three persons, where the residents are not in need of nursing care, but are in need of assistance, supervision, and/or oversight in meeting their daily personal needs. This definition does not include community living facilities, as defined herein.

B. *Intermediate Care Facility*. A care facility used for boarding and care of not less than three persons, which provides basic nursing care and other restorative services under periodic medical direction. Patients are generally in need of nursing care but not skilled nursing care.

C. *Skilled Care Facility*. A care facility for the boarding and care of not less than three persons, to provide skilled nursing care, continuous skilled nursing observation, restorative nursing, and other services under professional direction with frequent medical supervision. (Ord. No. 8889-44, § 2, 1-3-89)

Occupancy: The number of residents (renters or owners) permanently occupying a dwelling unit under the limitations of Section V-11.

Office: A room or suite of rooms used for the practice of a profession or for the conduct of a business which does not involve the sale of goods from the premises, other than those directly related to the practice of the profession or business. The term does not include personal service shops. If the goods or merchandise are sold for delivery on or from the principal office use, then the premises shall be considered to be a store rather than an office.

Off-Road Vehicles: Vehicles designed for use off the public right-of-way. These vehicles include, but are not limited to, snowmobiles, motorcycles, and all-terrain vehicles.

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.

Open Space Ratio: The quotient of the open space on the lot divided by the total gross floor area on the lot. (See Figure 2)

Outdoor Storage: The placing, maintaining, or keeping of items outside of an enclosed building for a continuous period longer than 72 hours. Outdoor storage areas include, but are not limited to: raw materials, junk or salvage; vehicles that remain inoperable for more than ten days; wholesale commercial products not on display; mechanical equipment and machinery; or construction materials.

Parking Lot: The total area on a zoning lot provided for the parking of four or more vehicles.

Parking Lot, Accessory Use: A parking lot meeting the requirements of Article VIII-2, VIII-4.L, VIII-5.J that is primarily an accessory use to a particular principal use. (Ord. No. 2011-02-007, 02-21-2011; Ord. No. 2005-02-017, 02-18-05)

Parking Lot, Principal Use: Any parking lot that does not meet the definition of an accessory use parking lot.

Parking Space: A temporary storage area, either indoors or outdoors, used, or intended to be used, for the parking of a motor vehicle, provided with but not including an access driveway or other means of access, and constructed in compliance with the design regulations and specifications of Section VIII 3. A parking space not within a public street right-of-way is an off-street parking space. The following are types of parking spaces.

A. *Standard*: Standard parking spaces are designed to accommodate common sizes of licensed passenger motor vehicles.

B. *Compact:* Compact car parking spaces are designed to accommodate compact cars only. Compact cars are defined as those cars with dimensions smaller than or equal to five feet nine inches in width and 14 feet 11 inches in length.

C. *Parallel*: Parallel parking spaces are those spaces where the length of the space is parallel to the curb or edge of street surface.

D. *Stacked:* Spaces reserved for cars waiting to use a drive-in facility or spaces in which cars are parked behind one another in a private driveway. Individual stacked spaces are not required to have direct access to a driveway or aisle. (Ord. No. 8990-68, § 3, 2-5-90)

Passenger Vehicle: An automobile, station wagon, van, pick-up truck, or panel truck used exclusively for personal transportation and for hauling property of the owner. (Ord. No. 8990-68, § 3, 2-5-90)

Permitted Use: A use, including buildings and structures, allowed by right in a particular district, or specifically authorized by a valid conditional use permit or special use permit; it is subject to the uniform regulations for such uses in that district and to the terms and conditions of such permit, if any, or of any variance applicable thereto. A nonconforming use is not a permitted use.

Planned Unit Development: An area for which a unitary site plan has been prepared, establishing at least, but not necessarily limited to, the following: land uses, open space allocations, on-site circulation for pedestrians, bicycles, and automobiles, parking, setbacks, housing densities, building spacings, land coverage, landscaping relationships with adjoining areas and streets, building heights, accessory uses, and architectural treatment. A PUD must be designed and developed according to the procedures and standards specified in Section XIII-3.

Plat: A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

Porch: A ground level or first story above grade unenclosed platform, supported from the ground and extending out from the main part of the building. Porches may be roofed, and have railings not exceeding 42 inches in height.

Premises: A lot or tract of land, including any structures located thereon.

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

Principal Use: The primary use on a lot.

Private Indoor Recreational Development: A permanent structure containing facilities for recreational activities such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

Provider: Every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity, and individual which provides personal wireless service over personal wireless service facilities.

Public Educational Entity: An organization or district that serves as a taxing unit for financing and service delivery for elementary, secondary, or higher public education. (Ord. No. 8485-80, § 3, 5-6-85)

Public Maintenance and Storage Garage: A facility for the repair and storage of maintenance equipment and vehicles owned and operated by a unit of government or taxing body. (Ord. No. 2011-02-007, 2-21-2011)

Public Utility Station: A building or structure serving as a distribution center, including such uses as water pumping, water reservoir, transformer station, telephone exchange, and similar uses. Towers and antennas regulated by Section XIII-1 shall not be considered public utility stations, essential services, public utilities, or private utilities.

Recreational Vehicles: A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. (Ord. No. 8990-68, § 3, 2-5-90)

Restaurant: See *"Food Service Establishments."*

Restaurant, Fast Food: See *"Food Service Establishments."*

Retail Store: A commercial enterprise that provides goods, except food services, directly to the ultimate consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Right-of-Way: The entire dedicated tract or strip of land that is legally used by the public for circulation and service.

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.

Rooming House: A building where group sleeping accommodations are provided for persons in one room, or a series of closely associated rooms, with an occupancy capacity of not more than 15 people, but more than four unrelated people on a regular basis, for compensation and by pre-arrangement for a specified period of time, under single management. Cooking facilities are to be common. (Ord. No. 8384-25, § 1, 10-17-83)

Rowhouse or Townhouse: A single-family dwelling unit that is part of a rowhouse or townhouse building.

Rowhouse or Townhouse Building: A building containing a row of two or more single-family dwelling units, each unit being separated from the adjoining units in each story by walls without openings, and each unit having independent access to the exterior of the building in the ground story.

Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary, and to provide a final cover following final placement of refuse.

School: A building or group of buildings, and all associated structures, facilities, and grounds in and on which instruction is given.

School, Vocational: A secondary or higher education facility primarily teaching useable skills that prepare students for a job in a trade or business and which meets the State requirements for vocational facility. (Ord. No. 8485-80, § 3, 5-6-85)

Screen Fence: A wall or fence, including gates, whose openings, if any, do not exceed 25% of the side area of such wall or fence and which is not less than four feet in height, but in conformance with the fence regulations of the City Code.

Screen Planting: A vegetative material of sufficient height and density to filter adequately from view any structures and uses on the premises upon which the screen planting is located, in conformance with the fence regulations of the City Code.

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

Senior Housing: Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms.

Service Dependent Population: Groups who by reason of mental or physical disability require supervision offered in connection with residence in a community living facility as herein defined. Such groups shall reside as members of a single housekeeping unit in a quasi-parental relationship with staff. Said groups shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense. (Ord. No. 8889-44, § 1, 1-3-89; Ord. No. 9091-120, § 3, 4-15-91)

Service Station: See *"Automobile service station."*

Sheltered Care Facility: See *"Nursing home."*

Shopping Center: A complex of three or more business and commercial establishments, planned, developed, and managed as a unit, sharing common parking facilities.

Shopping centers are divided into the following classifications according to building and lot size. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.

A. *General Shopping Center*. A shopping center located on a minimum of four acres and having a combined building area of 50,000 square feet or more.

B. *Convenience Shopping Center*. A shopping center located on a site of more than one acre, but less than four acres, and having between 12,000 and 50,000 square feet of combined building area.

Sign: Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. Refer to Article IX for sign regulations and additional sign definitions.

Skilled Care Facility: See *"Nursing home*."

Special Use: A use the character of which is not ordinarily permitted in a district but is appropriate under certain conditions spelled out by the Plan Commission and the City Council in accordance with Article VII of this Ordinance.

Store: See "*Retail Store*" or "*Wholesale Store*."

Street: A thoroughfare within the public right-of-way, which is improved to a level accepted for maintenance by the Director of Public Works of the City of Urbana, and which affords the principal means of vehicular access to abutting property. A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by any other appropriate names.

Street, Private: A service way with an all-weather, dustless surface, which provides access to a property for the use of a limited number of persons or purposes, and which has not been publicly dedicated.

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.

Tavern or Night Club: An establishment dispensing liquor, either by the drink or packaged, and meals and in which music, dancing, or entertainment is conducted.

Temple: See "*Church, Temple or Mosque.*"

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like. See Article XIII for additional telecommunications definitions. (Ord. No. 9798-44, 9-15-97)

Townhouse: See "*Rowhouse or Townhouse.*"

Truck Terminal: Premises used for loading or unloading of trucks, and upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

University-or-College Related Use: Any facility associated with the administration, operation, or educational activities of a college or university including, but not limited to, classrooms, laboratories, meeting rooms, libraries or offices. (Ord. No. 2002-01-001, 01-07-02)

Use: The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it is or may be occupied or maintained.

Utility Provider: A business specializing in the installation and maintenance of utilities. The site may contain a mixture of activities including office space, garage space, and storage of materials. Does not include the generation, transmission, storage, or treatment of power on the site from water, air, electricity, or gas. (Ord. No. 2000-12-149, 12-18-00)

Variance, Major: A deviation from the regulations or standards of the Urbana Zoning Ordinance but which does not vary the use regulations and which the City Council, after a public hearing before the Board of Zoning Appeals and upon favorable recommendation of the Board of Zoning Appeals, is permitted to grant. (Ord. No. 8990-65, § 2, 1-16-90)

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

Veterans Establishment: The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

Video Gambling Terminal: Video gambling terminal shall have the same meaning as "video gaming terminal," as set forth in the Video Gaming Act, 230 ILCS 40/1 et seq. as amended.

Warehouse: A building used for the storage of goods for compensation or the storage of goods that will be sold elsewhere or subsequently transported to another location for sale.

Warehouse, Self-Storage: A building or group of buildings consisting of individual, self-contained units used for the storage of personal property where individual owners lease individual storage units.

Watercraft: Any craft that is used for water travel, either mounted on a boat trailer or unmounted; also boat trailers without a boat mounted. (Ord. No. 8990-68, § 3, 2-5-90)

Wholesale Store: An establishment involved in the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and consumer.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a required yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

Yard, Front: A yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

Yard Line: That edge of a yard, as defined elsewhere, which does not coincide with a lot line.

Yard, Rear: A yard extending across the full width of a lot, measured between the side lot lines from the rear lot line to the nearest line of the principal building located on the lot.

Yard, Required: That minimum yard, either front, side, or rear, the dimensions of which are set by various sections of the Urbana Zoning Ordinance, with or without the presence of a building on the lot containing the yard. (Ord. No. 8990-68, § 3, 2-5-90)

Yard, Side: A yard between the principal building and the side line of the lot, and extending from the front yard line to the rear yard line.

Zoning Lot: See "*Lot, Zoning*."

Figure 1. Floor Area Ratio

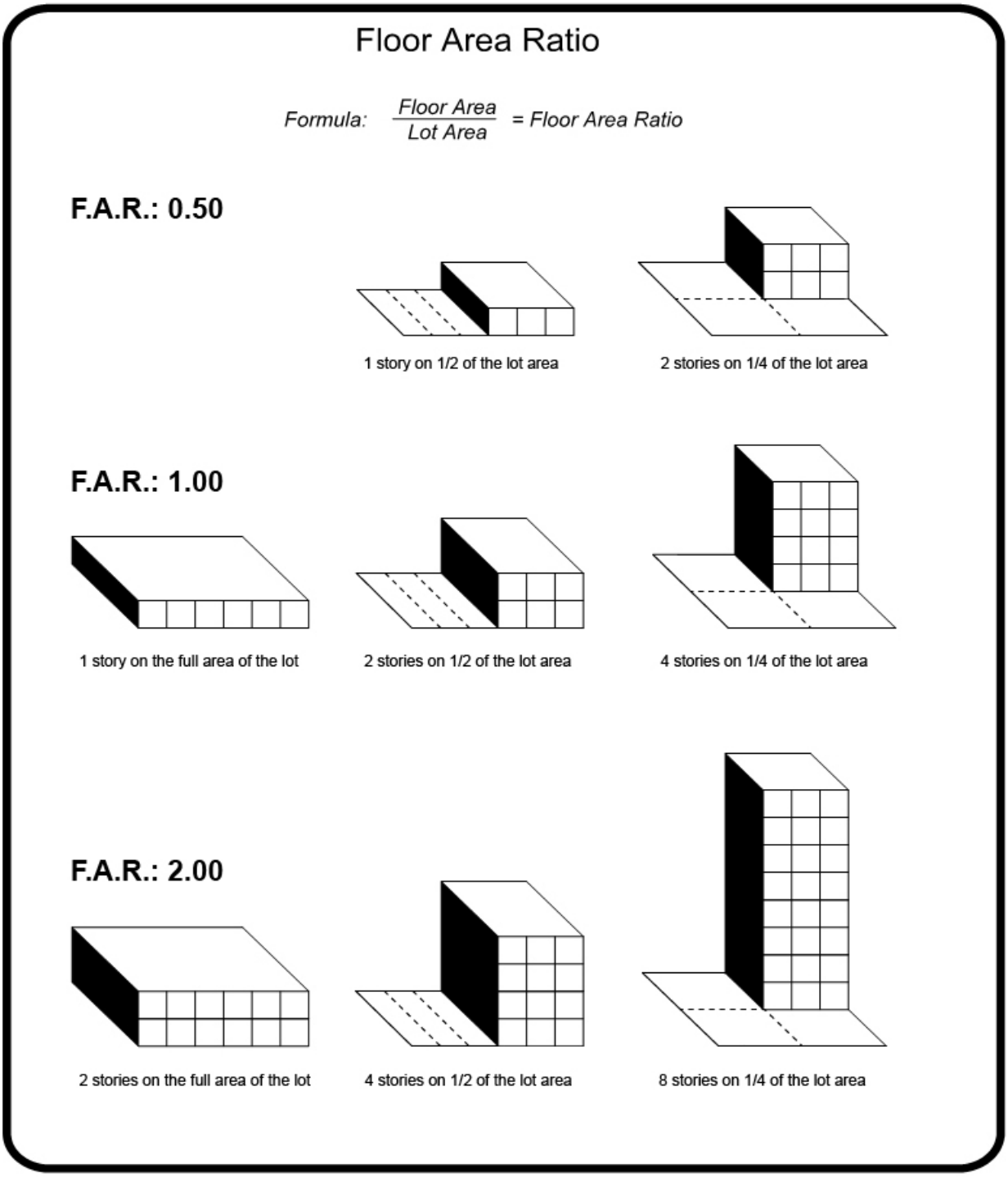
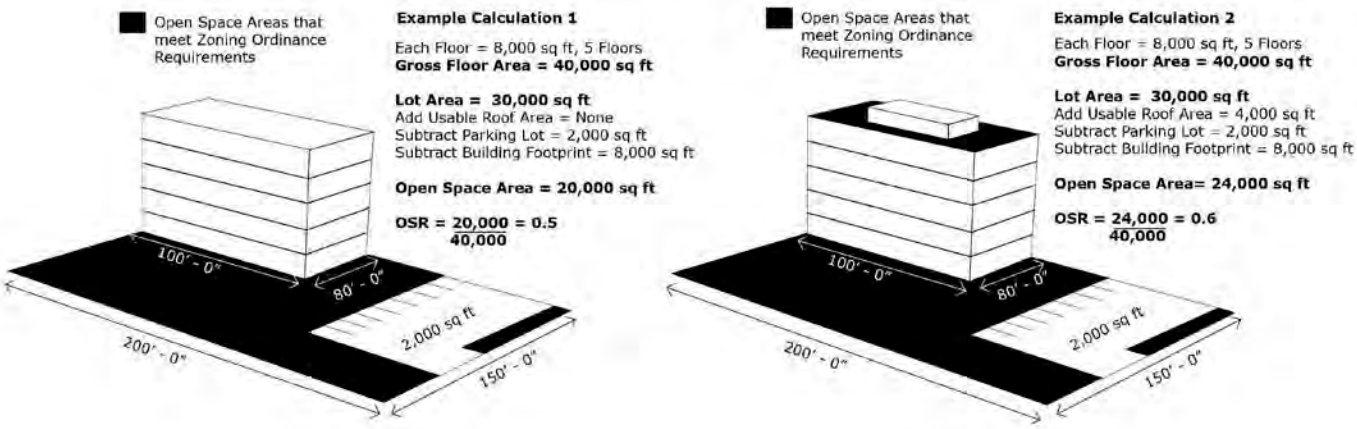
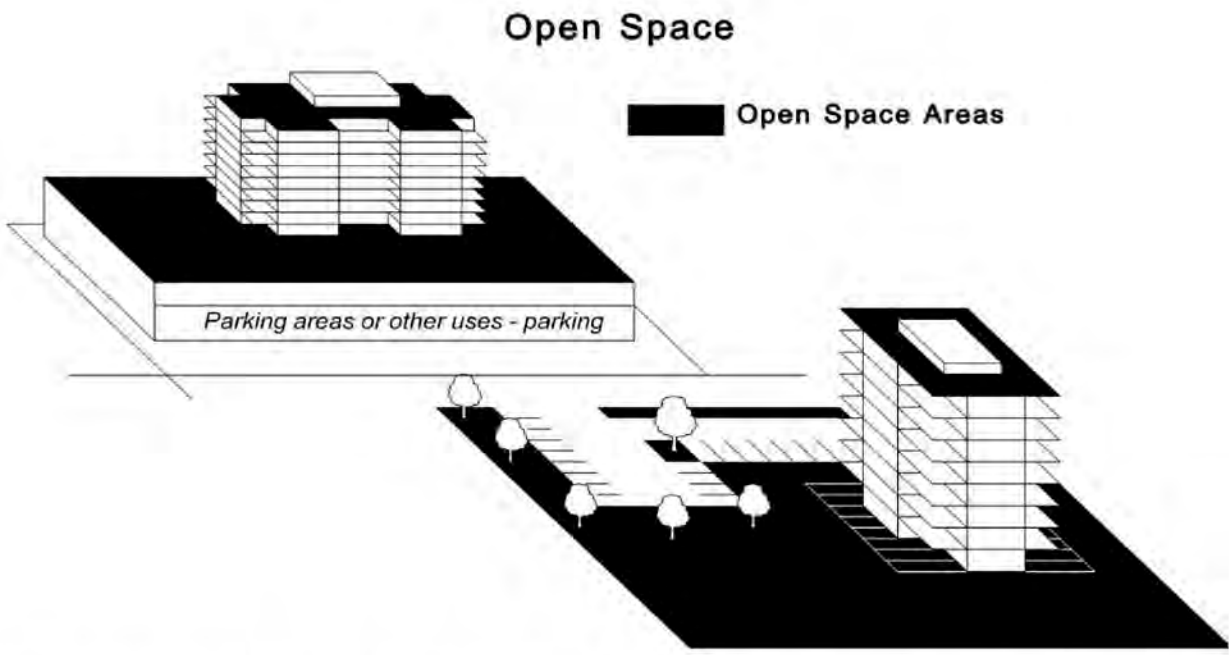


Figure 2. Open Space Ratio

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



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



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

ARTICLE III. SCOPE OF REGULATIONS

Section III-1. Compliance with Regulations
Section III-2. Evasion of Development Regulations

Section III-1. Compliance with Regulations

Except as expressly set forth in this Ordinance or other ordinances of the City of Urbana, this Ordinance should not be construed as waiving or reducing the manner of compliance with any provisions of other ordinances of the City of Urbana or the State of Illinois, including but not limited to building codes, subdivision ordinances, and traffic ordinances. Except in compliance with the provisions of this Ordinance, it shall be unlawful, within the corporate limits of the City of Urbana, to:

A. Erect a new building or structure, or portion thereof;

B. Establish, expand, enlarge, reconstruct, relocate, alter structurally, demolish or change any use of a building, structure, land, parking lot or portion thereof;

C. Excavate for, or build, any foundation;

D. Establish, expand, enlarge, relocate, re-establish, or change any nonconforming use, building, or structure;

E. Erect or establish more than one main structure, or more than one principal use, on one lot; or

F. Erect, alter structurally, add to, enlarge, or relocate any sign or part thereof.

Section III-2. Evasion of Development Regulations

Except as provided in Article X and Section XI-3 of this Ordinance, it shall be unlawful to offer to lease, lease, sell, convey, use, or build upon a lot or any part of a structure, if the effect of such action is:

A. To reduce the area of the lot below the minimum required by this Ordinance;

B. To exceed the maximum floor area ratio or building height permitted by this Ordinance;

C. To provide less than the usable open space ratio required by this Ordinance;

D. To reduce any dimension of a lot below the minimum or average required by this Ordinance;

E. To provide less than the minimum yards required by this Ordinance;

F. To provide less than the minimum number of parking spaces required by this Ordinance;

G. To occupy or permit occupancy or use beyond the limits of this Ordinance, or, in the case of an offer to lease, if the offer, if accepted, would have permitted or caused occupancy or use beyond the limits of this Ordinance.

H. To exceed the maximum sign area and height limits permitted by this Ordinance; or

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I. To reduce the amount of screening below the minimum or modify the required spacing of screening required by this Ordinance.

Any violation of this Ordinance is subject to penalties and fines as provided in Article XI of this Ordinance.

ARTICLE IV. DISTRICTS AND BOUNDARIES

Section IV-1. Number and Designation of Districts
Section IV-2. Purpose of Districts
Section IV-3. Official Zoning Map
Section IV-4. Interpretation of Map and District Boundaries
Section IV-5. Classification of Land Subsequently in the Jurisdiction of the City

Section IV-1. Number and Designation of Districts

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into 23 zoning districts, which are hereby established as follows:

AG	Agriculture
B-1	Neighborhood Business
B-2	Neighborhood Business – Arterial
B-3	General Business
B-3U	General Business – University
B-4	Central Business
B-4E	Central Business – Expansion
BYC	Boneyard Creek District
CCD	Campus Commercial District
CRE	Conservation-Recreation-Education
IN-1	Light Industrial/Office
IN-2	Heavy Industrial
MIC	Medical Institutional Campus
MOR	Mixed Office Residential
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single- and Two-Family Residential
R-4	Medium Density Multiple-Family Residential
R-5	Medium High Density Multiple-Family Residential
R-6	High Density Multiple-Family Residential
R-6B	High Density Multiple-Family Residential—Restricted Business
R-7	University Residential
BDR	Business Development and Redevelopment District

(Ord. No. 8384-25, § 2, 10-17-83; Ord. No. 9091-59, § 1, 11-19-90; Ord. No. 9091-60, § 1, 11-19-90; Ord. No. 9091-61, § 1, 11-19-90; Ord. No. 9091-62, § 1, 11-19-90; Ord. No. 9293-72, § 1, 02-01-93) (Ord. No. 1999-06-045, 06-11-99) (Ord. No. 2002-01-001, 01-07-02)

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Section IV-2. Purpose of Districts

In addition to the general purposes of this Ordinance, as listed in Section I-1, the various zoning districts also serve more specific individual purposes, as follows:

A. The *AG, Agriculture District* is intended to retain in agricultural and other compatible low intensity uses, areas where soil and topographic conditions are suitable for these uses, and into which the intrusion of urban uses would be inappropriate or untimely due to a lack of urban services and facilities.

B. The Business districts generally are intended to provide areas for commercial uses in districts accommodating the range of types, intensity, and physical forms of trade, commercial services, and offices.

1. The *B-1, Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.

2. The *B-2, Neighborhood Business-Arterial District* is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated by the City's adopted Comprehensive Plan and related amendments.

3. The *B-3, General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.

4. The *B-3U, General Business-University District* is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow buildings which are compatible with the size and scale of the University's buildings.

5. The *B-4, Central Business District* is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.

6. The *B-4E, Central Business Expansion District* is to provide areas in proximity to Downtown Urbana for a wide range of retail business, office, and service uses. This District is also intended to allow high density residential uses to insure an adequate supply of housing for persons who desire to reside near Downtown. The development regulations in this District are designed to encourage the construction of new buildings which are comparable with the size and scale of the buildings allowed in the B-4 Central Business District and which are also sensitive to nearby residential neighborhoods. The B-4E District is not intended to replace the existing B-4 zoning in Downtown Urbana but is to supplement it by encouraging the expansion of Downtown Urbana with new, attractive, and well-landscaped buildings and off-street parking lots. The purpose of this District is to accommodate the growth of Downtown Urbana with new developments that provide landscaping, setbacks, and off-street parking

greater than that required in the B-4 District and less than that required in the B-3, General Business District. (Ord. No. 9293-72, § 2, 02-01-93)

C. The *BYC, Boneyard Creek District* is a special district which is superimposed over other districts which lie along the Boneyard Creek through the City of Urbana. This special district is intended to allow appropriate use of the property, according to the district in which it is located, while also protecting and enhancing the drainage ways as a means of watershed management, and as a recreational and open space resource.

D. The *CCD, Campus Commercial District* is intended to create a district to provide opportunities for development of a commercial center to serve the University of Illinois campus and neighboring residential areas. The focus of this area of campus as the "gateway" to the University, the presence of public functions such as the Office of Admissions and Records, the Spurlock Museum, the Krannert Center for Performing Arts, the increased academic presence and adjacent strong residential neighborhoods all contribute to the area's demand for commercial services. Because, however, this area of campus must be designed to be compatible with other development in the area, a Special Use Permit is required for the establishment of a campus commercial district.

E. The *CRE, Conservation-Recreation-Education District* is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district.

F. The *IN-1, Light Industrial/Office District* is intended to provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located. In addition, some low intensity commercial uses may be permitted in this district to provide convenient goods and services for employees and patrons in the zoning district. Higher intensity commercial uses are generally prohibited. Low intensity industrial uses are permitted by right or as a special use, depending on the attributes of the proposed land use.

G. The *IN-2, Heavy Industrial District* is intended to provide land for employment centers for more intensive industrial uses that typically generate heavy demands on the transportation system, including the need for freight rail service. These uses may cause odors, dust, noise, and vibrations and generate significant amounts of truck and freight rail traffic. Land uses in this district should generally be separated from residential districts by land uses permitted in the IN-1 or B-3 zoning districts.

H. The *MIC, Medical Institutional Campus District* is intended as a conversion district to assist and encourage the development of the medical institutional and complementary land uses in a campus setting by creating special zoning approaches. These new zoning approaches are applicable to institutions which have multi-block common ownership of lands, have developed a long-range master site plan, and thereby have developed a campus support system of parking, loading and materials handling, decentralized support facilities reducing campus congestion, and interconnecting system of above and below ground corridors. At present, the Carle Foundation is the only medical institution land owner with these qualities which define a campus style and development approach and therefore a campus style zoning approach is reasonable.

It is the intent that the lands within the boundaries of the area described herein will constitute the Special District. All special regulations created by this Special District will only be applicable and in force on properties which are or will be developed as a hospital or related medical use and their support uses. To the extent properties within this Special District are not, or will not, be developed with a Medical Related Use, the special regulations created by this Special District shall not apply and the use of such property shall be regulated by the property's underlying zoning district, unless the property is rezoned to MIC per Article XI of the Urbana Zoning Ordinance.

MIC Special District Described: The regulation herein after established by this ordinance will be effective in the following described lands in the City of Urbana, County of Champaign, State of Illinois generally described as those within the boundaries of Lincoln Avenue, Church Street, the Conrail Railway Company right-of-way, and McCullough Street extended north to Church Street, more particularly illustrated as follows:

Applicability: The MIC District established by this ordinance shall be a conversion zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus as depicted on the map above. When the City of Urbana issues a building permit to the owner of a property in this area for the development of said property for a medical related use, as that term is defined in Section V-10, the property's zoning shall convert to MIC and the development regulations of the MIC district shall apply. Until that time, the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning. Upon the

owner's receipt of such a building permit, the subject property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. Additional regulations for the MIC District are located in Section V-10 of this Ordinance.

I. The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected. (Ord. No. 2003-11-120, 11-25-03)

J. The *Residential Districts* generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses. Basic urban services and utilities, including adequate access and utilities, are necessary for these districts.

1. The *R-1, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at low density.

2. The *R-2, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings.

3. The *R-3, Single- and Two-Family Residential District* is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings.

4. The *R-4, Medium Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at low and medium densities.

5. The *R-5, Medium High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.

6. The *R-6, High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to high.

7. The *R-6B, High Density Multiple-Family Residential – Restricted Business District* is intended to provide areas for a compatible mixture of limited business uses and residential development at densities ranging up to high. Both the uses permitted and the regulations on physical development make this district suitable as a buffer between more intensive commercial districts and lower density residential districts.

8. The *R-7, University Residential District* is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments. (Ord. No. 8384-25, § 3, 10-17-83, Ord. No. 9091-62, § 2, 11-19-90)

K. The *BDR, Business Development and Redevelopment District* pertains to downtown Urbana and surrounding area, and is intended to support implementation of the goals and policies of the Downtown Strategic Plan. These efforts are guided by the Urbana Business District Development and Redevelopment Commission.

Section IV-3. Official Zoning Map

A. The boundaries of the districts established in Section IV-1 of this Ordinance are hereby established as shown on a map designated as the "Official Zoning Map of Urbana, Illinois." This map and all notations, colors, references, legends, symbols, and text thereon pertaining to said districts shall be as much a part of this Ordinance as if fully described herein. This map, or reproductions thereof, certified as showing the districts created and approved, shall be available for public reference in the office of the City Clerk of Urbana, Illinois, and in the office of the Zoning Administrator of Urbana, Illinois.

B. At least once annually, no later than March 31 of each year, or more frequently as may be necessary, the City Clerk shall prepare an Official Zoning Map, which shall include any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the preceding calendar year. However, any change affecting the boundaries of districts or the classification of land shall be in full force and effect ten days after the publication of the Amendatory Ordinance effectuating it, regardless of whether such a change has yet been incorporated into the Official Zoning Map. If no changes in the Official Zoning Map were made in the preceding year, a new map need not be prepared. Copies of all Amendatory Ordinances and of the Official Zoning map shall be available for public reference in the office of the City Clerk.

Section IV-4. Interpretation of Map and District Boundaries

A. Except as herein provided, the boundaries of the districts as shown on the map accompanying and made a part of this Ordinance are generally intended to coincide with the center lines of streets and alleys, or with lot lines. If, on the map, the boundary line of a district:

1. Approximates the line of a street or alley, the boundary line shall be considered to be the center line of the street or alley;

2. Approximates the boundary line of a platted lot, the district boundary lines shall be considered to be the lot line; and

3. Divides a platted lot, or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.

B. The Boneyard Creek District and corridor limit lines as indicated on the Zoning Map shall be determined by the Zoning Administrator, according to the scale appearing on the map.

Section IV-5. Classification of Land Subsequently in the Jurisdiction of the City

All land which may hereafter be incorporated into the zoning jurisdictional area of the City of Urbana, Illinois, whether through annexation or otherwise, shall, unless a valid pre-annexation agreement in effect at the time of annexation provides otherwise, automatically be classified from its present or more recent classification under the Champaign County Zoning Ordinance, to a classification under the Urbana Zoning Ordinance, according to the following table.

TABLE IV-1. COUNTY TO CITY ZONING CONVERSION

Former Zoning District Champaign County	*New Zoning District City of Urbana*
C-R Conservation-Recreation	*CRE Conservation-Recreation-Education*
AG-1 Agriculture	*AG Agriculture*
AG-2 Agriculture	*AG Agriculture*
R-1 Single Family Residence	*R-1 Single Family Residential*
R-2 Single Family Residence	*R-2 Single Family Residential*
R-3 Two Family Residence	*R-3 Single and Two-Family Residential*
R-4 Multiple Family Residence	*R-4 Medium Density Multiple Family Residential*
R-5 Manufactured Home Park	*AG Agriculture*
B-1 Rural Trade Center	*B-1 Neighborhood Business*
B-2 Neighborhood Business	*B-1 Neighborhood Business*
B-3 Highway Business	*B-3 General Business*
B-4 General Business	*B-3 General Business*
B-5 Central Business	*B-4 Central Business*
I-1 Light Industry	*IN-1 Light Industrial/Office*
I-2 Heavy Industry	*IN-2 heavy Industrial*

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ARTICLE V. USE REGULATIONS

Section V-1. Uses Permitted by Right, Conditional Uses, and Special Uses
Section V-2. Principal and Accessory Uses
Section V-3. Table of Permitted Uses, by District
Section V-4. Regulation of Adult Entertainment Uses
Section V-5. Additional Use Regulations in the R-6B District
Section V-6. Regulation of Community Living Facilities
Section V-7. Additional Use Regulations in the B-2 District
Section V-8. Additional Use Regulations in the MOR District
Section V-9. Regulations for Common-Lot-Line Dwelling Units
Section V-10. Additional Regulations in the MIC District
Section V-11. Residential Occupancy Limits
Section V-12. Regulation of Home Occupation

Section V-1. Uses Permitted by Right, Conditional Uses, and Special Uses

A. In any district, no land or structure shall be used, and no structure or building shall hereafter be erected or structurally altered, except for:

1. One or more of the uses listed as permitted by right in that district in Table V-1;

2. One or more of the conditional uses listed for that district in Table V-1, provided that a conditional use permit therefore has been issued, according to the procedures specified in Article VII;

3. One or more of the special uses listed for that district in Table V-1, provided that a special use permit therefore has been issued, according to the procedures specified in Article VII.

B. In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. He/she may determine that such a use is either permitted by right, permitted as a conditional use, permitted as a special use, or not permitted in any particular district. He/she shall keep a written record of all determinations, which may be consulted in the future.

C. In the case of a lot which is not entirely in a single zoning district, the portion in each zoning district may be used only for uses and structures permitted by right in that district, or for uses and structures authorized by a conditional or special use permit. No structure shall be erected on the portion of the lot in one zoning district unless that portion and the structure on it complies with all development standards, including the minimum lot size, applicable to such portion of the lot.

Section V-2. Principal and Accessory Uses

A. The uses listed in Table V-1 are principal uses.

B. As indicated by Table V-1, a use may be permitted by right, conditional uses, and special uses in the various zoning districts.

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C. Except as otherwise provided, an accessory use or structure is permitted to accompany the principal use to which it is subordinate, where such principal use is either permitted by right or authorized by either a conditional or a special use permit.

D. A structure or use may be erected or established as an accessory structure or use to a permitted principal structure or use, provided that:

1. It is located on the lot occupied by or intended for the principal use or building established or existing, or on another lot under the provisions of Section V-3.E.

2. It is compatible in character and extent with the principal use and district where located;

3. It conforms with such other regulations as apply;

4. It is not prohibited by other City Ordinances;

5. It shall not be erected or established prior to the establishment or construction of the principal use or building, except as authorized by the Zoning Administrator;

6. It is customarily incidental to the principal structure or use.

7. If such accessory structures or buildings are to be located on a lot containing a single- or two-family dwelling, the maximum permitted area of the accessory building, regardless of the zoning district, shall be determined as follows:

a) If the footprint of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet for a single family dwelling or 800 square feet for a two-family dwelling. (Ord. No. 2011-02-007, 2-21-2011)

b) If the footprint of the single- or two-family dwelling on the lot is greater than 1500 square feet, the area of the accessory building(s) shall not exceed 50% of the footprint of that single- or two-family dwelling, or 1000 square feet, whichever is less.

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

8. It is not a principal use parking lot as defined in Article II of the Urbana Zoning Ordinance.

Section V-3. Table of Permitted Uses, by District

A. In Table V-1, the use listed in a horizontal row with the letter “P” is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter “P” appears, except as provided in paragraph B. below; similarly, the letter “C” indicates that the use is permitted as a conditional use in that district, and the letter “S” indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance. The letter “D” indicates that the use is permitted as a planned unit development, subject to the regulations and procedures specified in Article XIII of this Ordinance.

B. The use of right-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, water mains, sanitary sewers, and storm drains, whether belonging to a governmental body or a public utility, shall be considered to be permitted, conforming uses in each district.

C. Unless as exempted below, in any zoning district, more than one principal structure or building per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:

1. The uses are permitted by right or as a conditional use in the district in which the lot or parcel of land is located.

2. The lot or parcel of land does not qualify as a residential, commercial, or industrial PUD.

3. In zoning districts which permit multiple family residential uses, no conditional use permit shall be required to allow more than one multiple family residential building on a single lot.

D. In the R-6B, B-1, B-2, B-3, B-3U, B-4, B-4E, IN-1, IN-2, MOR Zoning Districts, more than one principal use is allowed in a single building without Zoning Board of Appeals Approval if the uses are permitted by right within the district in which the lot or parcel of land is located.

E. Properties within the Boneyard Creek District and Business Development and Redevelopment District are subject to special rules and procedures as set forth in Section XIII-4 and Section VII-9 respectively.

F. See Section VIII-4.L for regulations associated with accessory off-street parking.

G. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use. See Section VIII-4.L for regulations associated with accessory off-street parking.

Section V-4. Regulation of Adult Entertainment Uses

A. Adult entertainment uses listed as permitted in Table V-1 shall only be permitted as provided herein so that these uses will not unduly interfere with or adversely affect the public health, safety, comfort, morals, adjacent land uses, property values, or general welfare of the community.

1. No adult entertainment use shall be located or established within one thousand feet of another adult entertainment use, the distance being measured between the nearest lot lines.

2. No adult entertainment use shall be located or established on any lot that is within two hundred feet of any AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-2, B-3U, CCD, or MOR Zoning District.

3. No adult entertainment use shall be located or established within two hundred feet of any lot within which the principal use is a hospital. (Ord. No. 8384-46, § 2, 4-16-84; Ord. No. 9091-59, § 4, 11-19-90; Ord. No. 9091-60, § 4, 11-19-90; Ord. No. 9091-61, § 4, 11-19-90)

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

A. In the R-6B District, business uses shall be restricted to the basement or the first story above the basement. If the floor area occupied by business uses is greater than three thousand square feet, a residential use shall also be established on the zoning lot. When a residential use is required, the floor area devoted to residential use shall be equal to or greater than 50% of the total floor area occupied by a business use.

B. The requirements of Section V-3.C shall apply in the R-6B District except that the restriction requiring a conditional use permit for more than one principal use per building shall not apply.

Section V-6. Regulation of Community Living Facilities

Community living facilities listed as permitted in Table V-1 shall be restricted as follows:

A. No community living facility shall be located or established within 1,500 feet of another community living facility when located in the AG, R-1, R-2, and R-3 zoning districts, except by special use permit. (Ord. No. 8889-44, § 5,1-3-89; Ord. No. 9091-59, §5, 11-19-90; Ord. No. 9091-60, § 5, 11-19-90; Ord. No. 9091-61, § 5, 11-19-90; Ord. No. 9091-62, § 4, 11-19-90; Ord. No. 9091-120, § 5, 4-15-91; Ord. No. 9293-72, § 4, 2-1-93)

B. No community living facility shall be located or established within 1,000 feet of another community living facility when located in the R-4, R-5, R-6, R-6B, R-7, B-1, B-2, B-3U, B-4E, and MOR zoning districts, except by special use permit.

Section V-7. Additional Use Regulations in the B-2 District

A. In the B-2 District, if the floor area of a principal structure is intended or designed to be occupied by a residential use of more than 3,000 square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than 25% of the total floor area that is occupied by the residential use on the zoning lot. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1.

B. With reference to Section VIII-5.D, in one structure, collective off-street parking for mixed uses in principal structures shall not apply to residential uses in the B-2 District. In the case of mixed uses involving residential uses in this district, there shall be no reduction in the parking as required in Section VIII-5.

Section V-8. Additional Use Regulations in the MOR District

(Ord. No. 2009-03-015)

A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.

B. As an incentive to encourage the adaptive re-use of principal buildings, proposed changes to existing principal buildings which do not:

1. Increase the building footprint by more than 15 percent; or

2. Increase the floor area ratio by more than 15 percent; or

3. Include installing or enlarging a parking lot; or

4. Substantially change the building's appearance and/or scale, as determined by the Zoning Administrator in consultation with the Chair of the MOR Development Review Board;

may be reviewed administratively for compliance with MOR zoning ordinance requirements and design guidelines. Other site plans shall be reviewed by the Design Review Board, in accordance with the provisions of the Board as specified in Section XI-12 and shall also demonstrate consistency with the "MOR, Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

C. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects.

1. For site plans incorporating the adaptive re-use of existing structures, the MOR Development Review Board is empowered to authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:

a) Section VIII-3, Design and Specifications of Off-Street Parking;

b) Section VIII-4, Location of Parking Facilities;

c) Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;

d) Section VIII-6, Off-Street Loading Regulations;

e) Article VI, Development Regulations; and

f) Chapter 7 of the City Code, Fences.

D. *Appeals.* See Section XI-3.D for information regarding the appeals process. All appeals must be filed within 45 days as prescribed by the State Zoning Act (65 ILCS 5\11-13-12).

Section V-9. Regulations for Common-Lot-Line Dwelling Units

Common-lot-line dwelling units, as defined in Article II and as permitted in Table V-1 of this Ordinance, shall be allowed in conformance with Section VI-3.F and the following restrictions:

A. Subdivision of Land

1. The fee simple transfer of ownership of a portion of a lot improved with a duplex for the purpose of establishing separate ownership of common-lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this Ordinance and to the provisions of Section 21-19 in Chapter 21 of the Urbana City Code. Each lot shall contain no more than one common-lot-line dwelling unit.

2. After a common-lot-line subdivision has been recorded, the lots shall be developed exclusively for common-lot-line dwelling units and for no other type of development. Any change in the type of development on said platted lot(s) may require approval of a new subdivision plat.

B. 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 V-10. Additional Regulations in the MIC District.

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 Overlay Zoning District: medical related uses, drugstore, day care center, 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 Overlay 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:

   1. If the structure is 0 to 20,000 square feet, the health care-related or professional medical office use must exceed 60% of the building's net floor area.

   2. If the structure is 20,001 square feet to 50,000 square feet, the health care-related or professional medical office use must exceed 70% of the building's net floor area.

   3. If the structure is 50,001 square feet or more, the health care-related or professional medical office use must exceed 80% of the building's net floor area.

C. Uses in this overlay district must provide 100% of the required off-street parking per Table VIII-7 "Parking Requirements by Use."

D. The maximum floor area ratio (FAR) for the MIC district is 9.0. (Ord. No. 9596-48, § 4, 12-4-95).

Section V-11. Residential Occupancy Limits

A. These regulations are intended to prevent over-occupancy of dwelling units in order to protect the character and intent of each residential zoning district. The occupancy limits defined herein are in addition to regulations in the building and fire codes adopted by the City. In any case where there are conflicting occupancy limits, the stricter regulation shall apply. Definitions related to occupancy are located in Article II of this Ordinance.

B. Such actions that permit occupancy or use beyond the limits of this Ordinance, or, in the case of an offer to lease, if the offer, if accepted, would have permitted or caused occupancy or use beyond the limits of this Ordinance shall be prohibited as set forth in Section III-2.G.

C. A dwelling unit in the following classes of uses shall be occupied at any given time by no more than one household, as defined herein, and no more than three additional persons not related to said household: single-family, duplex, common lot line, multiple-family, mobile home or loft.

D. A dwelling unit in the following classes of uses shall be occupied at any given time by no more than the maximum occupancy limit specified on the Certificate of Occupancy: single-family extended group occupancy, duplex extended group occupancy, community living facility, dormitory, home for adjustment, hotel or motel, nursing home, home for the aged, or bed and breakfast.

E. *Boarding/Rooming House*. A boarding house or rooming house shall be occupied at any given time by no more than 15 persons, related or unrelated, or fewer as specified in the Certificate of Occupancy.

F. Occupancy of any hotel or motel, or bed and breakfast inn, by any individual shall be limited to no more than 30 consecutive days; provided that such occupancy shall be allowed for more than 30 days within extended stay units as defined in Section II-3 and which comply with the City of Urbana adopted residential building and fire codes, as amended. (Ord. No. 2012-02-019, 1-16-2012)

Section V-12. Regulation of Home Occupation.

Any person seeking a Home Occupation shall submit an application to be reviewed by the Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations shall be permitted 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

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

3. The occupation is wholly operated and contained within the dwelling; and

4. No materials or equipment are stored outside the dwelling unit; and

5. No more than two commercial or business vehicles used in conjunction with the home occupation may be on the premises at any one time and no more than five vehicle visits per day; and

6. 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; and

7. 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.

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, expect 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 V-13. Regulation of Medical Cannabis Uses

A. Medical cannabis uses listed as permitted in Table V-1 shall only be permitted as provided herein so that these uses will not unduly interfere with or adversely affect the public health, safety, comfort, adjacent land uses, property values, or general welfare of the community.

B. Medical cannabis uses shall only be allowed in locations that are consistent with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/):

1. No medical cannabis cultivation center shall be located on a parcel whose property line is within 2,500 feet of the property line of a pre-existing public or private preschool or elementary school or secondary school or day care center, day care home, group day care home, part day child care facility, or any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District.(410 ILCS 130/105(c))

2. No medical cannabis dispensary shall be located on a parcel whose property line is within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, or in a house, apartment, or condominium, or on any lot in an R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-3U or MOR Zoning District.(410 ILCS 130/130(d))

TABLE V-1. TABLE OF USES

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
Agriculture																				
Agriculture, Cropping	P	P	P	P	P	P	P		P								P		P	P
Agriculture, General									P								P			
Artificial Lake of one (1) or more acres	C	C	C	C	C	C			C								C			C
Commercial Breeding Facility									P											C
Farm Chemicals and Fertilizer Sales Including Incidental Storage and Mixing of Blending Fertilizer																			P	P
Farm Equipment Sales and Service									P			P							P	C
Feed and Grain (Sales only)									C			P	P	C	C					
Garden Shop									C	P	P	P	P	P	P			P		
Grain Storage Elevator and Bins									C											C
Livestock Sales Facility and Stockyards									C											C
Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities****									S								S			C
Plant Nursery or Greenhouse									P	C	C	P	C	P	P		S	P		
Roadside Produce Sales Stand									P			P	P							
Public and Quasi-Public																				
Church, Temple or Mosque	S	S	S	P	P	P	P	S	S	P	P	P	P	P	P		S	P	C	
Correctional Institution or Facility												S		S	S				S	S
Electrical Substation	S	S	S	C	C	C	C		S	C	C	P		P	P				P	P
Elementary, Junior High School, or Senior High School	P	P	P	P	P	P			P					S			P			
Fairgrounds****									S											
Farmer's Market												P		P	P		S			
Hospital or Clinic					S	S			S			S	S	S	S				S	
Institution of an Educational or Charitable Nature	S	S	S	P	P	P	P		S	P	P	P	P	P	P		S	P	C	
Library, Museum or Gallery	S	S	S	P	P	P	P			P	P	P	P	P	P		P	P		
Methadone Treatment Facility					S	P			S			P	P	P	P				P	
Municipal or Government Building	C	C	C	P	P	P	P		C	P	P	P	P	P	P		P	P	P	P
Nonprofit or Governmental, Educational and Research Agencies												C	C	C	C	S	P		P	P
Park	P	P	P	P	P	P	P		S	P	P	P	P	P	P		P	P	P	P
Police Station or Fire Station			S	S	S	S	S		S	P	P	P	P	P	P	S			P	P
Principal Use Parking Garage or Lot				S	S	S	S				P	P	P	P	P			S	P	P
Public Maintenance and Storage Garage												P					P		P	P
Public or Commercial Sanitary Landfill****									S											C
Radio or Television Tower and Station									S			C	C	S	S				C	C
Sewage Treatment Plant or Lagoon****									S								S			C
University/College												P	P	P	P	P	P		P	
Utility Provider											S	P	P	P	P				P	P
Water Treatment Plant****									S										S	C

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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																				
Adult Entertainment																				
Adult Entertainment Uses												P		P						
Food Sales and Service																				
Bakery (Less than 2,500 square feet)							P			P	P	P	P	P	P	S		C	C	
Banquet Facility										C	C	P	P	P	P	P		C	P	
Café or Deli							C			C	P	P	P	P	P	S		P	C	
Catering Service										C	P	P	P	P	P	P		C	P	
Confectionery Store							P			P	P	P	P	P	P	S		P		
Convenience Store							C			S	P	P	P	P	P	S		P	P	
Fast-food Restaurant										C	C	P	P	P	P				C	
Meat and Fish Market										P	P	P	P	P	P	S		S		
Liquor Store											C	P	P	P	P					
Restaurant							C			C	P	P	P	P	P	S		C	C	
Supermarket or Grocery Store							C			**	P	P	P	P	P					
Tavern or Night Club												P	P	P	P				C	
Wholesale Produce Terminal																			P	P
Personal Services																				
Ambulance Service												P	P	P	P				P	P
Barber/Beauty Shop							P			P	P	P	P	P	P	S		P	P	
Dry Cleaning or Laundry Establishment										S	P	P	P	P	P	S			P	C
Health Club/Fitness							C			*	P	P	P	P	P	S		P	P	
Laundry and/or Dry Cleaning Pickup							P			S	P	P	P	P	P	S			P	
Massage Therapist										P	P	P	P	P	P			P		
Medical Carrier Service												P	P	P	P				P	P
Mortuary					C	C	C			C	P	P	P	P	P			P		
Movers												P							P	P
Pet Care/Grooming							P			P	P	P	P	P	P			P		
Self-Service Laundry							C			P	P	P	P	P	P					
Shoe Repair Shop							P			P	P	P	P	P	P	S		P		
Tailor and Pressing Shop							P			P	P	P	P	P	P	S		P		
Professional and Financial Services																				
Bank/Savings and Loan Association							P			P	P	P	P	P	P	S		P	P	P
Check Cashing Service							P			C	P	P	P	P	P			P	P	P
Copy and Printing Service							P			P	P	P	P	P	P	S		P	P	
Express Package Delivery Distribution Center																			P	P
Packaging/Mailing Service										C	P	P	P	P	P	S			P	
Professional and Business Office				S	C	C	P			P	P	P	P	P	P	S		P	P	P
Vocational, Trade or Business School									C			P	P	P	P		P	P	P	C
Retail Trade																				
Antique or Used Furniture Sales and Service										*		P	P	P	P	S		P		
Appliance Sales and Service										P	P	P	P	P	P					
Art and Craft Store and/or Studio							P			*	P	P	P	P	P	S		P		
Bicycle Sales and Service							C			*	P	P	P	P	P	S		P		
Building Material Sales (All Indoors Excluding Concrete or Asphalt Mixing)												P	P	P	P				P	P
Clothing Store							P			*	P	P	P	P	P	S		P		

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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**
Retail Trade (Cont.)																				
Department Store												P	P	P	P					
Drugstore							P			S	P	P	P	P	P	S		P		
Electronics Sales and Service							P			P	P	P	P	P	P	S		P		
Firearm Store†												S							S	
Florist							P			P	P	P	P	P	P	S		P	P	
Hardware Store										P	P	P	P	P	P			P	P	
Heating, Ventilating, Air Conditioning Sales and Service										C	P	P	P	P	P				P	P
Jewelry Store							P			P	P	P	P	P	P	S		P		
Monument Sales (Excluding Stone Cutting)												P	P	P	P					
Music Store							P			P	P	P	P	P	P	S		P		
Office Supplies/Equipment Sales and Service												P	P	P	P			P	P	
Pawn or Consignment Shop												P		P	P					
Pet Store										*	P	P	P	P	P			P		
Photographic Studio and Equipment Sales and Service							P			*	P	P	P	P	P	S		P	P	P
Shoe Store							P			*	P	P	P	P	P	S		P		
Sporting Goods							C			*	P	P	P	P	P	S		P		
Stationery, Gifts, or Art Supplies							P			P	P	P	P	P	P	S		P		
Tobacconist							P			P	P	P	P	P	P			P		
Variety Store							P			P	P	P	P	P	P	S		P		
Video Store							P			**	P	P	P	P	P	S		P		
All Other Retail Stores							C			S	C	P	P	P	P			C	C	
Recreation																				
Athletic Training Facility							C					P	P	P	P			P		
Bait Sales									C			P		P	P		C			
Bowling Alley												P	P	P	P					
Camp or Picnic Area****									P								C			
Commercial Fishing Lake									C								C			
Country Club or Golf Course	P	P	P	P	P	P	P		P								C			
Dancing School										*		P	P	P	P	S		P		
Driving Range									P			P					C			
Gaming Hall *****												P		P	P					
Lodge or Private Club	C	C	C	C	P	P			C	C	C	P	P	P	P		C	C		
Miniature Golf Course									P			P					C			
Outdoor Commercial Recreation Enterprise (Except Amusement Park)****									C			P	P	P	P		C			
Pool Hall												P	P	P	P	S		P		
Private Indoor Firing Range††									S								S		S	
Private Indoor Recreational Development									C			P	P	P	P	S	C	P		
Resort or Organized Camp****									C								C			
Riding Stable****									P								C			
Theater, Indoor										S		P	P	P	P			P		
Theater, Outdoor****									C		C									

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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**
Transportation																				
Airport****									C										C	C
Air Freight Terminal									S										C	C
Heliport****									C										C	S
Motor Bus Station												P		P	P				P	P
Railroad Yard and Freight Terminal																			C	P
Taxi Service											C	P	C	C	P				P	P
Truck Terminal****/Truck Wash																			P	P
Vehicular Sales and Service																				
Automobile Accessories (New)							C			C	C	P	P	P	P					
Automobile Salvage Yard (Junkyard)																				S
Automobile, Truck, Trailer or Boat Sales or Rental												P							P	P
Automobile/Truck Repair												P		C					P	P
Car Wash												P	P						P	C
Gasoline Station										S	C	P	C	C	C				P	P
Mobile Home Sales												P								
Towing Service												S							C	P
Truck Rental												P							P	P
Truck Stop												S								P
Miscellaneous Business																				
Auction Sales (Non-Animal)												P	P	P	P					
Aviation Sales, Service or Storage									C										P	P
Cemetery****									C								C			
Commercial Planned Unit Development (See Section XIII-3)											D	D	D	D	D	D			D	D
Construction Yard									C										C	P
Contractor Shop and Showroom (Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops)										C	C	P	P	P	P				P	P
Crematorium									C			C	C							
Day Care Facility (Non-Home Based)	C	C	C	C	C	C	C			C	C	C	C	C	C			P	C	C
Kennel****									C										P	P
Lawn Care and Landscaping Service										C	C	P	P	P	P				P	P
Lumber Yard																			P	P
Mail Order Business (less than 10,000 square feet of gross floor area)										C	P	P	P	P	P				P	P
Mail Order Business (greater than 10,000 square feet of gross floor area)												P	S						P	P
Medical Cannabis Dispensary												P		P					P	
Mixed-Use Planned Unit Development (See Section XIII-3)				D	D	D	D	D		D	D	D	D	D	D	D		D	D	
Radio or TV Studio									C	C	C	P	P	P	P				P	P
Shopping Center - Convenience							S			S	S	P	S	S	S	S			P	P
Shopping Center - General												P	S	S	S	S				
Self-Storage Facility												C							P	P
Warehouse																			P	P
Wholesale Business												P	P	C	C				P	P
Veterinary Hospital - Large Animal****									C										C	C
Veterinary Hospital - Small Animal****									C			C	C						P	C

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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
Residential																				
Assisted Living Facility				C	P	P	P				P	C	P	C	C			P		
Bed and Breakfast Inn										P	P	P	P	P	P			P		
Bed and Breakfast, Owner Occupied	C	C	C	C	C	C	C	C		P	P	P	P	P	P			P		
Boarding or Rooming House				P	P	P	P	P			P		P	P	P			P		
Dormitory				P	P	P	P	P			P		P	C	C			P		
Dwelling, Community Living Facility, Category I	P	P	P	P	P	P	P	P	P	C	P		P					P		
Dwelling, Community Living Facility, Category II		C	P	P	P	P	P	P		C	P	P	P	P	P			P		
Dwelling, Community Living Facility, Category III				P	P	P	P	P		C	P	P	P	P	P			P		
Dwelling, Duplex***		C	P	P	P	P	P			C	P		P					P		
Dwelling, Duplex (Extended Occupancy)***		C	P	P	P	P	P			C	P		P					P		
Dwelling, Home for Adjustment				S	P	P	P	S			P	P	P	P	P			S		
Dwelling, Loft							P			P	P	P	P	P	P	S		P		
Dwelling, Multifamily				P	P	P	P			C	P	S	P	P	P	S		P		
Dwelling, Multiple-Unit Common-Lot-Line***				P	P	P	P	P		S	C		P	P	P					
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	C	P		P					P		
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P	P	P	C	P		P					P		
Dwelling, Two-Unit Common-Lot-Line***		C	P	P	P	P	P				P							P		
Hotel or Motel									C			P	P	P	P				P	
Mobile Home Park (See Section VII-2)									S											
Mobile Home in approved Mobile Home Park									P											
Nursing Home				C	P	P	P				P	C	P	C	C					
Residential Planned Unit Development (See Section XIII-3)		D	D	D	D	D	D	D								D		D		
Industrial																				
Bookbinding											C	C	C	C	C				P	P
Building Paper, Paper Containers and Similar Products Manufacturing																				P
Chemicals and Allied Product Manufacturing																				S
Confectionery Products Manufacturing and Packaging											C	C	C	C	C				P	P
Electrical and Electronic Machinery, Equipment and Supplies Manufacturing																			C	P
Electronics and Related Accessories - Applied Research and Limited Manufacturing												C	P	C	C				P	P
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing												C	C	C	C				P	P
Grain Mill Products Manufacturing and Packaging																				P
Household and Office Furniture Manufacturing																			P	P
Industrial PUD																			D	D
Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing and Processing																			C	P

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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**	**RE**	**MOR**	**IN-1**	**IN-2**
Industrial (Cont.)																				
Light Assembly Manufacturing, 50,000 gross square feet or less																			P	P
Light Assembly Manufacturing, more than 50,000 gross square feet																			C	P
Manufacturing and Processing of Apparel and Related Finished Products Manufacturing																			C	P
Manufacturing and Processing of Athletic Equipment and Related Products														C					C	P
Manufacturing and Processing of Plastic Products, Including Blow-Molding or Injection-Molding																				P
Mechanical Measuring and Controlling Instruments Manufacturing																			C	P
Medical Cannabis Cultivation Center									C										S	P
Microbrewery											S	P		P	P				P	P
Miscellaneous Finished Products Manufacturing Including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, and Similar Products																			C	P
Motion Picture Production Studio										S	C	C	C	C	C				C	P
Motor Vehicles Parts and Accessories Manufacturing																			C	P
Musical Instruments and Allied Products Manufacturing																			C	P
Office and Artists Materials Manufacturing (Except Paints, Inks, Dyes and Similar Products)																			P	P
Optical Instruments and Lenses Manufacturing																			C	P
Photographic Equipment and Supplies Manufacturing																			C	P
Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing												C	C	C	P				P	P
Recycling Center																			S	S
Signs and Advertising Display Manufacturing														C	C				C	P
Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing												C	C	C	C				C	P
Theoretical and Applied Research, Development and Prototype Light Manufacturing of the Following: Drugs, Chemicals Food Products, Rubber and Petroleum Products, Light Fabricated Metal Products, Electrical Products, Physical and Aerospace Sciences, Wood and Wood Products, Non-electrical Machinery, Textiles, Glass Ceramic Products																			P	P
Watches, Clocks and Clockwork Operated Devices Manufacturing																			C	P
Wool, Cotton, Silk and Man-made Fiber Manufacturing																			C	P
All Other Industrial Uses																			S	S

Table V-1 Notes:
* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Conditional Use when the gross square footage is greater than 3,500 square feet per floor.
** Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Special Use when the gross square footage is greater than 3,500 square feet per floor.
*** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units
****See Table VII-1 for Standards for Specific Conditional Uses
***** The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.
† See Section VII-5.D for Standards for Firearm Stores
†† See Section VII-5.E Standards for Private Indoor Firing Ranges

ARTICLE VI. DEVELOPMENT REGULATIONS

Section VI-1. Applicability
Section VI-2. Height
Section VI-3. Lot Area and Width
Section VI-4. Floor Area
Section VI-5. Yards
Section VI-6. Screening
Section VI-7. Drainage and Storm Water Runoff
Section VI-8. Outdoor Lighting Standards

Section VI-1. Applicability

Except as otherwise provided, every principal and accessory building and use in all Zoning Districts shall be subject to the applicable standards.

Section VI-2. Height

A. Height limits for principal structures in any given district shall be set forth in Table VI-3.

B. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

C. Chimneys, towers, elevator bulkheads, monuments, stacks, tanks, spires, church steeples, antennae, and necessary mechanical devices appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted codes and ordinances of the City of Urbana, Illinois.

D. 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 exceeds two stories or 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.G.3 and Section VI-5.H.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.

E. Accessory buildings in the R-1, R-2, R-3, and R-4 Districts shall not exceed a height of 15 feet. Accessory buildings in the R-5, R-6, and R-7 Districts shall not exceed a height of 15 feet, or one-half the height of the principal building, whichever is greater. (Ord. No. 9091-59, § 8, 11-19-90; Ord. No. 9091-60, § 8, 11-19-90; Ord. No. 9091-62, § 5, 11-19-90)

Section VI-3. Lot Area and Width

A. In the case of a lot in the AG or CRE District which was of public record before December 17, 1979, or in the case of a lot in the R-1 District which was of public record on or before December 21, 1970, or in the case of a lot in any other district which was of public record on or before November 6, 1950, if such lot has less area or width than herein required, that lot may be used for any of the uses permitted in that district, provided that all other requirements of this Ordinance, including yard, height, floor area ratio, open space ratio, and off-street parking for the respective districts and uses are

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complied with. The uses, buildings, or structures on such a lot shall not be considered nonconforming due solely to the nonconformity of the lot.

B. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

C. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of the Urbana Zoning Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.

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 and open space 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 which 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)

E. Common-Lot-Line Dwelling Units

1. Each lot which contains a common-lot-line dwelling unit shall be considered separately and independently from adjoining common-lot-line dwelling units for the purpose of calculating floor area ratio, open space ratio, front yards, and rear yards.

2. The standards for minimum lot area and lot width for common-lot-line dwelling units shall be as follows:

   a) For a common-lot-line building which contains three or more dwelling units: Each lot shall have a minimum lot area of 2,000 square feet and a minimum street frontage of 20 feet.

   b) For lots that are zoned R-2 or R-3 and were originally platted before December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of 30 feet.

   c) For lots that are zoned R-2 or R-3 and were originally platted after December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 4,500 square feet and a minimum street frontage of 40 feet.

   d) For lots that are zoned R-4, R-5, R-6, R-6B, B-2 or MOR, on which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of 30 feet.

3. For the purpose of calculating side yards, a dwelling unit on the end of a common-lot-line building shall have a single side yard which conforms to the standards for side yards for the zoning district

in which the building is located as set forth in Table VI-3 and Section VI-5 of this Ordinance. No side yards shall be required for interior lots in a common-lot-line subdivision. (Ord. No. 9293-109, § V-9, 5-17-93)

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. 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)

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.

B. 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.

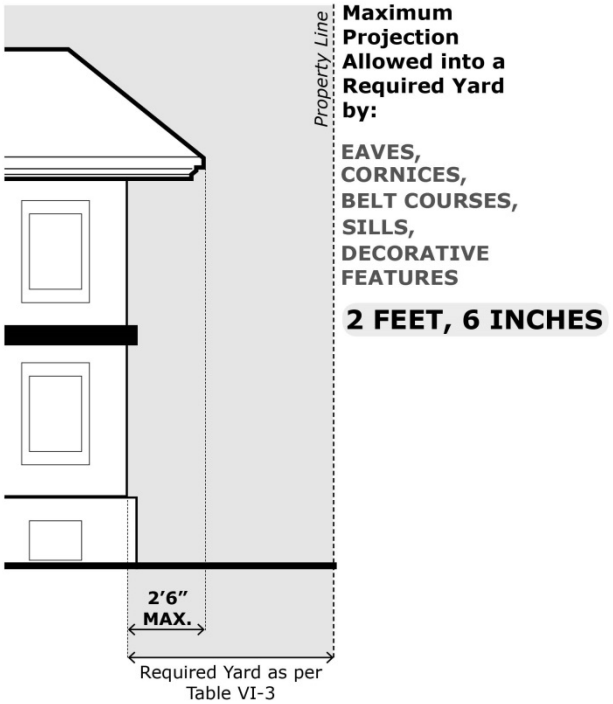
Section VI-5. Yards

A. *Definitions*. See Article II for the definition of the various types of yards.

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, 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):

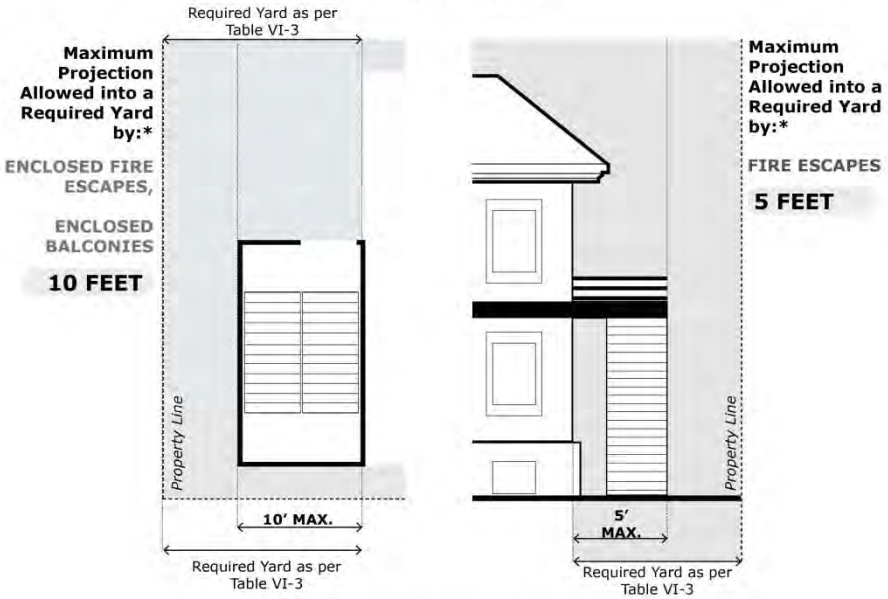
1. Cornices, sills, belt courses, eaves, and other ornamental features to a distance of not more than two feet, six inches.

Section VI-5 Yards B.1



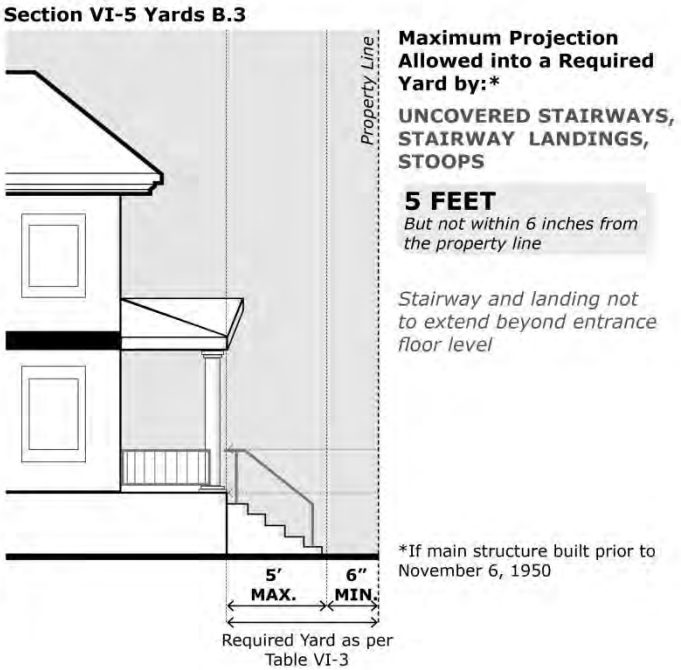
2. Fire escapes to a distance of not more than five feet, or enclosed fire escapes and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet and when the main structure was built prior to the November 6, 1950. The encroachment or projection shall not be permitted on new construction.

Section VI-5 Yards B.2

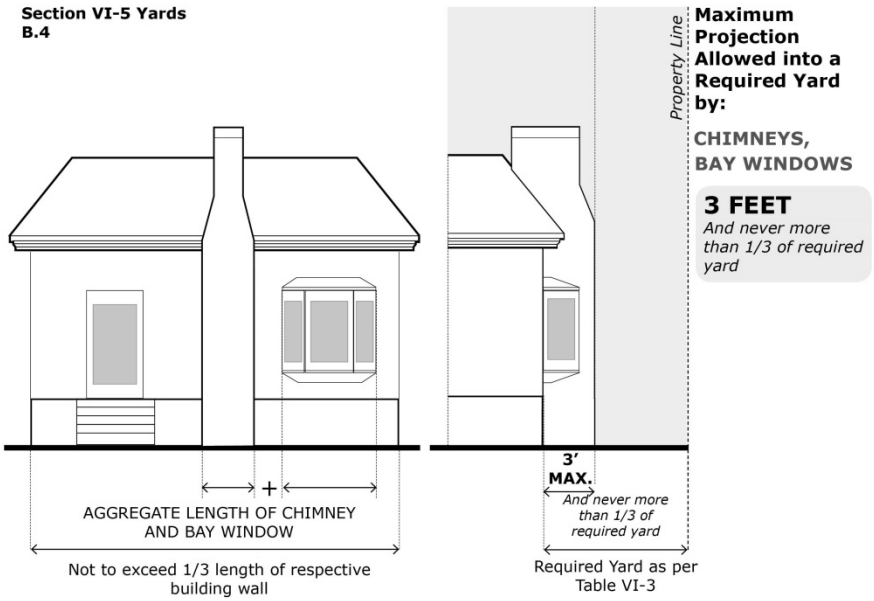


*If main structure built prior to November 6, 1950

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.



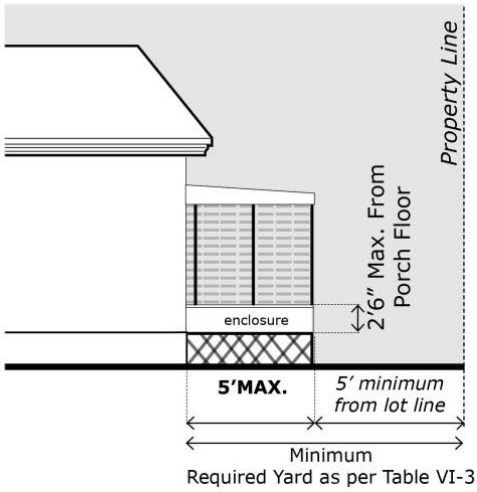
4. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required 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.

Section VI-5 Yards
B. 5

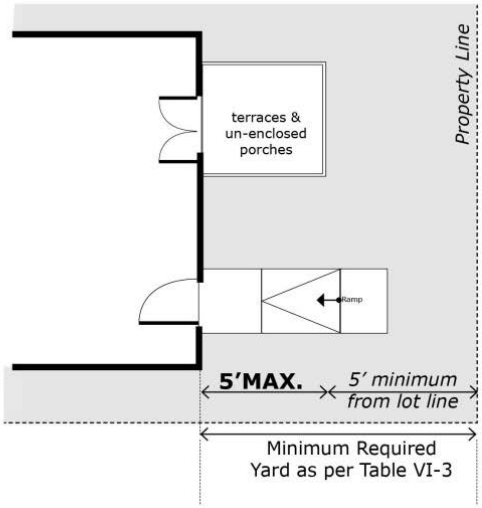


Maximum Projection Allowed into a Required Yard by:

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

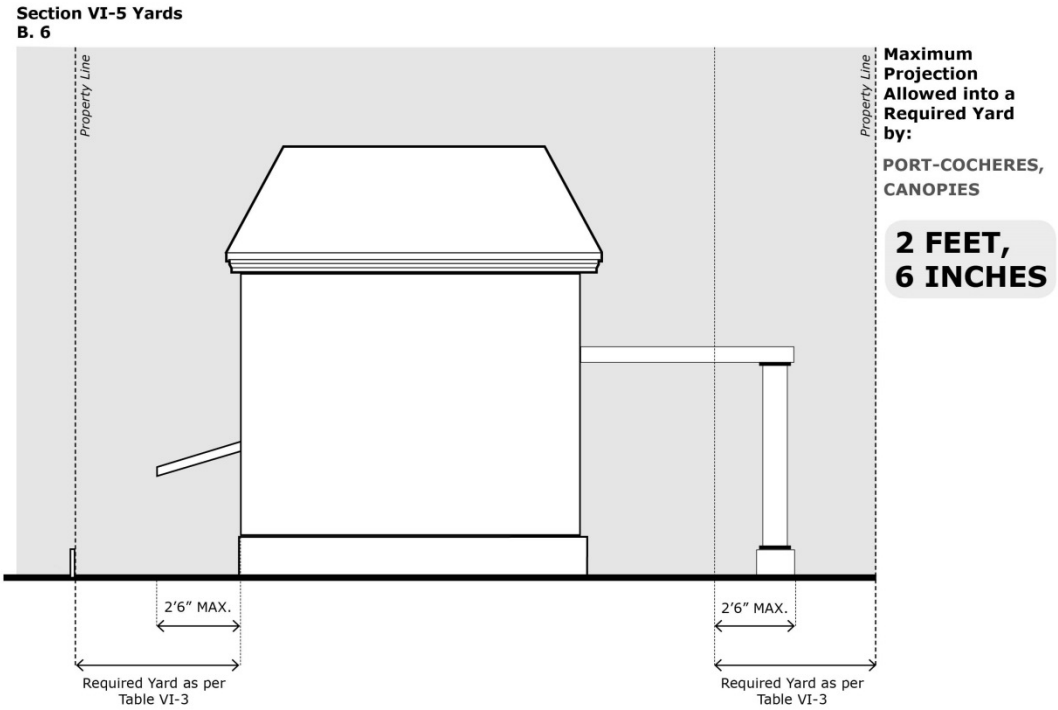
5 FEET
Regardless of average setback, but not within 5 feet of lot line



Exception:

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

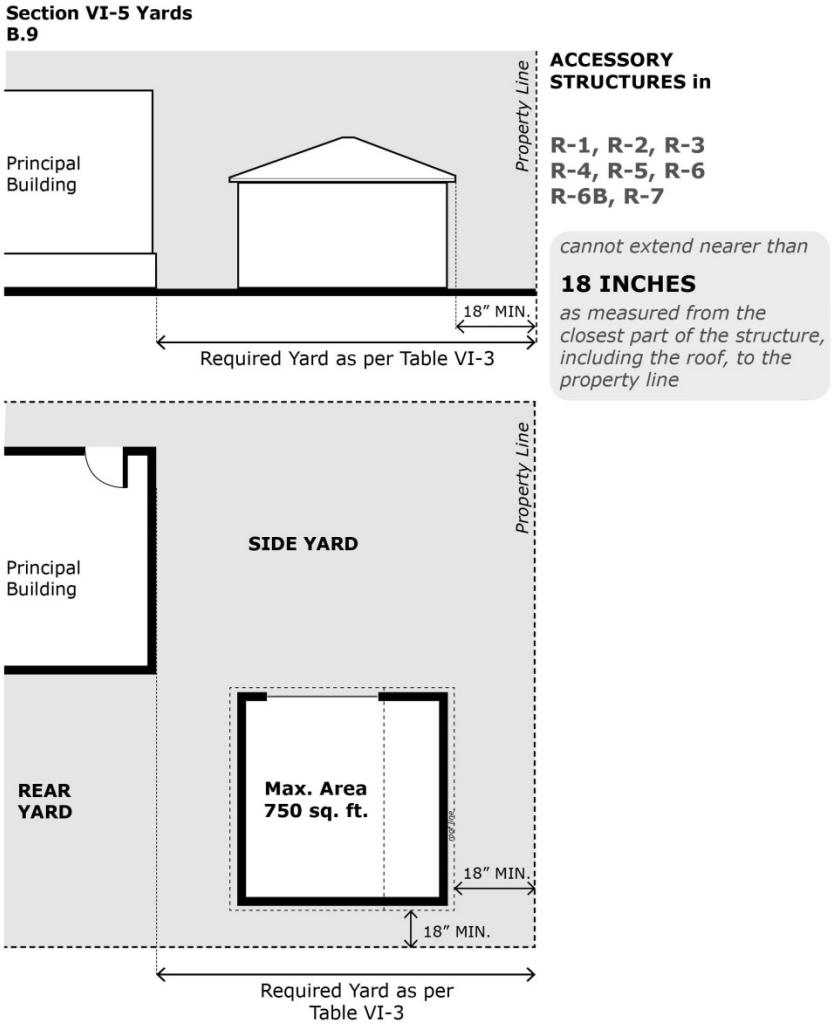
6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.



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 can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.



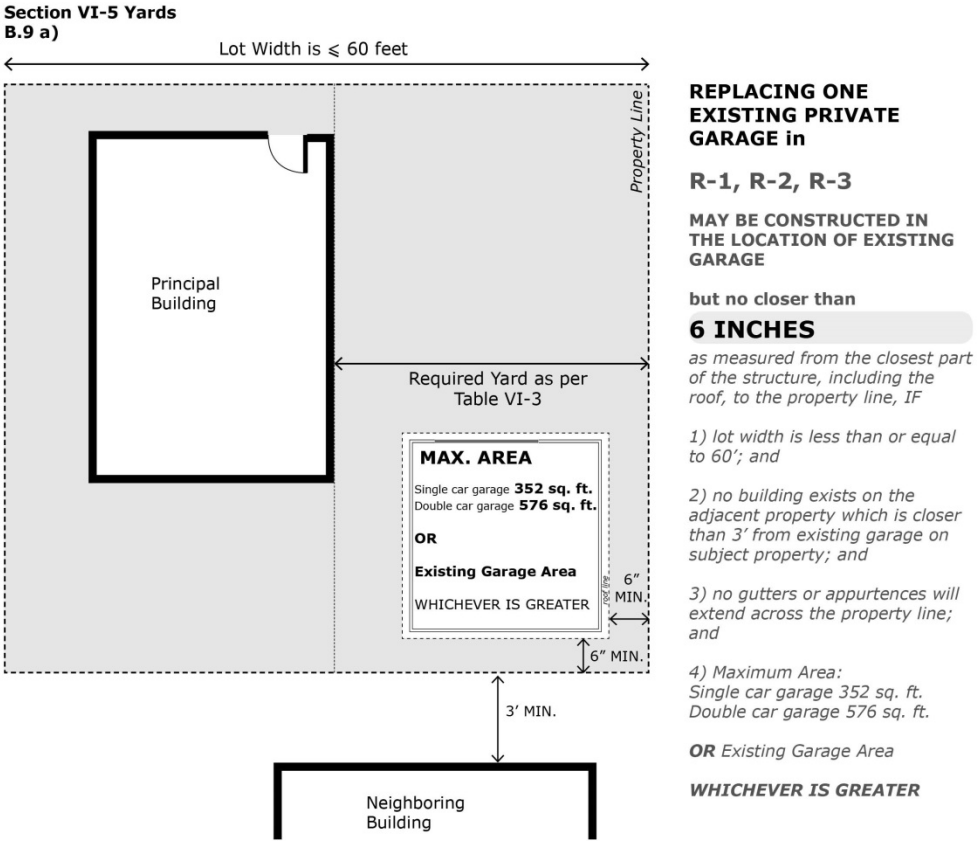
a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side or rear lot line, measured from the closest part of the structure, if all of the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



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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:

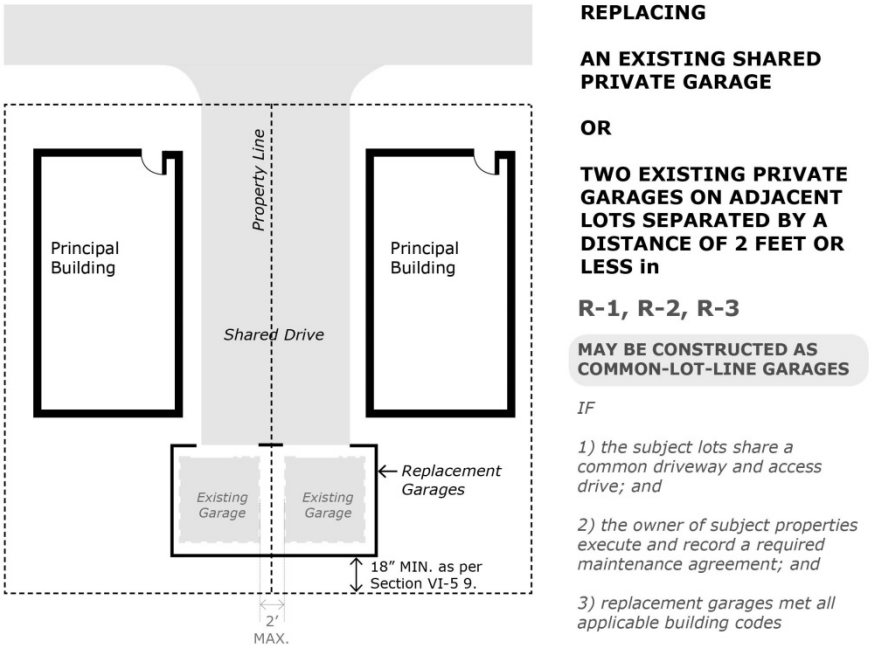
1) The subject properties share a common driveway and access drive;

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.

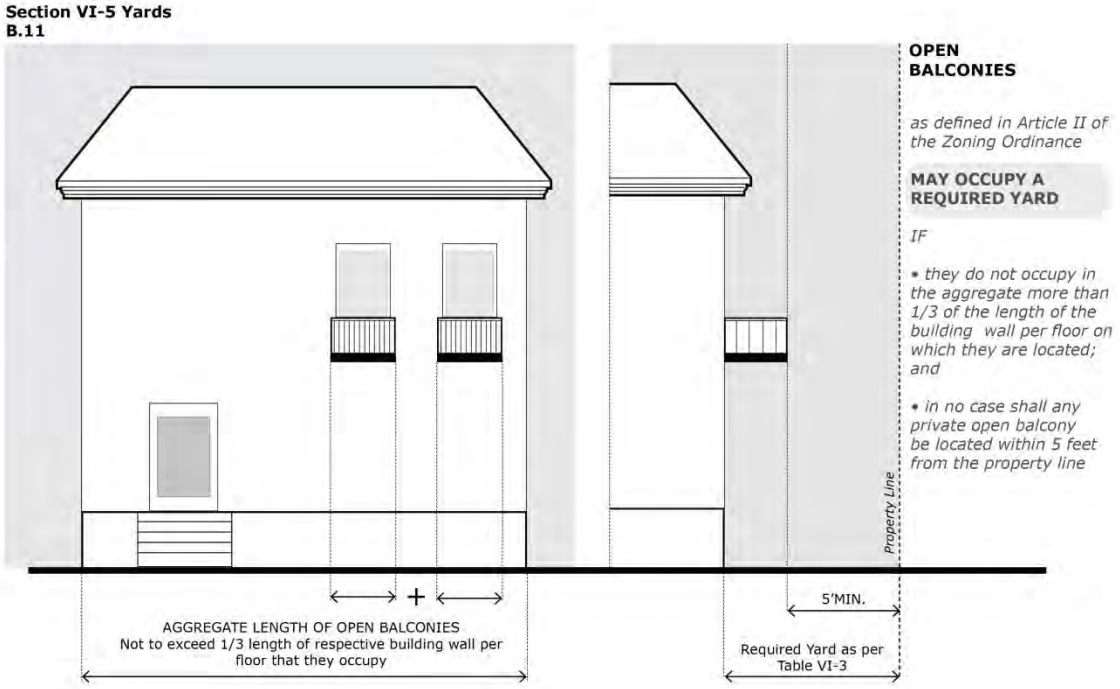
(Ord. No. 2009-03-019)

Section VI-5 Yards
B.9 b)



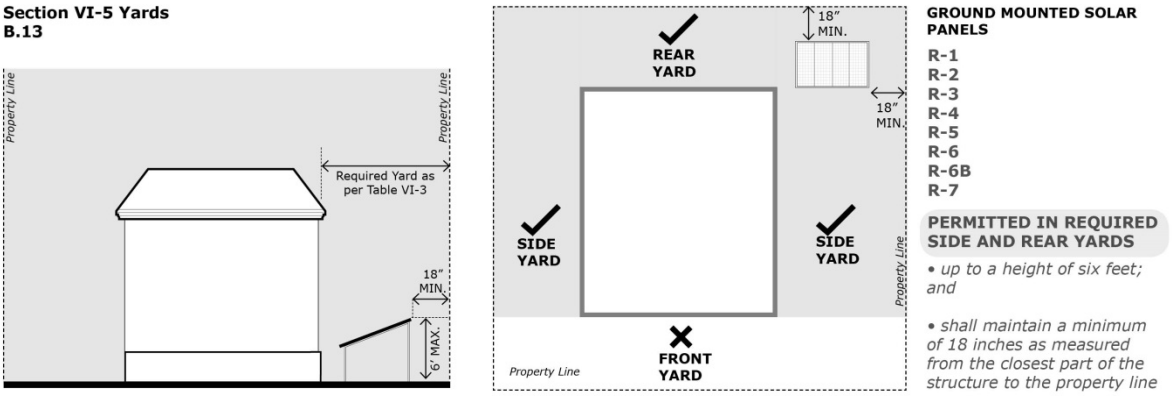
10. Flagpoles, decorative lights, lattices, bird baths, bird houses, planting beds, and other landscape features.

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.

C. In the B-1, B-2, B-3, B-4, B-4E, IN-1 or IN-2 District, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of 100 feet or less in width from the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 District shall be the same as that required in the latter District. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.

D. Multiple Frontage Lots

1. Lots having frontage on two or more streets shall have a required front yard on each street frontage, as provided in Table VI-3 and in Section VI-5, except that neither the buildable width nor depth of the lot shall be reduced to less than 30 feet, except for common-lot-line dwelling units where the buildable width may be reduced to 20 feet as provided in Section V-9 of this Ordinance. On lots having frontage on two or more streets in the R-6 and R-6B Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VI-3. (Ord. No. 9596-58, 11-20-95)

2. Except for common-lot-line dwelling units, which may have a buildable width of 20 feet as provided in Section V-9 of this Ordinance, the provision of required side yards shall not reduce the buildable width of a lot to less than 30 feet, except that a required relation to the height of the building, as provided in Table VI-3 and in Section VI-5, the buildable width of the lot may be reduced to less than 30 feet, as may be necessary in order to provide the yards as required in relation to the building height.

3. The rear line of the rectangular or generally rectangular lot with frontage on two intersecting streets shall be the line parallel or approximately parallel to the narrower of the two street frontages.

4. In addition to all requirements of this Ordinance, all provisions of “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, shall apply. In the case of any inconsistency between said Ordinance and this Ordinance, the more restrictive provision shall apply.

E. Front Yards

1. In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than 40% of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than 60 feet, in the R-1 zone and 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than 30 feet. For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.

2. No display of merchandise shall be placed in any required front yard except for vehicles at an automobile sales lot, when screened in compliance with Section VI-6.B.2.

F. Side Yards

1. For the purpose of side yard regulations, a duplex dwelling or a multiple-family dwelling shall be deemed one building occupying one lot.

2. Common-lot-line dwelling units shall conform to the side yard regulations as provided in Section V-9 of this Ordinance.

3. In the AG, CRE, Residential, B-1, B-2, IN-1, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, each required side yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in building height, whichever is greater.

4. The side yard of a lot which immediately adjoins or is directly opposite property in another district which requires a greater side yard shall not be less than that required in the adjoining or opposite district. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.

5. When two or more principal structures are located on a single zoning lot in the MOR District, the buildings shall be separated by a minimum of 14 feet.

G. Rear Yards

1. In the AG, CRE, R, B-1, B-2, IN-1, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, the required rear yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in height.

2. Unenclosed and uncovered off-street parking spaces are permitted in a required rear yard.

3. In the AG and CRE Districts, the required rear yard shall be reduced to 20% of the lot depth if the lot is less than 125 feet deep, provided that the rear yard shall be at least 15 feet deep.

Section VI-6. Screening

Screening required by the Zoning Ordinance shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair. Walls and fences shall be maintained in an upright condition. Deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits. Plant material shall be maintained in accordance with Section VI-6.A.2.b.8. If the screen is destroyed by any force majeure, the replacement period may be extended by the Zoning Administrator upon written application.

Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Chapter 20 of the Urbana City Code. Within a ten foot radius of the point where driveways or alleys intersect sidewalks or property lines, no vegetation, landscape feature, or appurtenance shall obstruct views so as to create a hazardous condition for egress and ingress.

A. Buffer and Landscape Yards

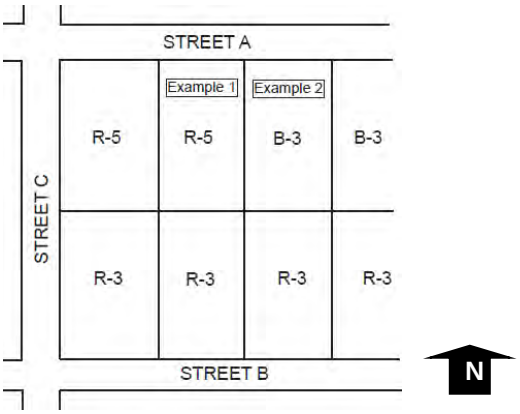
1. *Applicability.* This section shall be applicable when a building permit is required for new construction of a principal building or where the square footage of an addition to an existing building exceeds the existing square footage of the building on the zoning lot.

2. In order to minimize the impacts between uses of varying intensity, to create a more attractive community, and to provide a greener edge to our urban environment, the following requirements shall apply:

   a) Buffer Yards

      1) If Table VI-3 requires greater minimum yards than this subsection, the greater yard shall apply and a landscaping buffer will be required per Table VI-2.

2) Yards per Table VI-1 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent. (See Following Example)



EXAMPLE

Example 1: Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

Example 2: West side yard required to have a minimum depth of ten feet because adjacent to property zoned R-5 to the west. Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

TABLE VI-1. BUFFER YARDS

<table>
<tr><th colspan="2" rowspan="2"></th><th colspan="13">SUBJECT PROPERTY</th></tr>
<tr><th>R-4</th><th>R-5</th><th>R-6</th><th>R-6B</th><th>R-7</th><th>B-1</th><th>B-2</th><th>B-3</th><th>B-3U</th><th>IN-1</th><th>B-4</th><th>B-4E</th><th>IN-2</th></tr>
<tr><td rowspan="7"></td><td>R-1</td><td colspan="5" rowspan="3">SIDE YARD: shall have a minimum depth of ten feet.*

REAR YARD: shall have a minimum depth of ten feet.</td><td colspan="5" rowspan="3">SIDE YARD: as required by Table VI-3.

REAR YARD: shall have a minimum depth of ten feet.</td><td colspan="3" rowspan="7">REAR YARD: shall have a minimum depth of ten feet.</td></tr>
<tr><td>R-2</td></tr>
<tr><td>R-3</td></tr>
<tr><td>R-4</td><td colspan="5" rowspan="6">See Table VI-3 for required setback.</td><td colspan="5" rowspan="6">SIDE YARD: shall have a minimum depth of ten feet.*

REAR YARD: shall have a minimum depth of ten feet.</td></tr>
<tr><td>R-5</td></tr>
<tr><td>R-6</td></tr>
<tr><td>R-6B</td></tr>
<tr><td>R-7</td></tr>
<tr><td>MOR</td></tr>
</table>

** In these instances, no access drive may encroach into the required side yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site*.

b) Landscaping Buffer

1) A landscaping buffer per Table VI-2 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent.

TABLE VI-2. LANDSCAPING BUFFER

<table>
<tr><th colspan="2" rowspan="2"></th><th colspan="13">SUBJECT PROPERTY</th></tr>
<tr><th>R-4</th><th>R-5</th><th>R-6</th><th>R-6B</th><th>R-7</th><th>B-1</th><th>B-2</th><th>B-3</th><th>B-3U</th><th>IN-1</th><th>B-4</th><th>B-4E*</th><th>IN-2</th></tr>
<tr><td rowspan="10"></td><td>R-1</td><td colspan="5" rowspan="3">SIDE YARD: shall provide a landscape buffer with a minimum depth of five feet.

REAR YARD: shall provide a landscape buffer with a minimum depth of five feet.</td><td colspan="7" rowspan="7">SIDE YARD: shall provide a solid six-foot high wood or masonry fence.

REAR YARD: shall provide a solid six-foot high wood or masonry fence.</td><td colspan="7" rowspan="3">SIDE YARD: shall provide a solid six-foot high wood or masonry fence.

REAR YARD: shall provide a landscape buffer with a minimum depth of five feet.</td><td colspan="3" rowspan="7">REAR YARD: shall provide a landscape buffer with a minimum depth of five feet.</td></tr>
<tr><td>R-2</td></tr>
<tr><td>R-3</td></tr>
<tr><td>R-4</td><td colspan="5" rowspan="6">No screening required.</td></tr>
<tr><td>R-5</td><td colspan="7" rowspan="5">SIDE YARD: shall provide a landscape buffer with a minimum depth of five feet.

REAR YARD: shall provide a landscape buffer with a minimum depth of five feet.</td></tr>
<tr><td>R-6</td></tr>
<tr><td>R-6B</td></tr>
<tr><td>R-7</td></tr>
<tr><td>MOR</td></tr>
</table>

** See Section VI-6.A.2.b.2 for additional requirements for the B-4E zoning district.*

2) The following additional landscaping requirements apply to the B4-E zoning district:

(a) In the B-4E District, the required front yard, except for allowed access for access drives and sidewalks, shall be landscaped with a combination of grass or other suitable ground cover, flowers, shrubs, and trees or decorative pavement, walls, or fences in conformance with this Section and other provisions of this ordinance.

(b) In the B-4E District, a decorative wall no more than two feet in height may be located within the required front yard setback. It shall consist of landscaping timbers, stone, brick or finished masonry materials. Said wall may be provided as a supplement to the landscaping required herein but shall not be considered as a substitution for the type or amount of landscaping required herein.

3) Shrubs and trees shall be provided in the amount of one tree and three shrubs for every 40 linear feet or fraction thereof along the applicable required landscaped buffer yard of the zoning lot.

4) The shade trees and shrubs required shall be among the species listed in Table VI-4 and Table VI-5, except where alternative species may be approved by the Zoning Administrator upon the recommendation of the City Arborist and in conformance with the Urbana Arboricultural Specifications Manual.

5) All shrub species, except boxwood, shall be spaced at least three feet apart, as measured from center to center at planting grade, and have a minimum initial planting height of 18 inches. The boxwood species shall be spaced at least 30 inches apart and have a minimum initial planting height of 15 inches.

6) A ground cover with living grass or other ground cover type plant material shall be required on a minimum of 75% of the square footage in the applicable required landscaped yard excluding the access drives that may be allowed. The remaining 25% of the applicable required yard area may be non-living landscaping materials including bark or wood chips, rock, stone, decorative pavement, landscaping timbers, or other similar material.

7) A retaining wall to support a raised planting area for landscaping shall be no more than four feet in height and the width of such a raised planting area shall be greater than its height.

8) All plant materials required by this Section shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Such notice shall be provided in writing to the owner of the property by the Zoning Administrator upon the recommendation of the City Arborist.

B. Screening of Off-Street Parking and Storage Areas

1. Off-street parking adjoining a residential zoning district or residential use shall be screened. No screening is required, however, between adjacent parking lots serving separate multi-family structures or when a parking lot is adjacent to a public alley except that screening is required when parking spaces are oriented towards a public alley (See Figure VI-1). On-site or off-site screening existing at the time when approval for construction of new parking is sought may satisfy this requirement subject to approval of the Zoning Administrator.

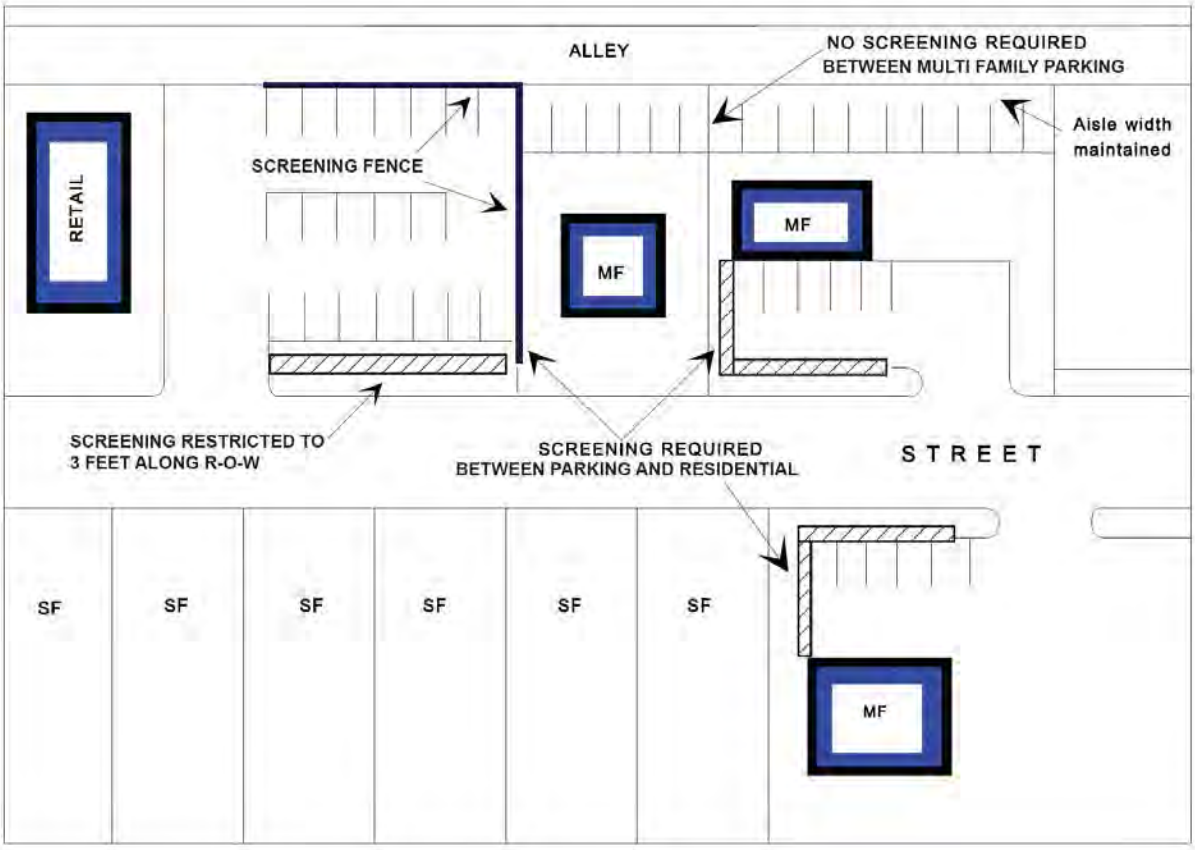
Design of Parking Screening, Materials, and Maintenance

a) Screening requirements may be met through either landscaping or a solid fence or wall four to six feet in height. Landscaped screening shall be no less than three feet in height; except that in order to enhance visibility along the right-of-way, shrub planting adjacent to an access driveway shall not exceed three feet in height along the lot line adjacent to the right-of-way. The requirements of the visibility triangle set forth in Article VI of Chapter 20 of the Urbana

City Code shall supersede the provisions of this Article. Species and planting size for such hedge plantings shall conform with Table VI-5. The Zoning Administrator may approve landscape berms or types of plant material other than those specified in Table VI-5 upon recommendation of the City Arborist.

b) Where off-street parking areas are to be screened by means of a shrub planting hedge, a minimum three-foot wide planting area is required at the end of the paving surface.

Figure VI-1: Required Screening Between Uses



c) All parking screening shall be maintained to effectively function as a direct headlight screen. All plant materials shall be maintained as living plant material and promptly replaced within 90 days when any such foliage dies.

2. In the B-2, B-3, B-3U and IN-1 and IN-2 Zoning Districts, parking or storage of vehicles for sale is permitted to encroach ten feet into the required front yard setback if the encroachment conforms to the regulations set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8.

3. When off-street parking is provided in the B-4E District, the parking lot(s) shall be screened with an adequate screen fence or screen planting in conformance with the provisions of Section VIII-3.F.

4. When parking is provided at ground level below any part of a principal structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Districts or the MOR District, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing,

   landscaping, or other suitable screening around the perimeter of the structure in accordance with the provisions of this section.

5. Non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, shall be screened to meet the requirements for the screening of off-street parking areas, as specified in Section VI-6.B.1.

C. Screening of Trash Containers

Trash containers and trash collection areas for all non-residential and multi-family uses shall be screened so that no portion of such container or area is visible from public rights-of-way or adjacent properties. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.

D. Screening of Mechanical Equipment

Ground-mounted mechanical equipment for all non-residential uses shall be screened from view at ground level from public rights of way and adjacent residential districts. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.

E. Outdoor Storage Screening

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.

2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:

   a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.

   b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.

   c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and “Jersey” style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.

   d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.

e) Masonry or concrete walls shall have a column or other design variation every twenty feet.

f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.

g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.

h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.

i) Parking lot screening requirements are as set forth in Section VI-6.A-G and Section VIII-3.F.

3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-E shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.

F. Screening of Loading Areas

Off-street loading docks and loading spaces which adjoin a residential district or use shall be screened by a solid fence at least six feet tall composed of wood, masonry, or other materials as approved by the Zoning Administrator. Loading docks and loading spaces shall meet the requirements of Section VIII-6. (Ord. No. 2010-08-071)

Section VI-7. Drainage and Storm Water Runoff

A. Applications for a building permit shall include a certification by the applicant, and be prepared and sealed by an Illinois Registered Professional Engineer retained by the applicant, to the effect that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction or development of the proposed use, building or structure.

B. If such surface water drainage will be changed, or if the impervious area of the site increases, the application must address the following:

1. The collection and diversion of such surface waters into public areas, or into drains which the applicant has a right to use; and

2. That such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may thereby cause damage to the adjoining property.

C. This requirement shall not apply to building permits for single-family and duplex dwelling units, or for the development of property located in subdivisions approved by the Urbana City Council subsequent to October 1, 1973.

Section VI-8. Outdoor Lighting Requirements

(Ord. No. 2009-03-018)

A. *Purpose*. The purpose of this section is to establish regulations and controls which promote the goals, objectives, and policies of the City of Urbana Comprehensive Plan. These controls aim to provide modern lighting standards for private property that protect against light trespass and nuisances, promote efficient use of light and energy conservation, and provide for a safe and secure lighting environment appropriate for the context of the areas to be lit.

B. *Definitions*

Candela: A measure of luminous intensity, or power emitted by a light source in a particular direction.

Cutoff Light Fixture: A fixture installed such that the luminous flux at 90 degrees above nadir is less than 5 percent of rated lumens, and less than 20 percent of rated lumens at 80 degrees above nadir.

Fixture (or Luminaire): A device which directs, diffuses, or modifies the light given out by the illuminating source in such a manner as to make its use more economical, effective and safe to the eye. The fixture includes the assembly that holds the lamp in a lighting system, including elements such as the reflector, refractor, housing, and shielding, ballasts in fluorescent and HID (High Intensity Discharge) units, and stems and canopies where used.

Floodlight: a light fixture or lamp which projects light in a wide beam, typically 100 degrees or more.

Footcandle (fc): A unit of measure of luminous flux, the illumination which is produced by a one-candela point source on a surface which is exactly one-foot distant from the point source. All measurements of footcandles shall be in the horizontal plane at ground level unless otherwise specified.

Full Cutoff Light Fixture: A fixture, as installed, designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamp(s) or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The luminous flux emitted in the band between 80 degrees and 90 degrees above nadir in all directions is no more than 10 percent of the total luminous flux for the luminaire. A luminaire that meets the Illumination Engineering Society of North America (IESNA) full-cutoff definition shall be considered full cutoff for the purposes of this Ordinance.

Glare: The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort or loss in visual performance and visibility. Often the result of a direct line of sight to the filament or cathode in a light fixture.

IESNA Standards: Lighting guidelines provided by the IESNA, Illuminating Engineering Society of North America. These standards are found in IESNA guidebooks such as RP-33-99, *Lighting for Exterior Environments* and RP-20-98, *Lighting for Parking Facilities*. *Initial Light Levels:* The amount of light produced on a site upon installation of a new lamp. As lamps age, they become less efficient and produce less light. Initial light levels represent the brightest portion of a lamp's life cycle.

Lamp: An artificial source of visible illumination.

Light Pollution: term used to describe light trespass, over-illumination, glare, clutter and/or skyglow from an artificial light source.

Light Trespass: light projected onto a property from a fixture not located on that property.

Lumen: quantity of incident luminous flux which will, when uniformly distributed over a surface having an area of one square foot, produce an illumination of one footcandle on every point of the surface. Typical luminous flux values for incandescent bulbs are 100 watts: 1,550 lumens, 75 watts: 1,080 lumens, 60 watts: 780 lumens, and 40 watts: 450 lumens. Note: When luminous flux impinges nonuniformly on a surface, then a lumen is the quantity of luminous flux which will, on a one-square foot surface, produce an average illumination of one footcandle.

Luminance: a photometric measure of the luminous intensity per unit area of light travelling in a given direction.

Luminous Flux: The power emitted from a source of electromagnetic radiation, such as a lamp, in the form of visible light. Luminous flux is measured in lumens (lux) or footcandles (fc) and is typically specified by the manufacturer for a given lamp or luminaire.

Nadir: The direction pointing directly downward from the light source of the luminaire.

Spill Zone: The area immediately outside of an area intended to be lit, onto which low levels of excess light may spill.

Spotlight: A light fixture or bulb which projects light in a narrow beam, typically 45 degrees or less.

Uniformity Ratio: A measure of the dispersion of light on an area. For the purposes of this Ordinance, the ratio is measured as maximum light level to minimum light level. Lower uniformity ratios help eliminate places to hide, give better depth perception, and a greater feeling of security to individuals in the area.

C. *Applicability*

1. It shall be unlawful for any person, firm, or institution to install or operate any outdoor light fixture on private property which does not comply with the requirements of this Ordinance. Lighting fixtures on single and two-family residential properties shall not be subject to the requirements of Section IX-8.E.

2. The Zoning Administrator, in consultation with the Building Official, may alter or waive certain requirements of this Section in order to alleviate site security concerns or other practical difficulties. In such cases an alternative lighting plan shall be provided demonstrating that lighting conforms to current IESNA standards.

3. Lighting fixtures installed prior to July 1, 2009 and any of the following types of lighting shall be exempt from the requirements of this Ordinance, except that fixtures found by the Zoning Administrator to be a nuisance or cause excessive glare creating a public hazard can be ordered to be removed or altered at any time.

    a) All temporary lighting needed by the police, fire, public works, or other public agencies or emergency services.

    b) Vehicular luminaires.

c) All hazard warning luminaires required by law.

d) Properly permitted recreational and outdoor event lighting during times that the lighted area is actually in use and for a period of one hour before the event and one half hour after.

Nonetheless, recreational and outdoor event lighting shall be installed in a way that minimizes light trespassing onto adjacent property.

e) Temporary lighting, such as holiday or special event lighting.

f) City street lights, traffic lights, and other lighting required for public safety.

g) Other exceptions as required by law.

D. *General Requirements*. The following shall apply to all properties in the City of Urbana, except as noted in Section VI-8.C:

1. *Limits on Glare*. Outdoor lighting shall not create a glare that hinders sight to the extent that it is hazardous for motorists, bicyclists, or pedestrians. Lighting shall be aimed or shielded so as not to cause a nuisance to the public or nearby properties.

2. Façade and Landscape Lighting.

a) Floodlights directed at buildings shall be shielded such that light emitted falls upon the building façade. The initial average exterior building façade luminance shall not exceed five foot candles on the illuminated surface. Floodlights used for façade lighting may be no farther from the building than one-third of the building height. The mounting height of such floodlights shall not exceed the building height.

b) The lamp of landscape luminaires shall be shielded such that it is not directly visible from any adjacent properties.

E. *Additional Requirements*. The following shall apply to all properties except for single-family and duplex uses and as noted in Section VI-8.C:

1. Lighting Plan Submission Requirements. A lighting plan shall be submitted to and approved by the Urbana Building Safety Division prior to installation or replacement of a lighting system. Lighting plans shall not be required for the installation or replacement of less than three fixtures or less than 20 percent of the existing fixtures. Lighting plans shall be submitted for review as a part of the building permit process and shall include the following information:

a) A site photometric plan indicating initial footcandle levels in a ten-foot by ten-foot point spacing at grade to a distance of 20 feet beyond the lot lines.

b) Specifications for all luminaires, poles, luminaire mounting arms, and lighting control products.

c) Lighting specifications including footcandle initial averages, and maximum-to-minimum uniformity ratio for the areas to be lit, excluding the spill zone, in conformance with the requirements of paragraph VI-8.E.4.

d) The location, mounting height, lamp intensity for all exterior luminaires.

e) An after-hours security lighting plan indicating reduced light levels as specified in VI-8.E.4.

2. *Luminaires*. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaires used for outdoor area light shall use a non-adjustable, full-cutoff fixture, or a fixture with an IESNA Uplight rating of U1 or less, positioned in a way that the cutoff effect is maximized.

3. *Lighting Context*. Outdoor lighting design must take into account existing light sources that impact the site as well as the presence of sensitive land uses that may be impacted by the lighting.

    a) In order to prevent over-lighting, proposed new outdoor lighting shall consider existing light affecting the site.

    b) Outdoor lighting shall have fixtures that shield residential areas from direct light.

4. Light Levels, Luminaire Mounting Position, and Timing.

    a) In order to help eliminate places to hide, give better depth perception, and a greater sense of security to individuals in the area, lighting levels shall not exceed an initial maximum to minimum uniformity ratio of 20:1 for the areas to be illuminated. Areas to be illuminated may be different for after-hours security lighting as required in this section.

    b) Average initial light levels at ground level shall not exceed one footcandle in residential zoning districts and 2.5 footcandles in all other districts.

    c) Light levels created by proposed new outdoor lighting shall not exceed 0.2 footcandles as measured at a point six feet beyond the property line or farther, except that light levels shall not exceed 0.1 footcandles as measured at a point six feet beyond the property line or farther where the adjacent property is zoned R-1, R-2, or R-3.

    d) Canopy lighting. All lighting under a canopy shall be cutoff or recessed, and no luminaires shall extend below the horizontal plane of the canopy. Light levels under the canopy shall not exceed an initial average of 15 footcandles at grade.

    e) Display areas. Areas dedicated to the display of merchandise may have an initial average light level no greater than ten footcandles while the business on the site is open to the public, and shall have an initial average light level no greater than five footcandles thereafter.

    f) Building entrance areas and access drives shall have an average light level no greater than ten footcandles.

    g) All exterior lighting on non-residential properties shall be controlled by a photo sensor, occupancy sensor, or time switch which shall:

        1) automatically reduce exterior lighting when sufficient daylight is available, and

        2) automatically extinguish subject lights no more than one hour following the close of business on subject property, excluding lighting for security purposes. Security lighting shall not exceed 33 percent of the total light output (in lumens) from all outdoor lighting located on the zoning lot. Individual luminaires shall not emit more light for security lighting purposes.

Section VI-9. Portable Storage Containers

(Ord. No. 2011-09-108)

A. *Purpose and intent*. The purpose of this Section is to insure that portable storage containers as defined herein are used for the short-term, temporary storage and transport of personal property; and do not impede vehicular access, traffic flow or circulation, or create public safety hazards. This section intends that portable storage units be placed on private property unless site constraints dictate placement elsewhere, in which case placement within a public right-of way shall be allowed by a permit issued by and at the discretion of the Urbana Public Works Department.

B. *Definition*. For the purposes of this section, portable storage containers shall be defined as any container designed to store personal property or construction equipment and which is typically rented, delivered, loaded, and removed by truck.

C. Notwithstanding provisions of any contrary City ordinance or regulation, portable storage containers located outside of a fully-enclosed structure shall comply with the following restrictions:

1. *Permit*. If the portable storage container is located outside a public right-of-way, the Urbana Zoning Administrator or designee shall issue permits for portable storage containers so placed for more than seven days. Urbana Public Works shall issue permits for portable storage containers located within public rights-of-way for any period of time.

2. *Maximum number and time limits*. With property owner approval, the Zoning Administrator or Public Works Department may issue permits allowing one (1) portable storage container per each address within any twelve month period. The maximum time period shall be thirty (30) consecutive days for containers located outside a right-of-way or a maximum of 72 hours for containers located on a public right-of-way. When good cause is shown by the applicant, including building permit and other construction and other activities, the Urbana Zoning Administrator may extend additional time and/or one additional storage containers.

3. *Placement*. Portable storage containers shall be placed on a paved or gravel surface. When space is unavailable due to site constraints, the Zoning Administrator may allow placement of containers on other surfaces, or portable storage containers may be placed on the right-of-way in a legal parking space and with approval by Urbana Public Works Department.

4. *Dimensions*. No portable storage container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height. The Urbana Zoning Administrator may make exceptions to dimensional requirements when necessary.

5. *Identification.* The portable storage container must on its exterior identify the owner and owner's contact information. The City permit shall be attached to the container's exterior for public display.

6. *Maintenance*. All portable storage containers shall be maintained in a condition reasonably free from rust, peeling paint and other significant visible deterioration. The owner of the container shall be responsible for its maintenance.

D. *Industrial Districts*. Portable storage containers as defined herein and located on private property in IN-1 and IN-2, Industrial, zoning districts shall be exempt from the requirements of this Section; provided, such containers located on public rights-of-way however shall comply with this Section and any conditions stipulated by Urbana Public Works.

TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT

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
AG	1 acre[2]	150	35[3]	0.25	0.55	25	15	25
B-1	6,000	60	35[3]	0.30	none	15	7	10
B-2	6,000	60	35[3]	1.50[4]	0.15	15	7	10
B-3	6,000	60	none[3]	4.00	none	15	5	10
B-3U	6,000	60	none	4.00	0.10	15	5	5
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]
CCD	6,000	60	none	4.0	0.10[5]	6	5	5
CRE	1 acre	150	35[3]	0.40	0.55	25	15	25
IN-1	6,000	60	none	2.00	none	15	5	10
IN-2	10,000	90	none	1.00	none	25	none	None[18]
MIC[6]	4,000	40	none	9.00[7]	none	6	5	5
MOR	6,000	60	35[3]	0.70[8]	0.30[8]	15[9]	7 (17)[10]	10
R-1	9000[11]	80	35	0.30[11]	0.50[11]	25[9]	5 (15)[12]	10
R-2	6,000[13]	60[13]	35[17]	0.40	0.40	15[9]	5	10
R-3	6,000[13]	60[13]	35[17]	0.40	0.40	15[9]	5	10
R-4	6,000	60	35[17]	0.50[14]	0.35	15[9]	5	10
R-5	6,000	60	35	0.90	0.30	15[9]	5	5
R-6	6,000	60	See Note 15	1.40	0.25	15	5	10
R-6B	6,000	60	See Note 15	1.50[16]	none	15	5	10
R-7	6,000	60	35	0.50	0.35	15[9]	5	10

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Footnotes

Note: In addition to the footnotes below, please refer to Article V for use regulations, Article VII for conditional and special use procedures, Article VIII for parking regulations, Article IX for sign regulations, Article XII for historic preservation regulations, and Article XIII for special development provisions.

1. See Section VI-5 and Section VIII-4 for further information about required yards.

2. The minimum lot size for cropping in the AG, Agriculture Zoning District is five acres.

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 Section 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.

4. See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 District.

5. The Open Space Ratio (OSR) in the CCD, Campus Commercial District shall be applied as follows:

   a) The open space ratio requirement in the CCD, Campus Commercial District shall only be applied for the residential square footage of the development.

   b) In the CCD, Campus Commercial District the first floor of residential development may be considered the ground level area for development for applying the open space ratio requirement.

   c) There shall be no minimum requirement for permeable ground cover and no maximum requirement for paved recreation areas in the open space requirement for development in the CCD Zoning District (Ord. No. 2003-02-017, 02-17-03).

6. The following regulations shall apply during the review of a development proposal for a building permit in the MIC District, with exceptions as noted in Section V-10 of the Zoning Ordinance.

7. 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.

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

9. In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95)(Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)

10. In the MOR District, the sum of the two required side yards shall not be less than 17 feet.

11. In the R-1 District, any lot platted and of public record before November 6, 1950 and presently having a lot width of 65 feet or less and a lot area of less than 7,500 five hundred square feet may be developed in accordance with the development regulations for the maximum FAR and the minimum OSR of the R-3 District as specified above. (Ord. No. 8384-25, sec. 5; Ord. No. 8586-

53, sec. 2, 1-20-86; Ord. No. 9091-16, 8-6-90; Ord. No. 9091-59, sec. 14, 11-19-90; Ord. No. 9091-60, sec. 11, 11-19-90; Ord. No. 9091-61, sec. 8, 11-19-90; Ord. No. 9091-62, sec. 8, 11-19-90; Ord. No. 9091-132, sec. 1, 5-20-91; Ord. No. 9091-133, 5-20-91)

12. In the R-1 District, the sum of the two required side yards shall not be less than 15 feet.

13. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

14. In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.

15. In the R-6 and R-6B Districts, the maximum height is twice the distance from the street centerline to the face of the building.

16. See Section V-5.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the R-6B District.

17. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

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.

TABLE VI-4. SHADE TREE SPECIES

Amur Maple	Hackberry
Hedge Maple	Sugar Hackberry
State Street Miyabei Maple	Ginkgo
Pacific Sunset Maple	Goldenrain Tree
Paperbark Maple	Kentucky Coffee Tree
Black Maple	European Larch
Amur Corktree (only male clone varieties)	Japanese Tree Lilac
Apple Serviceberry	Silver Linden
Bald Cypress	American Sentry Linden
Cornelian Cherry Dogwood	Regal Prince (Long) Oak
Crabapple (only disease free / improved cultivars)	Swamp White Oak
Lacebark Elm	Sawtooth Oak
Triumph Elm	Bur Oak
Turkish Filbert	Limber Pine

TABLE VI-5. SHRUB SPECIES

Chinese Juniper (recommend intermediate cultivars)
Savin Juniper
Swiss Mountain Pine
Eastern Arborvitae
Western Arborvitae
Brown's Anglo-Japanese Yew (recommend intermediate cultivars)
Japanese Barberry (requires well drained soil)
Mentor Barberry
Korean Boxwood "Wintergreen"
Spreading Cotoneaster
Compact Winged Euonymus
Fragrant Sumac
Compact European Cranberry Bush

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ARTICLE VII. STANDARDS AND PROCEDURES FOR CONDITIONAL AND SPECIAL USES

Section VII-1. Conditional and Special Uses
Section VII-2. Conditional Use Procedures
Section VII-3. Conditional Use Terms and Conditions
Section VII-4. Special Use Procedures
Section VII-5. Special Use Terms and Conditions
Section VII-6. Standards for Specific Conditional Uses
Section VII-7. Special Use Permit Procedures for Utility or Public Buildings and Adaptive Re-use of School Buildings and Church Buildings

Section VII-1. Conditional and Special Uses

A. Conditional uses, as designated by Table V-1, are not permitted by right in the various zoning districts. A conditional use is one which is deemed potentially appropriate in and compatible with uses permitted by right in its zoning district, but which requires individual consideration and regulation. The standards and procedures for the consideration of conditional uses are specified in Section VII-2.A.

B. Special uses, as designated by Table V-1, are not permitted by right in the various zoning districts. A special use is one which is potentially appropriate in and compatible with other uses in its zoning district, but which, because of the potential major impact of its scale and nature on its district and the City of Urbana as a whole, necessitates stricter examination, site plan review, and individual regulation than a conditional use permit. The standards and procedures for the consideration of special uses are specified in Section VII-4.A and Article XIII.

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:

A. A written application for a conditional use shall be submitted to the Secretary of the Zoning Board of Appeals by the owners of more than 50% of the ownership of the subject property involved. The application shall demonstrate:

   1. That the proposed use is conducive to the public convenience at that location;

   2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and

   3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6 of this Ordinance.

B. Each application for a conditional use shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.

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C. The public hearing shall be held by the Zoning Board of Appeals, in accordance with its established procedures and the requirements of the Urbana City Code. The public hearing shall meet notification requirements specified in Section XI-10 of this Ordinance.

D. The Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use based upon the criteria specified in Section VII-2.A.

E. The Zoning Board of Appeals shall authorize or deny the requested conditional use, and may also impose such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulation of the location, extent, and intensity of such uses;

2. Requirement of the screening of such uses by means of fences, walls, or vegetation;

3. Stipulation of required minimum lot sizes;

4. Regulation of vehicular access and volume;

5. Conformance to health, safety, and sanitation requirements, as necessary;

6. Increases to the required yards; and

7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).

F. In the case of a valid written protest, the conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the Zoning Board of Appeals. Procedures for protest against any proposed conditional use permit are specified in Section XI-11 of this Ordinance.

Section VII-3. Conditional Use Terms and Conditions

A. A conditional use authorized by the Zoning Board of Appeals is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other more restrictive regulations are specifically approved. Conditional uses are also subject to the development regulations specified in Section VII-6 if applicable, and all applicable parking regulations for the use and district, unless other more restrictive regulations are specifically stated.

B. Unless otherwise specifically stated by the Zoning Board of Appeals, a conditional use shall be valid until the conditional use is discontinued. Valid conditional use approval is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year or approval the conditional use permit shall no longer be valid.

C. Violation of the terms and conditions of the conditional use shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the conditional use may be approved only by the Zoning Board of Appeals. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.

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:

A. A written application for a special use shall be submitted to the Secretary of the Plan Commission by the owners of more than 50% of the ownership of the subject property involved. The application shall demonstrate:

   1. That the proposed use is conducive to the public convenience at that location; and

   2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and

   3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.

B. Each application for a special use shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.

C. The public hearing shall be held by the Plan Commission, in accordance with its established procedures and the requirements of the Urbana City Code. All public hearings shall meet notification requirements specified in Section XI-10 of this Ordinance.

D. The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit based upon the criteria specified in Section VII-4.A of this Article.

E. The Plan Commission shall make a recommendation to the City Council for or against the special use, and may also recommend such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

   1. Regulate the location, extent, and intensity of such uses;

   2. Require adherence to an approved site plan;

   3. Require the screening of such uses by means of fences, walls, or vegetation;

   4. Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;

   5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;

   6. Require conformance to health, safety, and sanitation requirements, as necessary;

   7. Regulate signs and outdoor lighting;

   8. Any other provisions deemed necessary to effect the purposes of this Ordinance.

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. 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 members of the City Council. Procedures for protest against any proposed special use permit are specified in Section XI-11 of this Ordinance.

Section VII-5. Special Use Terms and Conditions

A. In addition to any conditions imposed by the City Council, a special use authorized by the City Council is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other more restrictive regulations are specifically approved. Special uses are also subject to the regulations pertaining to parking and access which are applicable for the use and district, and to the following additional requirements, unless otherwise specifically stated in the terms of the special use:

B. Unless otherwise specifically stated by the City Council, the special use approval shall be valid until the special use is discontinued. Valid special use approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year of approval the special use permit shall no longer be valid.

C. Violation of the terms and conditions of the special use shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the special use may be approved only by the City Council. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.

3. Firearms and ammunition shall not be displayed in windows.

4. Hours of service shall be limited to 9:00 a.m. to 9:00 p.m.

5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent federal criteria.

3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Section VII-6. Standards for Specific Conditional Uses

All conditional uses listed in Table VII-1 shall comply with the development standards contained therein, unless other more restrictive regulations are provided in the permit authorized by the Zoning Board of Appeals. Such uses shall also comply with all applicable parking regulations, and development regulations stated in Article VI, for the district and use in question, unless otherwise specifically provided in the permit. All conditional uses not listed in Table VII-1 shall comply with all the applicable standards for the district in which the conditional use is located and the parking regulations for the district and use, unless otherwise specifically provided in the permit authorized by the Zoning Board of Appeals.

TABLE VII-1. STANDARDS FOR SPECIFIC CONDITIONAL USES

Use	Required Fencing	Setbacks (in feet)[1]			Minimum Lot Size[1]	Other Provisions
		Front	Side	Rear	(acres)	
Outdoor Commercial Recreational Enterprise	N/A				1.0	Not located within 200 feet of any R District or residential or institutional use.
Public Camp or Picnic Area	N/A				5.0	
Riding Stable	6 foot wire mesh				1.0	Not located within 100 feet of any R District or residential or institutional use.
Cemetery	N/A	50	50	50	10.0	Setbacks not applicable to tombstones less than 4 feet in height.
Kennel, Veterinary Hospital	6 foot wire mesh for open animal yards				1.0	Not located within 100 feet of any R District or residential or institutional use.
Airport	6 foot wire mesh				80.0	Federal Aviation Administration and Illinois Department of Aeronautics regulations govern.
Heliport	6 foot wire mesh				1.0	Federal Aviation Administration and Illinois Department of Aeronautics regulations govern. If atop building, acreage requirement waived.
Mineral Extraction, quarrying, topsoil removal, and allied activities	6 foot wire mesh	100	100	100	2.0	
Religious Tent Meeting	N/A				1.0	Temporary permit only; permit fee waived.
Outdoor Theater	8 foot solid					
Truck Terminal	6 foot wire mesh				0.5	Not located within 200 feet of any R District or residential use.
Resort or Organized Camp	6 foot wire mesh	50	50	50	5.0	
Water Treatment Plant	8 foot wire mesh	50	50	50	5.0	
Fairgrounds	6 foot wire mesh	50	50	50	20.0	
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	

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[1] Refer to Table VI-3 for setback and minimum lot size requirements for uses with no specified setback or minimum lot size.

* Other standards shall be in accordance with the State of Illinois, Department of Public Health, Divisions of Sanitary Engineering, “Rules and Regulations for Refuse Disposal Sites and Facilities,” most recent edition.

** 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 Board of Zoning Appeals. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois, and of this Ordinance.

Section VII-7. Special Use Procedures for Utility or Public Buildings and Adaptive Re-use of School Buildings and Church Buildings

A. *Utility or Public Building Exemption Procedures.* The City Council may authorize by ordinance, in any zoning district, a special use permit for the establishment, construction, expansion, or alteration of any structure and/or use by a public service entity for a public utility or for a governmental, educational, charitable, philanthropic, or medical use, according to the above listed special use procedures.

B. *Specific Special Uses for the Adaptive Re-Use of Public School Buildings and Public School Properties in the CRE Zoning District.* The City Council may authorize by ordinance, in the CRE Zoning District, a special use permit for the adaptive re-use of public school buildings and property in accordance with the provisions set forth in Section VII-4 of this Article and this subsection.

1. *Purpose and Intent.* The provisions of this subsection have been set forth in recognition of the following:

   a) That declining public school enrollments within the Urbana School System have resulted in excess school building space and subsequent school closings.

   b) That, as a result of public school closings, the investment of the public in those facilities is jeopardized to the extent that the marketable value of the property and its improvements is substantially diminished due to land use controls of the CRE Zoning District limiting the adaptive re-use of such properties.

   c) That the City of Urbana recognizes the need to permit the redevelopment of such underutilized properties as expressed in the 2005 Urbana Comprehensive Plan, as amended.

   d) That the City of Urbana finds the adaptive re-use of public school properties to further promote and conserve the economic value of such land and buildings and thereby protect and improve the City's tax base. At the same time, the City must insure that any proposed adaptive re-use is in harmony and is compatible with surrounding land uses.

2. *Qualifications for Standing to Make Application for Special Use Permit Authorized Under this Subsection*

   a) Public School buildings and properties within the Corporate Limits of the City of Urbana which qualify for a special use permit petition under this subsection are limited to properties which are or once were owned by the Urbana School District or the Regional Board of School Trustees, any local Community College, and the Board of Trustees of the University of Illinois.

   b) Petitions for a special use permit under this subsection may be accepted only for public school properties on which stands an existing school building or structure erected or purchased by a public educational entity and which had been used as an attendance center for educational purposes.

   c) Notwithstanding Section VII-7.B.2.(b), a special use permit may be granted upon the termination of a previous special use permit issued under the authority of this subsection for the same public school building and property.

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d) Unless otherwise authorized by the City Council, any special use permit granted under this subsection shall become invalid upon termination of the use(s) for which the special use permit was originally authorized.

e) Special use authorization under this subsection does not preclude any other uses permitted by right, conditional or special uses of the CRE District as provided under Article V, Use Regulations, Table V-1, Table of Uses.

3. *Specific Special Uses That May Be Authorized.* The City Council may authorize by ordinance in the CRE Zoning District and in accordance with the provisions of this Article, any or all of the following special uses:

a) Dwelling, Multiple-Family;

b) Day Care Facility;

c) Business or Professional Office;

d) Vocational, Trade, or Business School;

e) Lodge or Private Club;

f) Private Recreational or Health Club;

g) Engineering, Laboratory, Scientific, and Research Instruments Manufacturing;

h) Electrical, Electronic Machinery, Equipment Sales, and Manufacturing;

i) Mechanical Measuring and Controlling Instruments Manufacturing;

j) Optical Instruments and Lenses Manufacturing;

k) Surgical, Medical, Dental, and Instruments Supply and Manufacturing;

l) Photographic Equipment and Supplies Manufacturing (except for the manufacturing and/or reconstitution of photographic chemicals to be used for wholesale or resale distribution);

m) Theoretical and Applied Research with regard to Development of Prototype and Light Manufacturing of Electrical Products; or

n) Non-refrigerated Dry Storage.

4. *Specific Standards, Requirements or Restrictions to any Special Use Permit.* The Plan Commission may recommend to the City Council the imposition of conditions, restrictions or requirements authorized under Section VII-4 of this Article. (Ord. No. 8485-80, § 2, 5-6-85)

C. *Specific Special Uses for the Adaptive Re-Use of Church Buildings.* The City Council may authorize by ordinance a special use permit for the adaptive re-use of church buildings in accordance with the provisions set forth in Section VII-4 of this Article and this subsection.

1. *Purpose and Intent.* The provisions of this subsection have been set forth in recognition of the following:

a) That existing church buildings in Urbana are an asset to the community because of their unique architectural designs, structural characteristics, and locations.

b) That as a result of the land use controls of the Urbana Zoning Ordinance, the re-use of church buildings that become vacant is made more difficult to the extent that the marketable value of such properties may be substantially diminished.

c) That the City of Urbana recognizes the need to permit the adaptive re-use of vacant church buildings to further promote and conserve the economic value of such buildings and insure that any proposed adaptive re-use is in harmony and compatible with surrounding land uses.

d) That the compatible re-use of vacant church buildings is consistent with the goals, objectives, and policies of the City of Urbana's Comprehensive Plan.

e) That the parking requirements imposed by the Urbana Zoning Ordinance may render the re-use of some vacant church buildings unfeasible. For this reason, this subsection includes a variance procedure that authorizes the City Council to grant a variance to the number of parking spaces normally required for any uses authorized under this subsection in a vacant church building.

2. *Qualifications for Standing to Make an Application for Special Use Permits Authorized Under this Subsection.*

a) Petitions for a special use permit under this subsection may be accepted only for existing structures originally designed and constructed as a church.

b) A list of church buildings which qualify for a special use permit under this subsection is on file at the City Clerk's Office entitled "Original Church Structures in Urbana City Limits as of July 1, 1990."

c) If a building not on the list is believed to be an original church building, the petitioner must prove to the Zoning Administrator that the building qualifies as an original church building by reason of its design and construction to qualify for a special use permit.

d) A special use permit may be granted upon the termination of a previous special use permit issued under the authority of this subsection for the same church building.

e) Unless the City Council otherwise authorizes, any special use permit granted under this subsection shall become invalid upon the termination of the use(s) for which the special use permit was originally authorized.

f) Special use authorization under this subsection does not preclude any other uses permitted by right, conditional or special uses as provided under Table V-1.

3. *Special Uses that May be Authorized.* The City Council may authorize by ordinance in accordance with the provisions of this Article any or all of the following special uses:

a) *Public and Quasi-Public Facilities:*
Hospital or Clinic
Nonprofit or Governmental, Educational, and Research Agencies
Radio or Television Tower and Station
University or College

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b) *Food Sales and Service:*
Bakery (less than 2,500 sq. ft.)
Café or Deli
Confectionery Store
Restaurant

c) *Personal Services:*
Barber/Beauty Shop
Mortuary
Shoe Repair Shop
Tailor and Pressing Shop

d) *Professional and Financial Services:*
Bank, Savings and Loan Association
Professional and Business Office
Vocational, Trade, or Business School

e) *Retail Trade:*
Apparel Shop
Electronics/Computer Sales and Service
Jewelry Store
Florist
Bookstore
Tobacconist
Music Store
Photographic Studio and Equipment Sales and Service
Antique or Used Furniture Sales and Service
Bicycle Sales and Service
Sporting Goods
Art and Craft Stores and/or Studio

f) *Recreation:*
Dancing School
Lodge or Private Club
Private Indoor Recreational Development
Theater, Indoor

g) *Miscellaneous Business:*
Day Care Facility (non-home based)

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

i) *Industrial:*
Bookbinding
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing
Electrical, Electronic Machinery, Equipment and Supplies Manufacturing
Mechanical Measuring and Controlling Instruments Manufacturing
Motion Picture Production Studio
Optical Instruments and Lenses Manufacturing
Photographic Equipment and Supplies Manufacturing
Surgical, Medical, Dental, and Mortuary Instruments and Supplies Manufacturing
Watches, Clocks, and Clockwork Operated Devices Manufacturing

In addition, the City Council may authorize a mixture of uses in single structures in accordance with the provisions set forth in this Article.

4. *Specific Qualifications, Standards, Requirements or Restrictions to any Special Use Permit.* The Plan Commission may recommend to the City Council the imposition of conditions, restrictions or requirements authorized under Section VII-4 of this Article.

5. *Procedures to Authorize a Variance of Off-Street Parking Requirements.* Off-street parking for the special uses authorized under this subsection should be provided in accordance with the requirements of Section VIII-5 of the Zoning Ordinance. However, the Plan Commission may recommend and the City Council may grant a variance to reduce or waive the parking requirement if the site restricts construction of parking or if the Council imposes additional site design requirements which reduce the area available for parking. Such variance may only be granted as part of the special use permit if the City Council determines it will not negatively impact the surrounding neighborhood. (Ord. No. 9091-8, § 1, 2, 7-16-90)

ARTICLE VIII. PARKING AND ACCESS

Section VIII-1. Applicability
Section VIII-2. Special Use Permit Requirements for Off-Site Accessory Parking
Section VIII-3. Design and Specifications of Off-Street Parking
Section VIII-4. Location of Parking Facilities
Section VIII-5. Amount of Parking Required
Section VIII-6. Off-Street Loading Regulations
Section VIII-7. Bicycle Parking

Section VIII-1. Applicability

A. Off-street parking facilities required by this Article shall be provided whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded, or changed. However, this requirement shall not prohibit the owner of an existing building occupied by a conforming use from converting, enlarging, or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations.

B. Parking spaces shall be provided either in garages or parking spaces that conform to the provisions of the Urbana Zoning Ordinance. (Ord. No. 8990-68, § 1, 2-5-90)

C. See Article II for parking and other related definitions.

Section VIII-2. Special Use Permit Requirements for Off-Site Accessory Parking

A. Off-site parking lots and adjacent parking lot expansion located within 600 feet of R-1, R-2, and R-3 zoning shall require a Special Use Permit. Special use approval is not necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval is not necessary for one and two-family residential accessory parking expansions allowed under Section VIII-4.J. In addition to the procedures and requirements of Section VII-4, the special use review shall consider the following factors:

1. Protection of adjacent residences from lighting (Section VIII-3.A.1)

2. Provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance)

3. Required landscape buffering and/or fencing (Section VIII-3.F); and

4. Traffic access and safety. The proposal shall demonstrate conformance to the parking lot design requirements set forth in Article VIII.

5. The City may also consider or require other restrictions necessary to preserve the essential character of the district in which the parking lot is proposed, including, but not limited to, security provisions, areal extent, number of spaces proposed, orientation of drives and spaces, and setbacks.

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

A. *Design and Construction Requirements*

1. Adjacent residential uses shall be screened in accordance with Section VIII-3.F from direct rays of light from the illumination of any off-street parking areas.

2. All off-street parking lots, access drives, off-street loading areas, and parking spaces shall be paved with a hard surface, including oil-and-chip, concrete, asphalt, brick, permeable asphalt, permeable pavers or other suitable surface including new environmentally friendly technologies, as approved by the Zoning Administrator so that the environment created is dust free and conforms to the following criteria:

   a) The pavement design shall be such that any material composing the pavement and the soil underneath is not displaced by traffic movement in a manner that generates pollution in the air due to flying particles and causes damage, injury, or nuisance to the people/vehicles which use the facility.

   b) The design and construction of the pavement shall be such that the physical appearance, characteristics, performance, and rigidity of the surface that comes into direct contact with vehicles does not change with varying weather conditions. The form and texture of the surface shall be conducive to safe flow of traffic.

   c) Notwithstanding normal wear and tear, the surface and appearance of the parking lot shall be maintained to perform as originally designed.

3. Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the driveway is reconstructed or widened. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.

4. Where a garage is not provided in new construction of single- or two-family dwellings, a paved driveway and access drive shall be provided to accommodate a minimum of two off-street parking spaces per dwelling unit which will not encroach on the public right-of-way. (See Section VIII-3.H for drainage requirements)

5. The 2001 Champaign-Urbana Urbanized Area Transportation Study (CUUATS) Access Management Guidelines shall be generally followed to determine the location and number of access drives.

B. *Handicapped Parking*

1. When Illinois state, federal law, or local ordinance(s) require handicapped accessibility, all off-street parking lots, except those servicing single-family and duplex dwelling units, shall have an appropriate number of handicapped parking spaces in conformance with Table VIII-1.

2. Handicapped spaces shall be located as close as possible to an accessible building entrance.

3. Handicapped parking spaces shall be at least 16 feet wide and 18.5 feet in length and shall include an eight foot wide access aisle. Adjacent handicapped parking spaces shall not share a common access aisle.

4. Handicapped parking spaces, including design and signs, must comply with the State of Illinois Accessibility Code as amended. Where the requirements in Section VIII-3.B. of the Urbana Zoning Ordinance and the State Code differ, the more restrictive of the two standards shall apply.

TABLE VIII-1. HANDICAPPED PARKING

Total Number of Parking Spaces Provided	***Number of Handicapped Parking Spaces Required***
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number of parking spaces provided
Over 1,000	20 plus 1 for each 100 over 1,000

C. *Standards for Parking Space, Aisle Widths, and Module Width Design*

1. Off-street parking lots and parking spaces shall meet the standards in Table VIII-2 regarding minimum space length, space width, aisle, and module widths. Structural elements of buildings, fences, signs, utility poles, etc., shall not be allowed to encroach into these required parking space dimensions. Table VIII-2 contains two options for space width and corresponding aisle and module width. Either option will satisfy the requirements of the code. (See Figure VIII-1.)

D. *Compact Car Spaces*

1. Where ten or more parking spaces are required, the Zoning Administrator may authorize up to 20% of the total required parking spaces to be designated as compact car spaces. Such spaces shall be clearly designated and reserved for compact cars. Compact car spaces may be included in modules designed for standard spaces.

2. The length of compact car spaces may be reduced from the standard to 15 feet, six inches and the width may be reduced to eight feet six inches.

TABLE VIII-2. PARKING LOT AND PARKING SPACE STANDARDS

Parking Angle	*Space Width*	*Space Length*	*Aisle Width*	*Module Width (2 Rows of Parking)*
0 Degrees (Parallel)	**8.5' 9.0'**	**22.0' 22.0'**	**13.0' 11.5'**	**30.0' 29.5'**
15 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**14.0' 12.5'**	**40.0' 39.5'**
30 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**14.0' 12.5'**	**47.2' 46.6'**
45 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**14.0' 12.5'**	**52.2' 51.4'**
60 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**16.0' 14.5'**	**56.5' 55.5'**
75 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**18.5' 17.0'**	**58.6' 57.4'**
90 Degrees	**8.5' 9.0'**	**18.5' 18.5'**	**23.0' 21.5'**	**60.0' 58.5'**

Aisle widths are for one-way aisles except for 90 degree parking which must provide a two-way aisle.

Any proposed parking angle not shown in Table VIII-2 is subject to review and approval of the Zoning Administrator.

All measurements are in feet

E. *Access Drives*

1. Any access drive shall have one of the minimum clear widths outlined in Table VIII-3.

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-8, or as approved by the Zoning Administrator.

3. When the access drive for 90 degree parking is a permanent dead-end, a turn-around shall be provided. The turn-around shall be designed with a minimum radius of 15 feet, a minimum width of 23 feet, and a minimum depth of six feet. Alternate turn-around designs may be approved by the Zoning Administrator. (See Figure VIII-2)

4. In order to improve the visibility for vehicles exiting from parking structures or parking lots that have a mean elevation below that of adjacent right-of-way, the access driveway shall be constructed in conformance with the dimensions illustrated in Figure VIII-3.

TABLE VIII-3. WIDTHS FOR ACCESS DRIVES

	Minimum Width (in feet)		*Maximum Width (in feet)*[1]	
	One-Way	Two-Way	One-Way	Two-Way
Single-family and duplex buildings	9	9	Primary drive - 35 feet. Secondary drive - 15 feet	
Rowhouse or townhouse unit with individual access drive	9	9	35 feet	
Lots with three or more dwelling units without individual drives	12	20	24 feet, or one-third of the minimum lot width for the zoning district, (as specified on Table VI-3), whichever is greater If a zoning lot has a linear street frontage greater than 150 feet, the maximum width shall be 50 feet.	
Public and quasi-public, business, and industrial uses	12	22		

Notes: 1) Per VIII-4.F.1, access drives serving single-family homes and duplexes shall not exceed 45% of the total lot width. Access drives serving individual townhomes shall not exceed 45% of the total lot width or 18 feet, whichever is greater.

F. *Special Conditions Requiring Shade Tree Planting*

All off-street parking lots greater than 20 parking spaces for residential and commercial land uses or for employee or customer parking of industrial land uses (except for parking lots provided in a parking structure or under a principal structure) shall include shade trees placed in the parking lot according to the following requirements (see Figure VIII-5):

1. One 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.

3. Trees shall have a minimum planting size of two inches caliper. Acceptable tree species are shown in Table VIII-5. The minimum planting area for trees shall be eight feet by six feet and the maximum distance between trees shall be 90 feet. Trees shall be located behind bumper stops or integral curbing, no closer than three feet and no farther than eight feet from the face of the bumper stop or the curb. Existing trees may satisfy the tree planting requirement if approved by the City Arborist.

4. The Zoning Administrator, upon the City Arborist's recommendation, may approve alternate tree species or alternate tree planting plans which differ from these requirements but which substantially conform with the intent of this Section VIII-3.F.

5. All trees and shrubs shall be maintained as living vegetation and promptly replaced within 90 days when any such vegetation dies.

6. As required in Section VI-6.B.4, when parking is provided at ground level below any part of a principal structure in the Residential Districts, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping or other suitable screening around the perimeter of the structure in accordance with the provisions of this Section VIII-3.F.

TABLE VIII-4. SHRUB SPECIES

Chinese Juniper (recommend intermediate cultivars)
Savin Juniper
Swiss Mountain Pine
Eastern Arborvitae
Western Arborvitae
Brown's Anglo-Japanese Yew (recommend intermediate cultivars)
Japanese Barberry (requires well drained soil)
Mentor Barberry
Korean Boxwood "Wintergreen"
Spreading Cotoneaster
Compact Winged Euonymus
Fragrant Sumac
Compact European Cranberry Bush

TABLE VIII-5. SHADE TREE SPECIES

Amur Maple	Hackberry
Hedge Maple	Sugar Hackberry
State Street Miyabei Maple	Ginkgo
Pacific Sunset Maple	Goldenrain Tree
Paperbark Maple	Kentucky Coffee Tree
Black Maple	European Larch
Amur Corktree (only male clone varieties)	Japanese Tree Lilac
Apple Serviceberry	Silver Linden
Bald Cypress	American Sentry Linden
Cornelian Cherry Dogwood	Regal Prince (Long) Oak
Crabapple (only disease free / improved cultivars)	Swamp White Oak
Lacebark Elm	Sawtooth Oak
Triumph Elm	Bur Oak
Turkish Filbert	Limber Pine

G. *Wheelstops and Sidewalks*

Where parking spaces are located next to public alleys and common access drives, an 18-inch setback shall be required for head-in parking facing the alley. Wheelstops of masonry, steel, or heavy timber shall be placed two feet from the end of the parking space. When a private walkway or sidewalk is located at least four inches but no more than six inches above the grade of the adjoining parking spaces and said sidewalk is a minimum width of five feet, the sidewalk may act as a

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wheelstop provided the parking spaces are adjacent to only one side of the sidewalk. If parking is adjacent to both sides of the sidewalk, it must be a minimum of eight feet wide or wheelstops must be placed two feet from the end of the parking spaces on one side. A two foot area of the sidewalk into which the vehicle extends must remain unobstructed and available for the vehicle at all times. If a private sidewalk serves as a wheelstop as described herein, the length of adjoining parking spaces may be reduced by two feet.

H. *Subsurface Drainage Connection*

1. Subsurface drainage connection to an approved public storm sewer is required when the impervious area and distance from existing storm sewers meets the conditions shown in Figure VIII-6 or as required by the City Engineer.

2. Impervious area includes all paved surfaces including parking lots, loading areas, access drives and sidewalks within the development, exclusive of structures. The distances from a storm sewer in Figure VIII-6 shall be measured from the point of the impervious area nearest the existing storm sewer along the projected path of the proposed storm sewer.

3. All requests for developments with more than 10,000 square feet of impervious area shall prepare a storm water management plan. Said plan shall be prepared by a registered professional engineer and include drainage calculations for existing conditions and proposed conditions for two year, five year, and 50 year storm recurrence intervals. A site plan shall be included showing the proposed storm water management system, including the location and size of all drainage structures, storm sewers, swales and swale sections, detention basins, outlet lines, and analyses of the effect of said improvement on the receiving outlet pipe and storm sewer and the associated swale and high water elevations for each storm event. Additional site specific information may need to be submitted as required by the City Engineer. (Ord. No. 8990-68, § 1, 2-5-90; Ord. No. 9091-132, § 4, 5-20-91; Ord. No. 9091-137, § 1-5, 6-3-91)

4. The owner/developer shall include in the plans a typical detail of the method of connection to the storm sewer and details for the replacement and restoration of all paved and unpaved portions of the public right-of-way. Inspection and approval of any work required by this section shall be the responsibility of the City Engineer.

Section VIII-4. Location of Parking Facilities

A. The Zoning Administrator or his/her duly authorized agent shall cause parking citations to be issued for violations of this Section.

B. All off-street parking spaces required by this Article shall be located on the same zoning lot as the use to which they are accessory, except as provided herein.

C. Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V-3.G.

D. Except as otherwise allowed herein, off-street parking in a required front, rear, or side yard, in a required open space area, or on an unapproved parking surface is prohibited.

E. Except for driveways serving a single-family or two-family residence, no parking space shall be permitted where the exiting vehicle must be backed into or out of a public street. Vehicles are allowed to back out toward public alleys when proper aisle widths are provided.

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

1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard. Such area devoted to parking and access thereto shall not exceed 45% of the total lot width for single-family or duplex dwelling units. Drives serving individual townhouse units shall not exceed 45% of the total lot width or 18 feet, whichever is greater. Such spaces may be stacked. Accessory spaces provided pursuant to Section VIII.4.J shall not be located in a required front yard. (Ord. No. 2009-09-103)

2. Accessory off-street parking may locate in the required side yard and rear yard, provided that the parking is located behind the rear 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)

3. Off-street parking in a required rear yard is prohibited in the MOR District unless it is determined by the MOR Development Review Board that a combination of fencing and/or vegetation have been installed and maintained to meet the requirements of Section VIII-3.F and which can reasonably be expected to shield such parking from view from adjacent residential structures within five years of the date on which such parking is allowed.

4. In the B-2 and B3-U Zoning Districts, parking is permitted to locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the adjacent area is also used for parking.

5. In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-1, B-2, B-3, B-3U, B-4, B-4E, IN-1 or MIC and if the adjacent area is also used for parking.

6. Parking in the B-2, B-3, B-3U, and IN-1 and IN-2 Zoning District shall be permitted to encroach ten feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.

G. Where parking is permitted in a required yard in any zoning district, a minimum space of 18 inches shall be maintained from the nearest edge of the parking lot to the property line. A minimum of three feet is required where parking lot screening is required in conformance with Section VIII-3.F.

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;

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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.

5. No more than two commercial vehicles shall be on the zoning lot parked at any one time. Commercial vehicles stored outside must be parked on an approved driveway or parking space. Such commercial vehicles shall not exceed three-quarter ton capacity and shall be used by an occupant of the dwelling for personal or business transportation. Commercial vehicles engaged in a lawful construction or service operation on the site are exempt from this requirement.

I. Any vehicle regulated by this section that is stored outside shall be in mechanically and legally operable condition.

J. In order to provide single and two family residential uses an opportunity to establish an accessory parking area, a maximum of two accessory, off-street parking spaces may be constructed for single and two family residences for passenger vehicles, recreational vehicles, watercraft and off-road vehicles. Said accessory parking must be in addition to and on other than the access drive and shall not be located in the required front yard. The surface for such a storage area shall consist of either asphalt, concrete, brick, CA-10 or equivalent gravel contained by curbing or approved landscape edging treatment, or other surface approved by the Zoning Administrator. Said accessory parking area shall have approved access thereto. Dirt, woodchip, or sod surfaces are prohibited. (Ord. No. 1999-08-079, 08-03-99)

K. Parking located at ground level below any portion of a principal structure shall be prohibited in the MOR District. Parking located underground below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII of this Ordinance.

L. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:

1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.

2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:

   a) The off-site parking shall be permitted by right if either the principal use or a "principal use parking lot," or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.

   b) The off-site parking shall require a special use permit if a) above is not applicable.

   c) The petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained off-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.

3. If the off-site parking is located within 600 feet of property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VIII-2.

4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.

5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site.

Section VIII-5. Amount of Parking Required

A. Except as otherwise provided herein whenever a use is established or a building or structure is erected or converted to any use listed in this Section or the use of a building is changed to a use listed in this section, off-street parking for the use shall be provided in the amount required by Table VIII-7, "Parking Requirements by Use." When a building or structure is enlarged, expanded, or structurally altered, and the existing parking is legally nonconforming, the total parking requirement shall be calculated by adding the number of existing off-street parking spaces to the number of newly required parking spaces for the additional floor area as determined by Table VIII-7.

B. In the case of a use that is not specifically mentioned in Table VIII-7, parking shall be provided according to the requirements for the use to which it is most related or similar as determined by the Zoning Administrator.

C. Off-street parking is not required in the B-4 Central Business Zoning District. Any off-street parking that is provided shall be in conformance with Article VIII of this Ordinance.

D. The off-street parking required by Section VIII-5 for land uses that are located in the B-4E Central Business Expansion Zoning District shall be provided at a rate equal to 50% of the amount required by Table VIII-7, entitled "Parking Requirements by Use". However, this reduction in parking within the B-4E District shall not apply to residential and related uses which shall be required to provide the full amount of off-street parking as required in Table VIII-7.

E. Where the applicable zoning district regulations permit, nothing in this Article shall be construed to prevent the provision of collective off-street parking facilities for two or more business or industrial uses. The required total of such off-street parking spaces supplied collectively shall not be less than

F. 85% of the sum of the requirements computed separately. In cases of collective usage involving dwelling units, there shall be no reduction in the requirements of this Article. All such parking spaces shall be located in accordance with Section VIII-4.

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.

H. Drive-through facilities for any use in the B-1, Neighborhood Business Zoning District shall be considered accessory to the principal use and shall require the granting of a Special Use Permit under the provisions of Article VII herein.

I. For the purposes of determining off-street parking requirements listed in Table VIII-7, the following units of measurement shall apply:

1. *Floor area*. In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area as defined in Article II, Definitions, of the Zoning Ordinance but exclusive of such floor areas the Zoning Administrator determines to be storage closets.

2. *Places of Public Assembly*

   a) In stadiums, sports arenas, churches, and other places of public assembly in which those in attendance occupy benches, pews, and other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining the off-street parking requirements of the Urbana Zoning Ordinance.

   b) For open assembly areas (no seats), the number of parking spaces shall be equal in number to 25% of the capacity in persons as determined by the Zoning Administrator.

   c) In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and then added together to determine total parking requirement.

3. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction under one-half shall be disregarded, and any fraction of over and including one-half shall require one full parking space.

J. Off-street parking required for Planned Unit Developments may be reduced in accordance with the provisions of Section XIII-3.E.1 (Ord. No. 2007-01-003, 04-04-07)

K. At least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses. If an off-site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use. (Ord. No. 2005-02-017, 02-18-05)

L. *CCD, Campus Commercial District Parking Requirements.* Parking requirements shall be calculated for individual uses permitted in the CCD, Campus Commercial District, as specified in Table V-1.

Each use shall provide parking at a rate of one-half of the requirement for said use outlined in Table VIII-7, with the following exceptions:

1. *Restaurants, Cafés, and Coffee Shops.* 1 space per 400 square feet of floor area, including outdoor seating areas.

2. *Multiple Family Dwellings.* 0.5 spaces per bedroom; no less than 1 space per dwelling unit.

3. *Technical Training and Test Preparation.* 1 space per 600 square feet of floor area.

M. 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 VIII-6. Off-Street Loading Regulations

A. All off-street loading spaces shall have a vertical clearance of at least 14 feet.

B. All off-street loading spaces shall be designed with adequate means of vehicular access to a street or improved alley in a manner that will least interfere with traffic movement.

C. All off-street loading spaces shall be screened in accordance with Section VI-6.F.

D. All off-street loading spaces shall be paved with a hard surface in accordance with Section VIII-3.A of this Article.

E. In no case shall an off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.

F. Off-street loading spaces without loading docks may be located in a required rear yard.

G. Off-street loading spaces with loading docks shall be set back at least 75 feet from residential districts. Loading spaces with loading docks located within 150 feet of residential districts shall also conform to one or more of the following:

1. The loading space and dock shall be screened from adjacent residences by use of a wing wall of sufficient height and length to effectively screen any vehicles and trailers parked in said space; or

2. The loading space and dock shall be fully enclosed within a building; or

3. The loading space and dock shall not be occupied between the hours of 10:00 PM and 7:00 AM; or

4. The loading space and dock shall implement alternative measures sufficient to mitigate noise, such as an engineered noise wall, shield, or baffle, with such measures to be approved by the Zoning Administrator and City Engineer.

(Ord. No. 2010-08-071)

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:

1. *Zoning Administrator Review*

   a) The Zoning Administrator shall determine whether proposed developments are subject to the bicycle parking requirements set forth in Table VIII-6, based upon demand generated by the use, the locations of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.

   b) For non-residential uses, bicycle parking spaces shall be required only for those developments requiring 10 or more automobile parking spaces per Table VIII-7.

   c) The Zoning Administrator shall have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.

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 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.

   c) Bicycle parking areas shall not obstruct walkways or other pedestrian areas.

   d) Bicycle parking areas shall be allowed in the same location as automobile parking on a site.

   e) For non-residential uses, bicycle parking racks may be placed within the area of up to two automobile parking spaces on a site. These spaces may be credited toward the total number of off-street automobile parking spaces required by Section VIII-5 and Table VIII-7.

   f) Bicycle parking areas shall be placed on an approved dust-free surface, subject to the review and approval of the Zoning Administrator. Acceptable surfaces include, but are not limited to, concrete, asphalt, bricks, rock chips, recycled asphalt, and wood chips.

   g) For non-residential uses in the AG, B-1, B-2, B-3, B-3U, CRE, IN1, IN-2, and MIC zones, bicycle parking areas may encroach into the required front yard setback, but in no case shall be closer than five feet to the front property line.

   h) For non-residential uses in the B-4 zoning district, bicycle parking areas may be permitted in the right-of-way subject to City Engineer approval.

i) For non-residential uses in the B-4E and Campus Commercial District (CCD) zones, bicycle parking areas may encroach into the required front yard.

j) Bicycle parking areas are prohibited within the front yard setback in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Zoning Districts.

k) Bicycle parking areas shall be permitted within the side and rear yard setbacks in all zoning districts.

l) The amount of off-street automobile parking required by Section VIII-5 for non-residential uses may be reduced by up to two spaces when bicycle racks occupy the automobile parking spaces, and where the spaces occupied by the bicycle racks are located in a convenient and accessible manner.

TABLE VIII-6. BICYCLE PARKING REQUIREMENTS BY USE[1]

Use	Number of Spaces Required
Multi-family, Boarding or Rooming House, or Dormitory[2]	1 for every 2 dwelling units
Public and Quasi Public Uses[2,3]	
All schools	4 for every classroom
All other uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
Commercial Uses[2,3,4]	
All uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
Industrial, Transportation & Related Uses[2,3]	
All uses	4% of required automobile parking up to a maximum of 25 bicycle parking spaces

1. The Zoning Administrator shall determine whether proposed developments are subject to these bicycle parking requirements based upon demand generated by the use, the location of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.

2. The Zoning Administrator shall further have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.

3. For non-residential uses, bicycle parking spaces shall be required only for developments with 10 or more automobile parking spaces required.

4. Commercial uses include the following categories from Table VIII-7: Office and Related Uses, Service Business Uses, Retail Business Uses, and Commercial Recreational Uses.

TABLE VIII-7. PARKING REQUIREMENTS BY USE

Use	Number of Spaces Required
Agriculture	
Feed and Grain Store, Plant Nursery, Roadside Produce Sales Stand	1 per every 400 sq. ft. of sales area
All Other Agriculture Uses	None
Public and Quasi-Public	
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)
College or University Facility	Based on the individual uses housed within the subject building.
Day Care Facility	3 for every 2 employees plus drive-in facility for drop off of children
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)
Institution of an Educational or Charitable Nature	Based on specific uses within a facility and the corresponding parking requirements
Municipal or Government Building	1 for every 300 sq. ft. of floor area
Police or Fire Station	1 per employee on maximum shift
Public or Private Parochial Elementary, 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 11th and 12th grade, whichever is greater
Public Library, Museum or Gallery	1 for every 500 sq. ft. of floor area
Public Utility Plants or Storage Building (not including offices)	None
Food Sales and Service	
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, excluding outdoor seating areas
Grocery Store or Supermarket	1 for every 300 sq. ft of floor area
Catering Service	1 for every 400 sq. ft of floor area
All Other Food Sales and Service Uses	1 for every 250 sq. ft. of floor area
Personal Services	
Ambulance Service	0.75 per employee on maximum shift
Laundry and/or Dry Cleaning	1 for every 300 sq. ft. of floor area
Medical Carrier Service	0.75 per employee
Mortuary	1 for every 8 seats
All Other Personal Services Uses	1 for every 250 sq. ft. of floor area
Professional and Financial Services	
Bank/Savings and Loan Association	1 for every 250 sq. ft. of floor area
Copy and Printer Service or Similar Uses	1 for every 350 sq. ft of floor area
Medical Clinic or Office	1 for every 250 sq. ft. of floor area
Professional and Business Office	1 for every 300 sq. ft. of floor area
Vocational, Trade or Business School	1 for every 400 sq. ft. of floor area
All Other Professional and Financial Services Uses	1 for every 250 sq. ft. of floor area

Notes: The intent for multi-family dwellings is to provide parking at a rate of one-half space per person. However, in no case shall a dwelling unit have less than one parking space.

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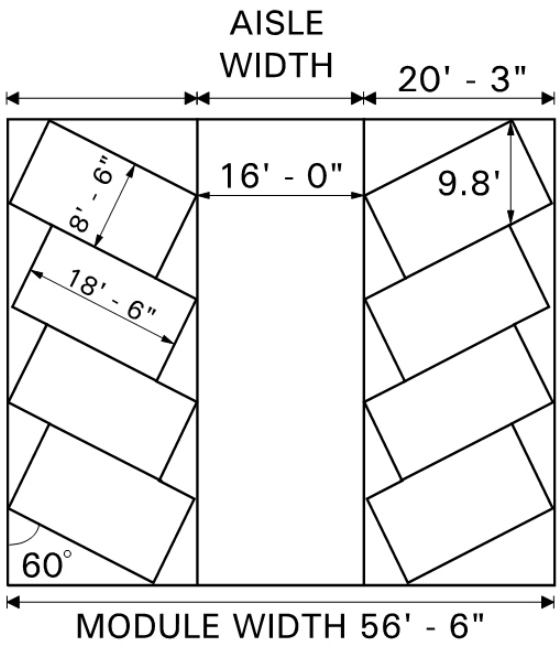
Use	Number of Spaces Required
Retail Trade	
Furniture or Appliance Sales and Service (Home or Office)	1 for every 400 sq. ft. of floor area
Art and Craft Store and/or Studio	1 for every 500 sq. ft. of floor area
Bicycle Sales and Service	1 for every 300 sq. ft. of floor area
Building Material, Hardware and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Shopping Center (excluding Restaurants)	1 for every 250 sq. ft. of floor area
All Other Retail Trade Uses	1 for every 250 sq. ft. of floor area
Recreation	
Bowling Alley	2 for every lane, and 1 for every 2 employees
Country Club	Based on specific uses within a facility and the corresponding parking requirements
Driving Range or Miniature Golf	1 for every tee, plus 1 for every four employees
Gaming Hall	1 for every 250 sq. ft. of floor area
Golf Course	4 for every tee
Indoor Movie Theater	1 for every 5 seats
Lodge or Private Club	1 for every 2 bedrooms and 1 for every 50 sq. ft. of area used for assembly, dancing or dining
Outdoor Commercial Recreation Enterprises	1 for every 2,000 sq. ft. of lot area
Private Indoor Fitness/Recreational Development or Similar Uses	1 for every 400 sq. ft. of floor area
Transportation	
Motor Bus Station	1 for every 400 sq. ft. of leasable floor area
Vehicular Sales and Service	
Automobile Accessories	1 for every 400 sq. ft. of floor area
Gasoline Station/Convenience Store	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
All Other Vehicular Sales and Service Uses	1 for every 400 sq. ft. of floor area, and 1 for every 3 employees
Miscellaneous Business	
Animal Hospital or Kennel	1 for every 400 sq. ft. of floor area
Contractor Shop and Showroom	1 for every 400 sq. ft. of floor area
Self-Storage Facility	1 for every 100 storage units, no less than 2; must be located next to main office
Warehouse or Similar Uses	1 for every 2,000 sq. ft. of floor area
Residential	
Bed and Breakfast	1 for every living or sleeping room, plus 2 if owner-occupied
Boarding or Rooming House or Similar Uses	1 for every 2 residents
Community Living Facility (any type) or Home for Adjustment	1 for every employee on maximum shift, and one for every 4 members of the service dependant population
Dormitory	1 for every 3 residents
Hotel or Motel	1 for every living or sleeping room
Nursing Home	1 for every 6 beds, and 1 for every 3 employees on maximum shift
Mobile Home	2 for every mobile home
Efficiency, One or Two Bedroom Multiple-Family Dwelling Unit	No less than 1 for every dwelling unit
Three Bedroom Multiple-Family Dwelling Unit	1.5 for every dwelling unit
Four Bedroom Multiple-Family Dwelling Unit	2 for every dwelling unit
More Than Four Bedroom Multiple-Family Dwelling Unit	2.5 for every dwelling unit
Single and Two-Family or Similar Uses	2 for every dwelling unit
Industrial	
All Industrial Uses	1 for every 1,000 sq. ft. of floor area

Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V-3.G

FIGURE VIII-1. Parking Modules with Flexible Aisle Widths



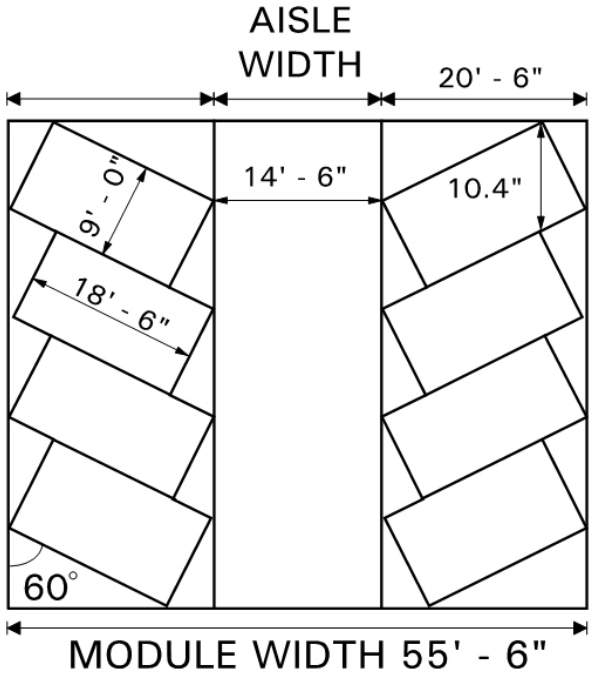


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FIGURE VIII-2. Typical Turnaround Design for 90º Parking Access Drive

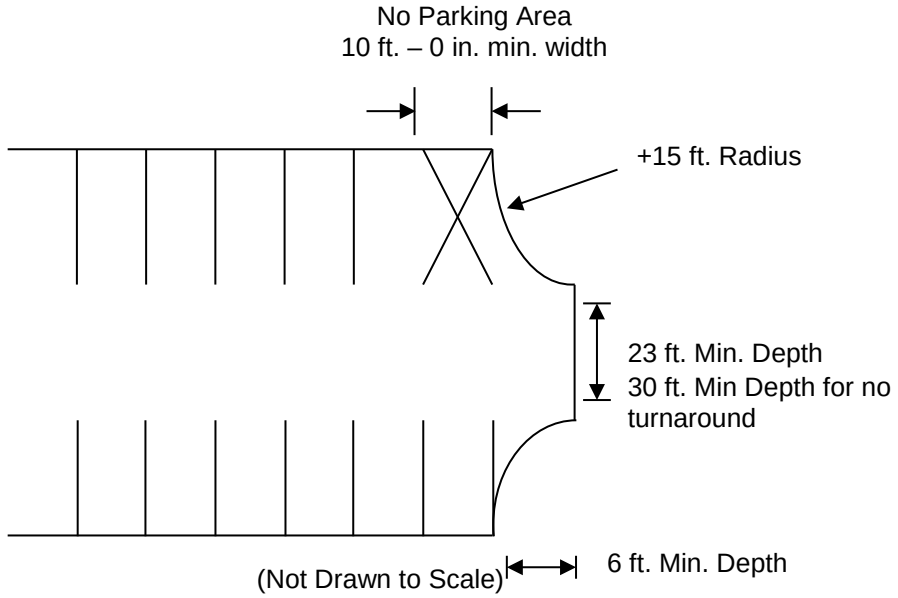


FIGURE VIII-3. Requirements for Access Drive

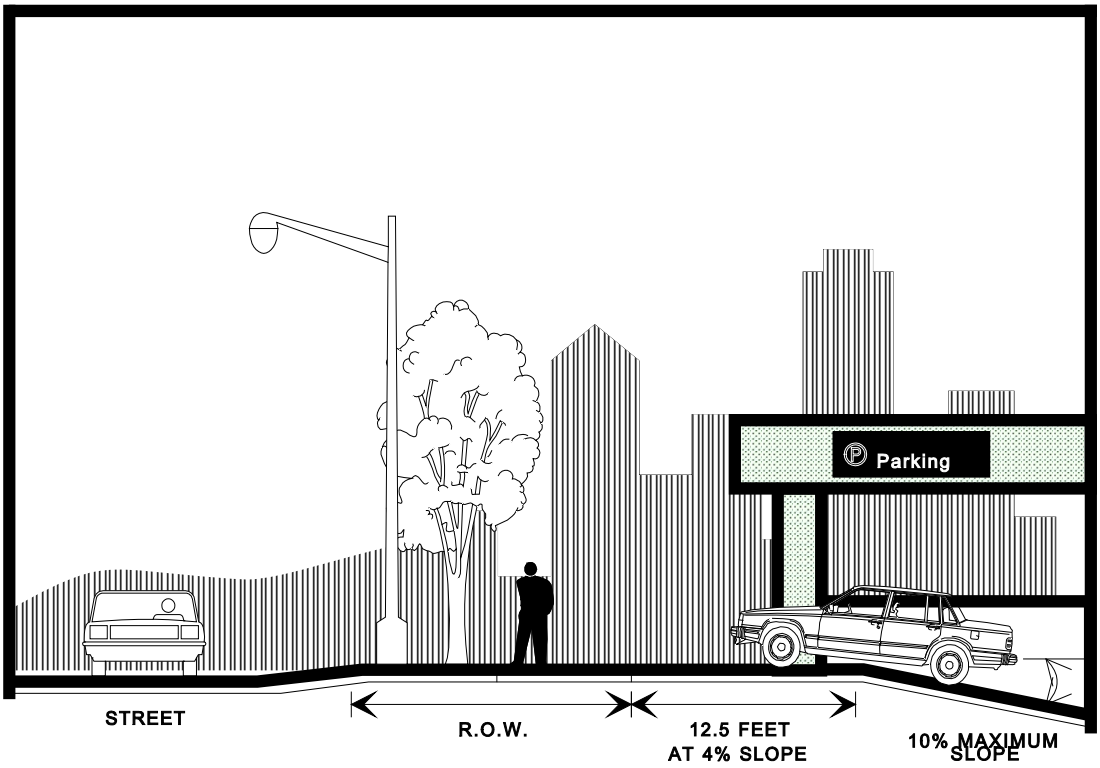
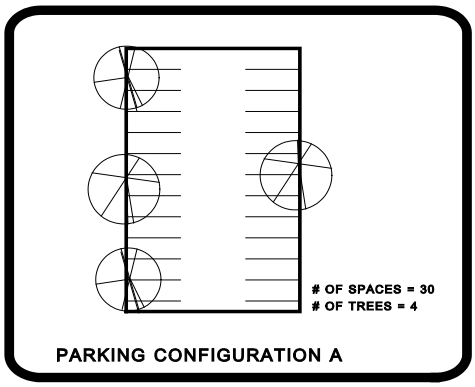
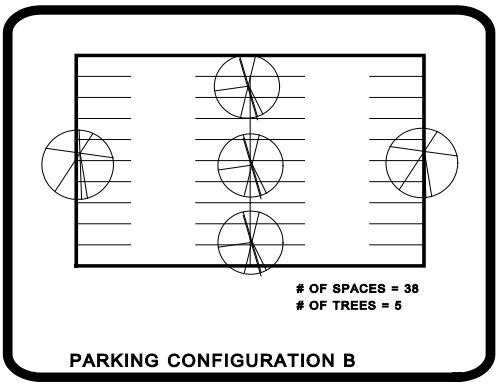


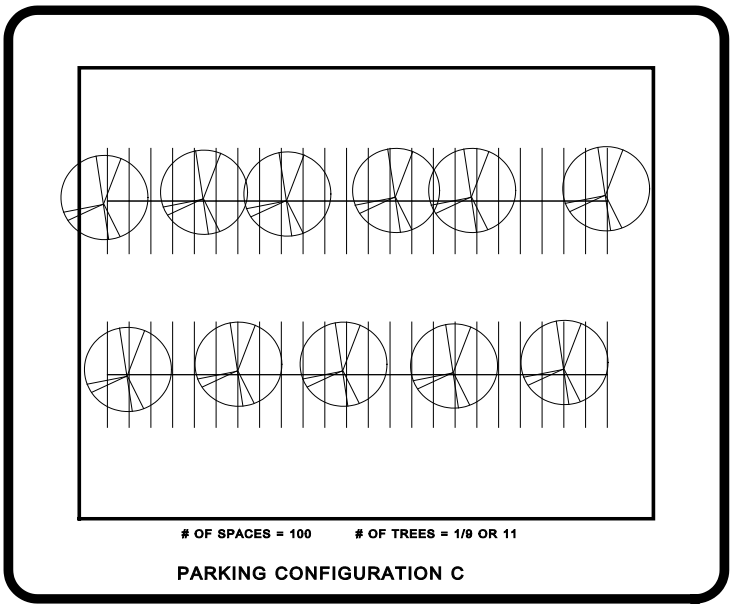
FIGURE VIII-4. (reserved)

FIGURE VIII-5. Requirements for Shade Tree

Planting in Parking Lots







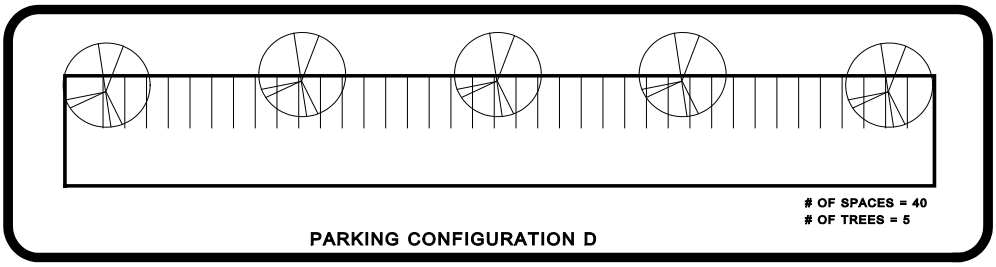


FIGURE VIII-6. Surface Drainage

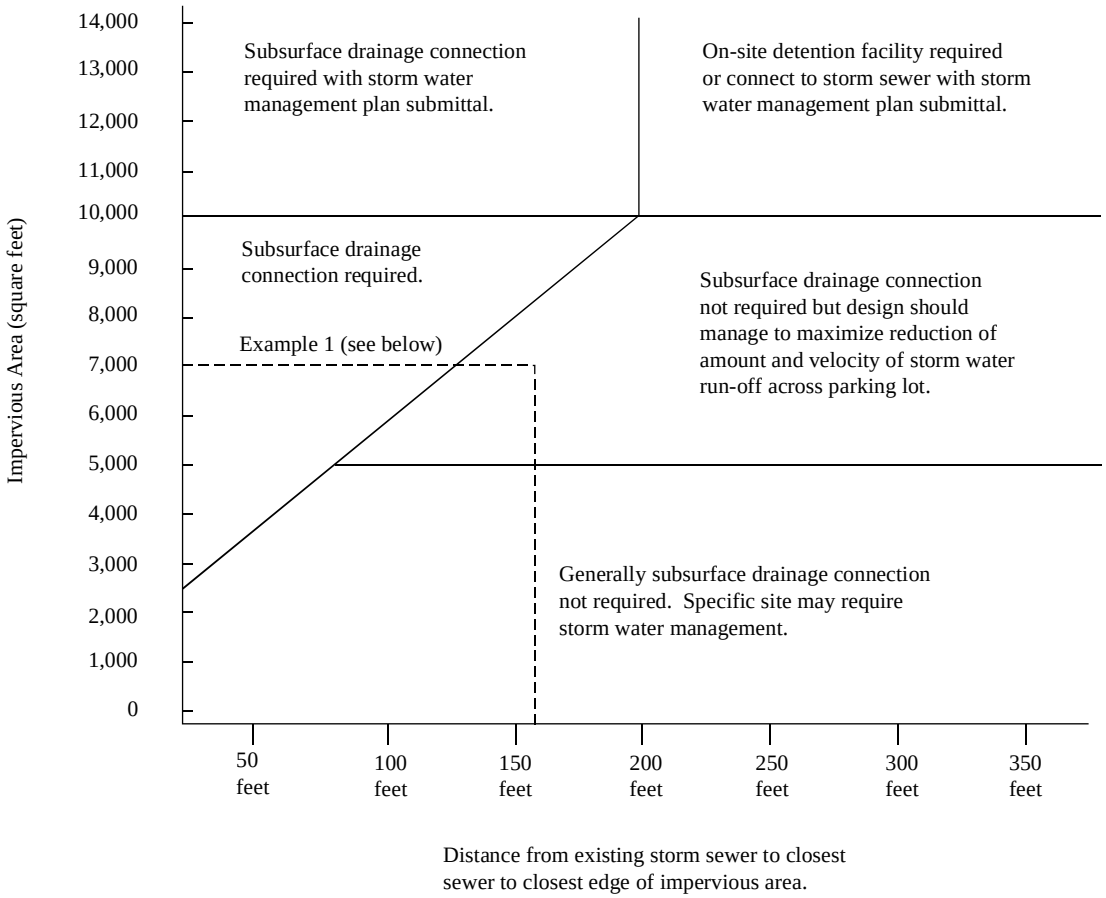


Figure VIII-6

Example 1

Given: Impervious area of development is 7,000 square feet and nearest public storm sewer is 160 ft. away. Enter left side Fig. VIII-6 at 7,000 square feet and then move across to intersect line at 160 ft. mark.

Result: Subsurface drainage connection not required but design needs to maximize reduction of surface run-off amount & velocity.

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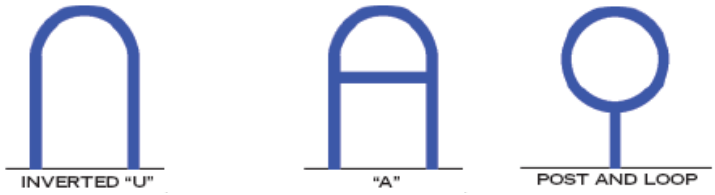
FIGURE VIII-7. Bicycle Parking Rack Types

Acceptable Designs



Unacceptable

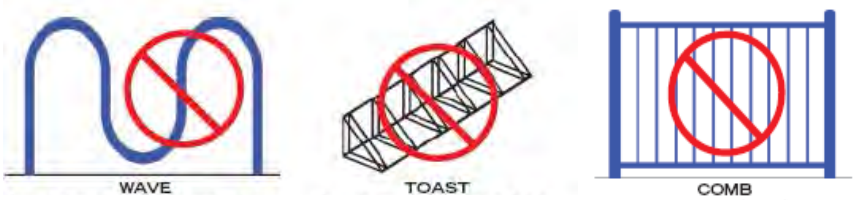
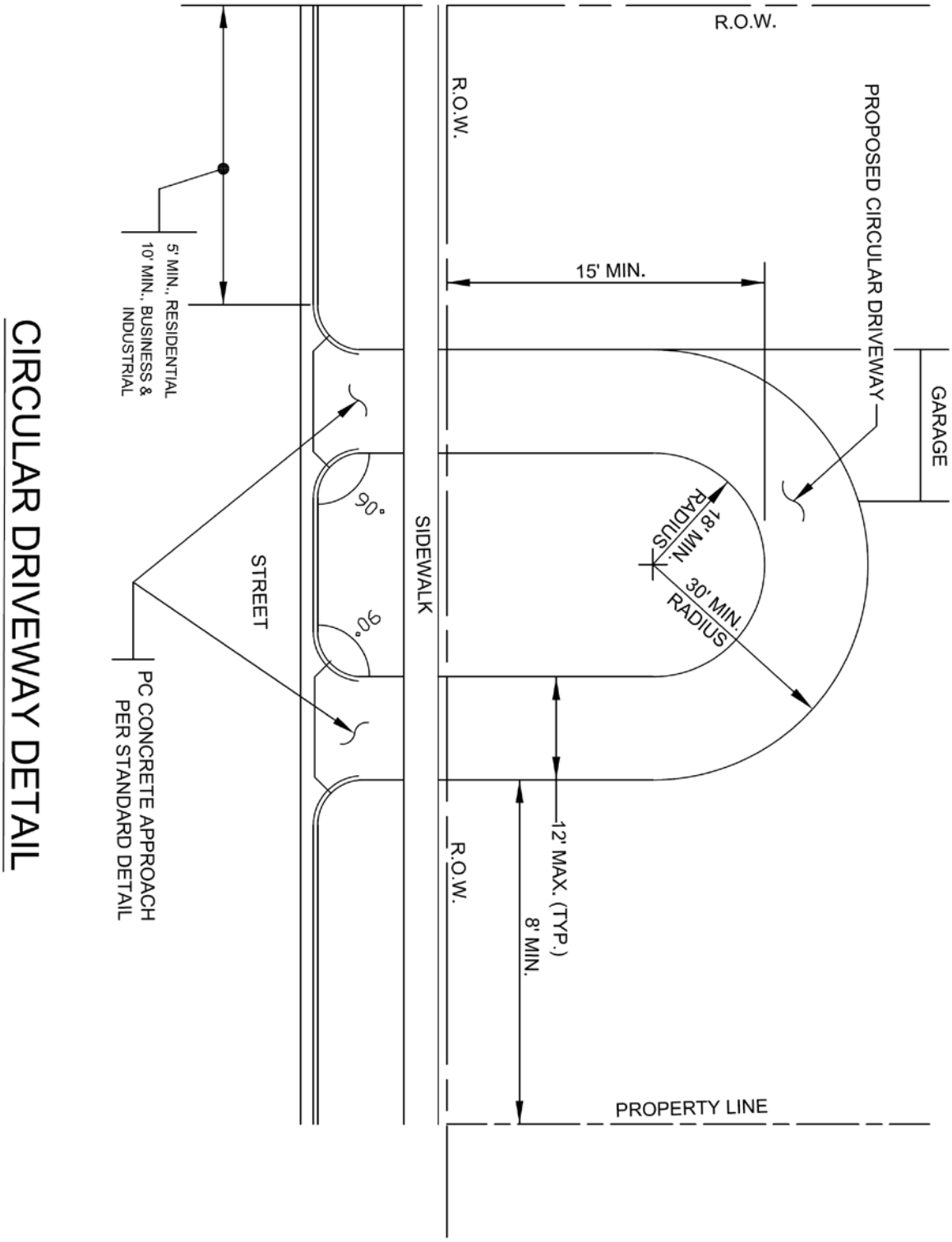


Figure VIII-8. Standards for Circular Drives



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ARTICLE IX. SIGN AND OASS REGULATIONS

Section IX-1. Purpose and Severability
Section IX-2. Sign and OASS Definitions
Section IX-3. Measurement Standards
Section IX-4. General Sign Allowances
Section IX-5. Sign Permits
Section IX-6. Outdoor Advertising Sign Structures (OASS)
Section IX-7. Prohibited Signs and OASS
Section IX-8. (Reserved)
Section IX-9. Enforcement and Penalties

Section IX-1. Purpose and Severability

A. *Purpose*. The purpose of this Article is to create the legal framework for a comprehensive and balanced system of signs and outdoor advertising sign structures (OASS) that will implement the City of Urbana's Comprehensive Plan; preserve the right of free speech and expression; provide effective communication between people and their environment; and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs and OASS that are:

1. Compatible with their surroundings;
2. Appropriate to the activity that displays them;
3. Expressive of the identity of individual activities and the community as a whole; and
4. Legible in the circumstances in which they are seen.

These sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures (OASS)" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of both commercial and noncommercial information, utilizing nationally standardized sign panels designed to allow relatively frequent changes in message. At the same time, these regulations recognize that limiting the size, number, and spacing of such structures is consistent with and will further the purposes and policies expressed herein.

Recognizing that OASS and other signage can be constructed to varying degrees of compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS. Further recognizing that the zoning districts in and routes along which OASS may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural features, and are intended to result in OASS that have an acceptable commercial, as opposed to industrial, appearance. (Ord. No. 2001-05-044, 06-04-01)

B. *Severability*. Should any court of competent jurisdiction declare any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions.

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Section IX-2. Sign and OASS Definitions

A. *Animation or Animated*. The movement or optical illusion of movement of a sign or its sign structure, design, or illumination, caused by any method other than physically removing and replacing the sign or its components. For the purposes of this Article, animation shall include mechanical, electrical, electronic, or other means, or the appearance of movement, including but not limited to full-motion video, flashing, scrolling, oscillating, blinking, twinkling, or changing color or light intensity in a way simulating change; provided that signs employing static electronic displays, changing instantaneously without swipes or transitions, and with a frequency of change no more than once every three minutes, shall not be defined as animated signs.

B. *Banner*: A sign made of paper, plastic or fabric of any kind and which can be easily folded or rolled.

C. *Commercial sign*: A sign directing attention to or indicating any business or involving any goods or services.

D. *Community Event Sign*: A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational or charitable nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)

E. *Development Sign*: Any sign displayed on a construction site by architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or subdivision of property.

F. *Electronic Display*: Visual representation of text, graphics, and/or images through electronic means, either analog or digital, and whether by cathode ray tube, light emitting diode (LED), liquid crystal display (LCD), plasma, or any other electronic means.

G. *Flag*: A square or rectangular sign made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

H. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure*: Any permanent sign or outdoor advertising sign structure completely or principally self-supported, such as by a monument base, uprights, braces, columns, or poles, and independent of any building or other structures.

I. *Grand Opening Sign*: A temporary sign displayed at the time of the opening of a new business or the change of ownership of a business. (Ord. No. 9495-81, 3-6-95)

J. *Home Occupation Sign*. A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises.

K. *Integral Signs:* Any architectural feature carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.

L. *Internally Illuminated* or *Internal Illumination*: Having a light source that is concealed on contained within a sign and becomes visible in darkness through a translucent surface.

M. *Institutional Signs*: Any sign and/or message board displayed by any public, charitable, educational, religious or other institution, when located on the premises of such institution.

N. *Message Board*: A sign, or any portion of a sign, designed and constructed to allow changeable messages through manual, mechanical, or electronic means.

O. *Monument Sign*: A type of freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole.

P. *Multi-Family Residential Identification Signs*: Signs displayed by a multi-family residential building or complex, boarding or rooming house, or dormitory, in accordance with Table V-1. Such signs shall be subject to the standards specified in Table IX-10.

Q. *Official Sign:* Signs displayed in the public right-of-way with approval of the Public Works Director or designee. Examples include safety signs, danger signs, traffic signs, memorial plaques, or signs indicating points of scenic or historical interest.

R. *Outdoor Advertising Sign Company*: A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.

S. *Outdoor Advertising Sign Structure (OASS)*: An outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short-term basis.

T. *Permanent Sign*: A sign that is permanently affixed or anchored to the ground, building, or other structure.

U. *Portable Sign*: A freestanding sign not permanently anchored or secured to either a building or structure.

V. *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. Per Code of Federal Regulations Title 23, Part 655.603, internal traffic control signs shall conform to the Manual on Uniform Traffic Control Devices.

W. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.

X. *Roof Sign*: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.

Y. *Sandwich Board Sign*: A temporary freestanding sign that is oriented in its display primarily towards pedestrian traffic.

Z. *Shopping Center/Commercial PUD Sign*: A sign designed for the purpose of being displayed by an entire shopping center. No single listing may exceed 50% of the area of any face of the sign.

AA. *Sign*: Any identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. An Outdoor Advertising Sign Structure (OASS) shall not be considered a sign under the regulations contained in this ordinance.

BB. *Subdivision Sign*: Any sign displayed by a residential, commercial, office or industrial subdivision or neighborhood.

CC. *Temporary Sign*: A sign which is readily movable, not permanently anchored, and intended to be displayed for a limited period of time.

DD. *Utility Warning Signs*: Signs displayed in connection with utility pipes, conduits, and cables.

EE. *Wall Sign, Wall-Mounted Sign, or Wall-Mounted Outdoor Advertising Sign Structure*: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.

Section IX-3. Measurement Standards

A. *Area Measurement of Signs and OASS*. The area of signs and OASS shall be computed as:

1. *Flat Signs:* The area of the smallest convex geometric figure encompassing the sign; or

2. *Three-dimensional Signs:* The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

3. *Outdoor Advertising Sign Structures (OASS)*: The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than six inches above the lowest portion of any horizontal structural element of the OASS.

   This Article limits OASS to standard “30 sheet poster panels” or “junior panels” and which shall be measured as follows:

   a) 30 sheet poster panels or painted bulletins are approximately 12 feet by 25 feet and contain no more than 300 square feet of total display area;

   b) Junior panels are approximately six feet by 12 feet and contain no more than 72 square feet of total display area;

   c) Height and width measures for 30 sheet poster panels and junior panels shall include outside dimensions, including any trim, but excluding the base, apron, supports, and other structural members; and

d) For the purpose of defining the height and width of an OASS, The term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

B. *Height Measurement*

1. The maximum allowable height of freestanding signs and OASS shall be measured as the distance from the top of the highest portion of the sign or structure to:

   a) The grade at the foundation of the sign or outdoor advertising sign structure; or

   b) The average grade of the lot, whichever is less.

2. The minimum required height of OASS shall be measured as the distance from the bottom of the lowest portion of the sign or sign structure to:

   a) The grade at the foundation of the sign or outdoor advertising sign structure; or

   b) The average grade of the lot, whichever is less.

C. *OASS Separation Distance Measurements.* The separation distance between OASS shall be measured as follows:

1. Separation distances between OASS shall be measured horizontally along the centerlines of the roadway(s) to which OASS faces are directed, and between points on said centerlines closest to each OASS.

2. For free-standing OASS, the closest point on the roadway centerline shall be measured from the closest point of ground support for the structure.

3. For wall-mounted OASS, the closest point on the roadway centerline shall be measured from the nearest edge or projection of the OASS.

D. *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)

E. *Measurement of Gas Station Canopy Display Area*: The area of a gas station canopy structure shall be computed as the product of the height and length of a canopy structure’s vertical face. The vertical supports of the canopy structure shall not be considered a display area.

Section IX-4. General Sign Allowances

A. *General Sign Provisions*.

1. Signs specified in this Section and in Tables IX-1 through Table IX-10 of this Article shall be allowed subject to the conditions and limitations set forth herein.

2. Any sign not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

3. Any sign or OASS authorized by this Article may display a noncommercial message.

B. *Institutional Signs.* In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum sign size of 25 square feet per sign, except that properties on arterial road as designated in the Comprehensive Plan with a street frontage longer than 300 feet may have one 50 square foot sign per arterial frontage. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district. (Ord. No. 2011-02-007, 2-21-2011)

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, may include an element of electronic display when designed and operated to meet the following requirements:

1. *Area.* The maximum area of electronic display shall not exceed 50 percent of any sign area. Electronic displays on wall signs in the CRE District shall not exceed 50 square feet.

2. *Animation.* Electronic displays shall not be animated as defined by this Article, including a display change frequency of no more than once every three minutes.

3. The sign, including electronic display, shall meet all other design standards in this Article.

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 footcandles will be taken with a light meter aimed directly at the electronic display at the distance specified by the following:

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

   Second, with the electronic display either turned off, showing all black copy, or blocked, the light meter will be used to measure the area ambient light level in footcandles. The difference between the two readings shall be the electronic signs illumination level above the ambient light level.

D. *Community Event Signs on City Property*.

1. The Zoning Administrator may issue a permit for community event signs to be erected or maintained on or over any property owned or controlled by the City, including public rights-of-way, which conform to the requirements and restrictions of this subsection of this ordinance. Prior to issuance of a permit, the Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of $200,000.

2. *Zoning Districts Allowed*:

   B-4, Central Business

   B-4E, Central Business-Expansion

3. *Numbers and Sizes of Signs*:

a) The Zoning Administrator shall grant permits for no more than ten community event signs to be displayed on any one day. When applications are received for more than one event sign to be displayed on the same day, and the total number exceeds the maximum provided in this section, each event shall receive a permit for a pro rata number of such signs so that the maximum number of signs is not exceeded for that day.

b) Community event signs shall be no larger than 50 square feet in display area.

4. *Length of Time of Display*:

a) Community event signs shall be displayed for not more than a consecutive 30-day period.

b) No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

5. *Electronic Display of Community Events*. The Zoning Administrator may approve permanent signs with an electronic display to be located at the site of community events which operate on a regular basis on City-owned or controlled property. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

a) The sign shall not be located within 450 feet of another community event electronic display sign.

b) The sign shall not be located within 100 feet of a residential district or use.

c) The maximum area of an electronic message board display shall not exceed 25 square feet. This counts against the total sign allowance for a business frontage.

d) Illumination from the sign will not cause a nuisance to any nearby residential district or use.

E. Signs in *Planned Unit Developments*. Signs and outdoor advertising sign structures located within a Planned Unit Development shall be subject to the provisions applicable to the zoning district in which the PUD is located.

F. *Agricultural Districts*. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive non-agricultural zoning district within which the use is permitted by right.

G. *Shopping Center Signs*. In lieu of Section IX-4.D.5, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.

H. *Sign safety*. Signs and OASS shall be designed, sited, and constructed to allow safe vehicular movement onto and within the property, including on driveways and parking lots. Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.

I. *Temporary Signs.* In the B-3, B-3U, B-4, B-4E, and IN-1 and IN-2 Districts, in addition to the signs permitted as specified in Table IX-1 through Table IX-4, Table IX-6 and Table IX-9, temporary signs shall be allowed by permit as provided in this Section. Temporary Signs for non-residential uses in residential districts (as allowed in Table V-1) shall also be allowed by permit as provided in this Section.

1. *Grand Opening Signs*. Each business (or other entity) shall be allowed to display one grand opening sign for each business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. The display must occur within the first six months after either the opening of the business at that site, or after there has been a change in ownership of the business.

2. *Inflatable Signs and Balloons*. Within the first 30 days of the operation of a new on-site business, in addition to the banner signs as permitted in this section, a business having at least 50 feet of frontage may display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

   An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance in all directions from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened as required by manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a commercial sign installer. A permit for an inflatable sign may not be issued unless proof of liability insurance in a minimum amount of one million dollars is shown. Signs inflated with helium are strictly prohibited.

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.

4. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.

5. No fee shall be charged for a grand opening temporary sign. This exemption shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

J. *Signs Authorized Without a Permit*. The following signs shall be allowed in all zoning districts without a sign permit and with the following limitations.

1. *Flags*: No more than two flags for each premise.

2. *Private Traffic Direction Signs and Related Signs:* Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.

3. *Property Sale, Rental, or Exchange Signs:* Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs shall not be internally illuminated and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-7.

4. *Home Occupation Signs:* Home occupation signs that are wall-mounted, not internally illuminated and do not exceed one square foot in area. There shall be only one such sign per building or structure for a home occupation permitted under Section V-13.B.

5. *Subdivision Sign:* Subdivision signs subject to the standards specified in Table IX-8.

6. *Development Signs:* Development signs confined to the site of the construction, alteration, or repair. Development signs shall be removed within 21 days after completion of the work, and shall conform to the standards provided in Table IX-7.

7. *Sandwich Boards*: Such signs shall not be located in the traveled roadway or block pedestrian traffic, and shall be moved indoors at the end of business hours. Such signs shall be permitted in the B-1, B-2, B-3U, B-4, B-4E, or MOR Zoning Districts, and shall not exceed eight square feet in area and four feet in height.

8. *House or Building Sign*: Any sign on a residence or building that does not exceed six inches in height.

K. *Exempt Signs*. The following signs are exempt from the regulations contained in this Article:

1. Official signs or signs required by law.

2. Integral signs.

3. Utility warning signs.

4. Signs carried by a person.

5. Signs integrated with vending machines, fuel pumps, and bus shelters.

Section IX-5. Sign Permits

A. *Permit Requirements.* With the exception of exempt signs authorized by Section IX-4, it shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign or OASS without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance.

B. *Permit Exceptions.* Notwithstanding the requirements of Section IX-5.A, the following modifications to signs and OASS shall not be considered as “installing, constructing, erecting, altering, reconstructing, relocating,” or creating a sign and shall not require a permit:

1. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.

2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

C. *Sign Permit Applications.*

1. A person proposing to erect or display a permanent or temporary sign shall file an application for a permit with the Zoning Administrator of the City of Urbana or designee. Sign permit applications shall contain the following:

   a) The name address and telephone number of the owner of the sign and agent, if any;

   b) The location of buildings, structures, or lots to which or upon which the sign is to be attached or erected;

   c) A site plan drawn to scale specifying the location of permanent, free-standing signs and their relationship to the site and surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;

   d) Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs otherwise require a permit; for temporary signs permitted in Section IX-4; or for signs the fair market value of which is less than $500 and which are to be erected in compliance with a standard method;

   e) The name of person, firm, corporation, or association that will erect the sign;

   f) Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and

   g) Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City.

2. *Issuance of Permit.* The Zoning Administrator shall issue the permit within 30 days after he or she finds that the permit application is complete and complies with all of the requirements in Section IX-4.F.1, and that the sign to be erected complies with all of the requirements of this ordinance. The Zoning Administrator may return the application to the applicant if the Zoning Administrator finds it incomplete.

3. *Denial of Permit*. The Zoning Administrator shall notify the applicant in writing of any denial of a sign permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

4. *Appeal*. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

5. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign shall, upon completion of the work, notify

the Zoning Administrator, who shall inspect the sign as constructed for compliance with City requirements, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign as permitted.

6. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section IX-6. Outdoor Advertising Sign Structures (OASS)

A. Outdoor Advertising Sign Structures (OASS) as specified in this Section shall be allowed subject to the conditions, limitations, and permit requirements set forth herein. Any OASS not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

B. Any Outdoor Advertising Sign Structure authorized by this ordinance may display a noncommercial message.

C. *OASS Permits and Review Procedures*.

1. A person proposing to erect an outdoor advertising sign structure shall file an application for a permit with the Zoning Administrator of the City of Urbana or designee, on forms provided by the City, and shall be accompanied by the following submittals:

a) The names, addresses and telephone numbers of the sign owner and the person or firm erecting the outdoor advertising sign structure;

b) Evidence of written consent of the owner of the building, structure, or land to which or on which the outdoor advertising sign structure is to be erected;

c) A copy of any necessary permits from the Illinois Department of Transportation. Where both City and State permits are required for any OASS, the City shall not issue a permit for an OASS before issuance of the State permit;

d) A site plan drawn to scale specifying the location of the OASS and its relationships to the site and surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;

e) Two copies of construction drawings with plans and specifications indicating the method of construction and attachment to a building or in the ground, sealed by a State licensed structural engineer certifying the structure meets all City building safety requirements;

f) An elevation drawing showing the proposed OASS with appurtenances, drawn to scale, including height of structure and vertical clearance, both front and back;

g) A photographic simulation or illustrative drawing showing the appearance of the OASS in its context, demonstrating that the OASS will not block the view of other business signs from streets, and providing a true representation of design and colors;

h) Lighting plans and specifications, showing effective shielding from roadways and any nearby residential uses; and

i) A landscape plan showing plant types, quantity, and placement, and any special installation or maintenance requirements.

2. OASS permit applications shall be reviewed and approved in the chronological order of receipt of complete applications. Applications lacking any necessary permits issued by the Illinois Department of Transportation shall be deemed incomplete and returned.

3. *Utility company review and comment*. Copies of the OASS permit application shall be transmitted to utility companies and provided ten calendar days from the mailing of the application to review and comment on any utilities or easements. Comments should be provided to the Zoning Administrator or designee. It shall be assumed that if a reviewer fails to submit comments in the time specified, the reviewer had no negative comment.

4. Within thirty days following acceptance of a complete application, including required supporting documentation and fees, the Zoning Administrator shall either approve, approve with conditions, or deny the application.

5. The Zoning Administrator shall notify the applicant in writing of any denial of a permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

6. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

D. *OASS Review Criteria*. Applications for OASS shall demonstrate compliance with the following criteria:

1. *Permitted OASS Locations*. OASS shall only be permitted within 660 feet of the public right-of-way of:

   Interstate 74;
   University Avenue;
   Cunningham Avenue north of University Avenue;
   U.S. Route 150; and
   Lincoln Avenue north of Bradley Avenue;

   Where such location is zoned:

   B-3, General Business District;
   B-4E, Central Business Expansion District; or
   IN-1 or IN-2, Industrial zoning districts;

   Except:

   a) Within 300 feet in any direction from the boundary of any R-1, R-2, R-3, or CRE zoning district within the City corporate limits;

   b) Within 300 feet of any historic landmark or historic district as designated by the City of Urbana; and

   c) On any property designated as a Redevelopment Project in any Tax Increment Finance District Plan adopted pursuant to Illinois' Tax Increment Allocation Act, for which a Redevelopment Agreement with the City of Urbana has been approved or pending before the City Council, where such agreement explicitly prohibits OASS placement.

2. *Spacing*. No OASS shall be spaced closer than 1,000 feet from any other OASS, as measured using the standards provided in Section IX-3.C.

3. *Number of Sign Faces*. The maximum number of sign faces for wall-mounted OASS shall be one per wall provided no other exterior wall signs are displayed on the same wall. The maximum number of sign faces for free-standing OASS shall be two faces per OASS. “Back-to-back” displays shall be deemed a single structure. “Back-to-back” shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.

4. Free-standing OASS shall conform to the setback requirements for buildings within its zoning district.

5. OASS shall be designed, sited, and constructed to allow safe vehicular movement onto and within the property, including on driveways and parking lots. Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.

6. No OASS shall project over any public or private street right-of-way or over any building.

7. New OASS shall not block the view of existing freestanding and wall mounted signs from streets.

8. OASS shall not be cantilevered, other than through use of a “flag” design. That is, the structure shall not use an offset beam to support the display area(s).

9. *Wall and roof mounted OASS*. Wall mounted OASS shall not project above the roofline or edges of wall upon which the OASS is mounted. Roof Mounted OASS are prohibited.

10. *Height limitations for freestanding OASS*. The maximum height limit shall be 35 feet in B-3 and B-4E zoning districts and 40 feet in IN-1 and IN-2 zoning districts. The minimum height clearance for sign faces shall be 14 feet, as measured in Section IX-3.B.

11. Lights shall be effectively shielded from roadways and any nearby residential uses.

12. OASS shall not include ladders, except those ladders that are contained entirely in the area behind the display area(s).

13. *Landscaping* for OASS. A landscaped area of at least 75 square feet in area shall be installed around the base of new freestanding OASS, a plan for which shall be submitted by the applicant and approved by the Zoning Administrator in consultation with the City Arborist. Trees and shrubs planted shall utilize species listed in Table VI-1 and VI-2 of the Zoning Ordinance, except that alternative species may be approved by the Zoning Administrator in consultation with the City Arborist. All plant materials shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Upon recommendation of the City Arborist, the Zoning Administrator shall provide such notice in writing to the property owner.

14. When the area of an OASS base requiring landscaping is already paved with concrete or asphalt, the applicant may choose to either remove the pavement and install a landscaped area or alternatively substitute one or both of the following:

    a) Installation of an architectural-grade cladding or enclosure around support poles. Cladding shall have a vertical dimension twice that of its horizontal dimensions and a design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent

with these regulations, as defined in Section IX-1, Legislative Intent and Findings, as approved by the Zoning Administrator.

b) Relocation of required OASS landscaping along a street frontage on the same zoning lot, in which case this landscaping shall be in addition to any other landscaping required by the Zoning Ordinance.

E. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of an outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the outdoor advertising sign structure as constructed for compliance with City requirements, and, if the Zoning Administrator finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the outdoor advertising sign structure as permitted.

F. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section IX-7. Prohibited Signs and OASS

A. The following are specifically prohibited by this Article:

1. Any sign or OASS which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;

2. Any sign or OASS which contains or is an imitation of an official sign, other than private traffic directional or instructional signs;

3. Animated signs and OASS;

4. Any sign or OASS which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, except for Temporary Signs explicitly authorized by Section IX-4;

5. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;

6. Any sign or OASS not in compliance with the requirements of this ordinance; or

7. Any portable sign, except sandwich boards as defined in Section IX-2.

B. *Removal of Prohibited Signs*:

1. For any on-premise sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises, the Zoning Administrator shall give notice under the procedures of Section IX-9 of the Zoning Ordinance to remedy or remove the sign.

All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)

Section IX-8. (Reserved)

Section IX-9. Enforcement and Penalties

A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.

B. Whenever it shall appear to the Zoning Administrator that any permanent sign has been constructed or erected, or is being maintained in violation of any of the terms of this Ordinance, or after a permit for a sign has been revoked or become void, or that a sign or outdoor advertising sign structure is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure or the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than 20 days nor more than 60 days.

   If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within 24 hours or receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

   Upon failure of the sign or outdoor advertising sign structure owner or the person or business responsible for the temporary sign display to comply with the terms of the notice of violation, the Zoning Administrator or his/her authorized representative is authorized and empowered to remove, alter, or repair the sign in question so as to make it conform with this Ordinance, or to remove, alter, or repair an outdoor advertising sign structure which is unsafe or a menace to the public safety, and charge the expenses for such work to the person named in the notice.

   Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed, altered, or repaired a sign or outdoor advertising sign structure immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

C. The owner of the sign shall remove it if a product, place, activity, person, institution, or business no longer exists at that location that was present when the sign was erected. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.

D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.

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TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS[1]

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign[2]	Location of Sign
B-1, Neighborhood Business CRE, Conservation, Recreation and Education District	One sign per business, except that no freestanding sign is permitted if a projecting or roof sign exists on the lot. If a lot has two frontages, one sign per frontage is permitted.	32 square feet, or 50 square feet when signs from two or more frontages are combined or monument	12 feet tall if beyond 15 feet from a public right-of-way, or 6 feet tall if located 8 to 15 feet from a public right-of-way	Minimum setback of eight feet from public rights-of-way.
B-2, Neighborhood Business Arterial	One sign per business frontage, except that no sign shall be permitted on any frontage which has a projecting or roof sign. One additional sign is allowed on the property if any frontage exceeds 600 feet in length.			
MOR, Mixed Office Residential CCD, Campus Commercial District B-3U, General Business –University	One sign per business frontage, except that no free-standing sign is permitted if a projecting or roof sign exists on the same frontage.	32 square feet	8 feet tall	
B-3, General Business B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus IN-1 & IN-2, Industrial Districts	One sign per business frontage. One additional sign is allowed on the property if any frontage exceeds 600 feet in length. Provided that no sign is permitted on any frontage which has a projecting or roof sign.	50 square feet, or 75 square feet if combined or monument [2,3]	16 feet tall if beyond 15 feet from a public right-of-way, or 8 feet tall if located 8 to 15 feet from a public right-of-way	

[1] For buildings with multiple businesses, refer to Table IX-9, Freestanding Shopping Center Signs.
[2] If a freestanding sign in the B-3, General Business, or IN-1 and IN-2, Industrial, zone is: (1) directed toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 75 feet from the boundary of any residential zoning district; then the sign's maximum height may be increased to 75 feet, and its maximum size may be increased to 150 square feet.
[3] Combined and Monument Signs: If a property has two business frontages, a single sign may be constructed with a larger maximum area as defined in Table IX-1. Monument signs (as defined in Section IX-2.O) may be constructed with a larger maximum area as defined in Table IX-1.

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TABLE IX-2. STANDARDS FOR WALL SIGNS

Zoning Districts Permitted	Maximum Number Permitted	Total Maximum Area Of Wall Signs per Building Face	Maximum Height and Location of Signs
R-6B, Restricted Business B-1, Neighborhood Business B-2, Neighborhood Business-Arterial B-3U, General Business – University CCD, Campus Commercial District CRE, Conservation, Recreation and Education District	No Limit	8% of wall area, not to exceed 300 sq. ft. maximum	Signs shall not project above or beyond the top or ends of the wall surface to which they are mounted. In the B-1, Neighborhood Business Zoning District, no wall signs are permitted on walls immediately facing a residential use or zoning district when not separated by a right-of-way.
B-3, General Business B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus IN-1 & IN-2, Industrial Districts		10% of wall area, except no larger than 350 sq. ft. for signs closer than 60 feet to the front property line, nor larger than 500 sq. ft. for signs more distant than 60 feet to the front property line.	
MOR, Mixed Office Residential		8% of wall area, not to exceed 150 sq. ft. maximum	

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TABLE IX-3. STANDARDS FOR PROJECTING SIGNS

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height and Projection of Sign	Location of Sign
B-1, Neighborhood Business B-2, Neighborhood Business - Arterial B-3U, General Business - University B-3, General Business B-4E, Central Business Expansion MIC, Medical Institutional Campus CCD, Campus Commercial MOR, Mixed Office Residential CRE, Conservation, Recreation and Education District	One per business frontage, except that no projecting sign is permitted if a free-standing sign, roof sign, or canopy sign exists on the same frontage. Projecting signs are not allowed above the first story.	32 square feet	8-foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the building to which it is attached.	Shall not extend over any public right-of-way. Projecting signs are not allowed above the first story.
B-4, Central Business	See Note 1 regarding spacing requirements for projecting signs extending over the right-of-way in the B-4 District.	32 square feet: 12 square feet if any portion extends over public right-of-way		In the B-4 District, projecting signs with a maximum area of 12 square feet may project a maximum of 5 feet from the face of the building to which it is attached, or to within two feet from the curb face, whichever distance is less.[1]

[1] Projecting signs extending over the right-of-way shall not be internally illuminated; the dimension between the two principal faces (i.e., the thickness or depth) shall not be greater than six inches; and a minimum separation of 20 feet must be maintained between such signs; however in no case should more than one such sign per business frontage be permitted. (Ord. No. 2011-02-007, 2-21-2011; Ord. No.2002-09-111, 06-17-02)

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TABLE IX-4. STANDARDS FOR ROOF SIGNS

Zoning District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-3, General Business	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	50 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus		50 square feet		
IN-1 & IN-2, Industrial Districts		75 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	

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TABLE IX-5. (Reserved)

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TABLE IX-6. STANDARDS FOR SIGNS ATTACHED TO CANOPIES AND ENTRANCE STRUCTURES

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign
R-6B, High Density Multiple-Family Residential -- Restricted Business B-1, Neighborhood Business B-2, Neighborhood Business -- Arterial B-3U, General Business -- University CCD, Campus Commercial District MOR, Mixed Office Residential CRE, Conservation, Recreation and Education District	One per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.	40 square feet	9 foot minimum clearance to ground
B-3, General Business B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus			
IN-1 & IN-2, Industrial Districts			

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TABLE IX-7. STANDARDS FOR PROPERTY SALE AND RENTAL SIGNS

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Free-standing Sign[2]	Location of Sign
R-1 and R-2 Single-Family Residential R-3, Single and Two-Family Residential	One per dwelling	3 square feet	5 feet	10-foot minimum setback from curb line but wholly upon the premises.
R-4, R-5, & R-6 Multiple Family Residential R-6B, Restricted Business R-7, University Residential	One per apartment building or dwelling (See Note 1)	10 square feet	10 feet	
AG, Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1, Neighborhood Business B-2, Neighborhood Business Arterial B-3U, General Business University CCD, Campus Commercial District MOR, Mixed Office Residential	One per frontage (See Note 1)			
B-3, General Business B-4, Central Business B-4E, Central Business Expansion MIC, Medical Institutional Campus IN-1 & IN-2, Industrial Districts	One per frontage (See Note 1)	80 square feet	16 feet	

[1] An apartment complex, shopping center, highway plaza, or industrial complex is permitted one sign per frontage, up to 200 feet, and one additional sign for each 300 feet thereafter.
[2] Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed.
(Ord. No. 2011-02-007, 2-21-2011)

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TABLE IX-8. STANDARDS FOR SUBDIVISION SIGNS

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
R-1 & R-2 Single-Family & R-3 Single- & Two-Family Residential	One sign per major road providing direct access to the subdivision	25 square feet	6 feet	10-foot minimum setback wholly upon the premises.
R-4, R-5, R-6 Multiple Family Residential R-6B, Restricted Business & R-7, University Residential				
AG, Agriculture B-1, Neighborhood Business B-2, Neighborhood Business Arterial B-3, General Business B-3U, General Business University CCD , Campus Commercial District MOR, Mixed Office Residential				Signs shall conform to the setback requirements for structures in applicable district.
B-4, Central Business B-4E, Central Business Expansion MIC , Medical Institutional Campus IN-1 & IN-2, Industrial Districts		25 square feet	15 feet	

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TABLE IX-9. STANDARDS FOR FREESTANDING SHOPPING CENTER SIGNS[1]

Class of Shopping Center	Zoning Districts Permitted	Maximum Number Permitted	Maximum Area[2]	Maximum Height	Location	Individual[4] Business May List
Shopping Center – General (minimum four acres and 50,000 square feet of building area)	R-6B B-2 B-3 B-3U B-4 B-4E IN-1 & IN-2	Two signs per frontage	150 square feet In addition, 50 square feet may be permitted for use as a directory	16 feet tall if located beyond 15 feet from a public right-of-way, or 8 feet tall if located 8 to 15 feet from a public right-of-way	Minimum sign setback of 8 feet from public rights-of-way. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.	Yes
Shopping Center - Convenience (between one and four acres and 12,000 – 50,000 square feet of building area)	R-6B B-1 B-2 B-3 B-3U B-4 B-4E IN-1 & IN-2		100 square feet[3]			

[1] Freestanding shopping center signs shall comply with the landscape requirements for Outdoor Advertising Sign Structures as required by Section IX-6.D.13 of the Zoning Ordinance.

[2] Maximum area refers to combined area of both signs, or of one sign if there is only one.

[3] Size of sign may be increased to 150 square feet under special use procedures.

[4] Individual businesses may list, but an individual listing may not exceed 50% of the area of any face of the sign.

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TABLE IX-10. STANDARDS FOR MULTI-FAMILY RESIDENTIAL IDENTIFICATION SIGNS

Zoning Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign	Illumination
R-4, R-5, & R-6 Multiple-Family Residential R-6B, Restricted Business MOR, Mixed Office Residential	One per property	12 square feet	5 feet for freestanding signs	Minimum 10-foot setback from public rights-of-way	External only.
B-1, Neighborhood Business B-2, Neighborhood Business Arterial B-3, General Business B-3U, General Business University CCD, Campus Commercial District B-4, Central Business B-4E, Central Business Expansion	One per frontage	20 square feet			

(Ord. No. 2011-02-007, 2-21-2011)

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ARTICLE X. NONCONFORMITIES

Section X-1. Continuation of Nonconformities
Section X-2. Extension or Expansion of Nonconformities
Section X-3. Change of Nonconforming Use
Section X-4. Discontinuance or Abandonment of Nonconformities
Section X-5. Repair of a Building or Structure Occupied by a Nonconforming Use
Section X-6. Termination of a Nonconforming Use of Land
Section X-7. Termination of a Nonconforming Use of a Building or Structure
Section X-8. Reconstruction of Nonconformities
Section X-9. Nonconforming Signs and OASS
Section X-10. Nonconformities Created Through Government Acquisition

Section X-1. Continuation of Nonconformities

A. Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this Article and of Section XI-6.C. This Article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this Ordinance which was not lawfully existing on January 6, 1980, or lawfully existing on the date this Ordinance became effective as to such structure, building, use, lot, or land. Any nonconformity which conformed with the provisions of any previous Zoning Ordinance applicable to it, or which was rendered nonconforming by an amendment to this Ordinance, shall be considered lawful, and may continue as a nonconformity under the provisions of this Ordinance.

   If a building, structure, land or use thereof, which hereafter becomes subject to the provisions of this Ordinance, whether by annexation to the City of Urbana or otherwise, does not conform with all applicable provisions of this Ordinance, it shall be considered lawful, and may continue as a nonconformity under the provisions of this Article. No building, structure, lot, land or use thereof, which does not conform to the applicable regulations of this Ordinance, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful, or be permitted to continue under the provisions of this Ordinance.

B. The regulations of this Article pertaining to a building or structure occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but also to a building of which the nonconforming use occupies only a portion.

C. Uses, buildings, or structures on a nonconforming lot shall not be considered nonconforming due solely to the nonconforming lot if they meet the requirements set forth in Section VI-3.A. (Ord. No. 2011-02-007, 2-21-2011)

Section X-2. Extension or Expansion of Nonconformities

A. No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use, and in no case shall any addition be made which will provide for the expansion of the nonconforming use.

B. No nonconforming use of land, except accessory parking, shall be extended or expanded.

C. No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in Section X-8. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

Section X-3. Change of Nonconforming Use

A. Except as otherwise provided, the substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a Certificate of Occupancy issued by the Zoning Administrator, as provided in Section XI-6. The application for a Certificate of Occupancy for such a substitution or addition shall be referred to the Zoning Board of Appeals, which shall, within 30 days after receiving the application, direct the Zoning Administrator whether to grant the Certificate of Occupancy. The Board shall authorize the issuance of a Certificate of Occupancy for such an addition or substitution only if, in the judgement of the Board, such addition or substitution is equally or more appropriate to the district in which it is located than the present use, and such substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located, and if it complies with all parking regulations applicable to the new use. No such substitution shall have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7.

B. If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use, as provided in Section X-3.A, then the Zoning Board of Appeals may authorize the issuance of a permit for the conversion, structural alteration, enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.

C. Whenever a nonconforming use of a building or structure or land is substituted for another nonconforming use, then the use shall not thereafter revert to the prior use, nor be substituted for by any other nonconforming use, except in accordance with the provisions of Section X-3.A.

Section X-4. Discontinuance or Abandonment of Nonconformities

A. If a nonconforming use of land is discontinued for a period of more than six months, it shall be presumed to be abandoned, and the land shall not thereafter be used for any use that does not conform to the use regulations of this Ordinance. If a nonconforming use of a building is discontinued for a period of more than 12 months for any reason other than damage of the building by fire, explosion, or Act of God, or for a period of more than 18 months due to damage to the building by fire, explosion, or Act of God, then the use shall not thereafter be resumed or re-established, and the building shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance.

B. If the use of a building, structure, or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not thereafter be changed to a use which does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided in Section X-3.A and Section X-3.B.

Section X-5. Repair of a Building or Structure Occupied by a Nonconforming Use

A. Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.

Section X-6. Termination of a Nonconforming Use of Land

A. Except as otherwise provided in Section XIII-2 and Section X-9, any nonconforming use of land, as herein defined, may be continued only for a period of five years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of five years from the date upon which such use becomes nonconforming. The Zoning Board of Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five years. The term "use of land" includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

Section X-7. Termination of a Nonconforming Use of a Building or Structure

A. If on January 16, 1980 or on the date on which this Ordinance becomes effective with regard to particular land, any main building other than a dwelling is occupied by a nonconforming use as herein defined, or is being erected or substantially converted, enlarged, or structurally altered for such a use, then such use may be continued only until the applicable date set forth in Table X-1, and the building shall not thereafter be used for any purpose which does not conform with the use regulations of the district in which it is located.

TABLE X-1. TERMINATION OF NONCONFORMING USE OF A BUILDING OR STRUCTURE

Date of Completion of Building or of the Last Substantial Conversion, Enlargement, or Structural Alteration, or of Annexation to the City of Urbana, whichever is most recent.		
After	**Before**	**Termination Date**
----------	January 1, 1949	January 1, 1989
December 31, 1948	January 1, 1954	January 1, 1994
December 31, 1953	January 1, 1959	January 1, 1999
December 31, 1958	January 1, 1964	January 1, 2004
December 31, 1963	January 1, 1969	January 1, 2009
December 31, 1968	January 1, 1974	January 1, 2014
December 31, 1973	January 1, 1979	January, 1, 2019
December 31, 1978	January 1, 1980	January 1, 2024

B. If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within 40 years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within 30 years after the use becomes nonconforming, whichever is later.

C. For purposes of this section, a building shall be deemed to have been completed at the time the building, or any portion thereof, was original occupied by a use. A substantial conversion, enlargement, or structural alteration shall be deemed to have taken place only if a building permit was issued by the City of Urbana for such work.

D. The nonconforming use of a building for dwelling purposes is not subject to the provisions of Section X-7 and such use may continue subject to the following:

   1. Until it is discontinued or abandoned, except as provided for in Section X-8.

Section X-8. Reconstruction of Nonconformities

A. If a building or structure occupied by a nonconforming use is damaged by fire, explosion, Act of God, or other sudden damage or destruction, then it shall not be reconstructed or repaired if the cost of the reconstruction or repair of the building would exceed 60% of the fair market value of the building or structure immediately prior to the damage, unless its use thereafter is fully conforming to this Ordinance. Except in the case of a nonconforming dwelling, such reconstruction or repair shall not have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7. However, Section X-7.D shall control as to permitted occupancy in a dwelling unit.

B. Any duplex, which is legally in existence, as an allowable and conforming use on January 6, 1980 shall be permitted to continue by right until such time as such use is voluntarily abandoned.

C. In those lots zoned R-2 under the Zoning Ordinance and Map in effect immediately prior to January 6, 1980, and which said lots are zoned R-4 under this Ordinance, those legally conforming structures on such lots having an FAR higher than 0.5 on January 6, 1980 shall be permitted to continue by right and may be rebuilt or reconstructed to their existing FAR and OSR provided, however, all other developmental regulations of the R-4 District shall be complied with.

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 Board of Zoning Appeals for its resolution.

E. Any dormitory in the R-7 District which is a conforming use or legally nonconforming structure as of November 7, 1983; and any rooming house in the R-7 District which is a conforming use or legally nonconforming structure as of June 15, 1991; which is damaged by fire, explosion, Act of God, or other sudden damage or destruction, shall be permitted by right to be rebuilt to the same setback lines established by the existing building foundation and to the same floor area and height of the existing building; and must have, at a minimum, the same number of parking spaces that existed at the time of damage according to the building official's records.

Section X-9. Nonconforming Signs and OASS

A. Signs that do not conform to the provisions of Article IX as of January 6, 1980, or thereafter, are nonconforming uses.

B. Unless otherwise authorized by the Zoning Board of Appeals, a nonconforming sign or outdoor advertising sign structure may not be:

   1. Changed to another nonconforming sign;

2. Structurally altered so as to prolong the life of the sign, except that outdoor advertising sign structures may be so structurally altered;

3. Expanded;

4. Re-established after the sign or OASS has been removed from the site for 90 days;

5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost at the time of the damage or destruction, except that in light of State and Federal laws and regulations, outdoor advertising sign structures may be so re-established, but only when an OASS permit to re-establish is applied for within 180 days. Permit applications to reestablish completely destroyed nonconforming OASS are required to meet the review criteria for new OASS in Section IX-6.D only to the extent that it was previously conforming; or

6. Relocated unless such relocation brings the sign or outdoor advertising sign structure into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9.C.1 and Section X-9.C.2.

C. All nonconforming signs and OASS shall be removed or brought into conformity with this Ordinance within the following time periods:

1. For all nonconforming signs: five years from the effective date of annexation or five years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign subject to this Article need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.

2. For all signs existing prior to January 7, 1980, and rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal or sudden damage or sudden destruction or other Act of God where the cost of damage exceeds 60% of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.

3. In light of State and Federal laws and regulations, outdoor advertising sign structures are not subject to amortization or removal under this section.

Section X-10. Nonconformities Created Through Government Acquisition

A. If the owner of a parcel that is affected by reason of a government acquisition, either by eminent domain or under threat of eminent domain, of all or a portion of such owner's land asserts that his/her use, building or structure is adversely affected by such government acquisition, and such owner desires to move all or any portion of his/her rights to continue the use, building or structure on the same or an adjoining parcel, regardless of the conforming status of such use, building or structure, such permission to move may be granted by the Zoning Administrator if the Zoning Administrator determines that allowing such move does not increase congestion in streets or endanger the health, safety, morals or general welfare of the area to which the use, building or structure is relocated or

otherwise cause additional violation of the Zoning Ordinance. Relocation of any nonconforming use, building, or structure shall not be any greater in extent or intensity than the current use, building, or structure and shall be relocated as proximate to the existing use, building or structure as is practical.

(Ord. No. 2003-03-019, 03/03/03)

ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES

Section XI-1. Zoning Administrator
Section XI-2. Plan Commission
Section XI-3. Zoning Board of Appeals
Section XI-4. City Council
Section XI-5. Building Permits
Section XI-6. Certificates of Occupancy
Section XI-7. Amendments
Section XI-8. Fees
Section XI-9. Fines
Section XI-10. Notification Requirements
Section XI-11. Protest Procedures
Section XI-12. MOR Development Review Board
Section XI-13. Boneyard Creek Commissioner
Section XI-14. Changes of Zoning, Variances and other Modifications of the Zoning Ordinance in an Annexation Agreement
Section XI-15. Design Review Board

Section XI-1. Zoning Administrator

A. Enforcement of this Ordinance. This Ordinance shall be administered and enforced by the Zoning Administrator, appointed by the Mayor, by and with the advice and consent of the City Council. The Zoning Administrator may be provided with the assistance of such persons as the City Council may direct.

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

1. Issue all building permits and Creekway permits where authorized by this Ordinance, and keep permanent and accurate records thereof;

2. Issue all Certificates of Occupancy where authorized by this Ordinance, and keep permanent and accurate records thereof;

3. Issue all special use permits, where authorized by the City Council according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions or standards specified therein;

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;

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7. Maintain permanent and accurate records pertaining to variances granted, modified, or denied by the Board of Zoning Appeals, and of their other decisions and actions;

8. Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this Ordinance, or by the City Council;

9. In the event that any regulations and standards of this Ordinance are being violated, notify in writing, the perpetrator of such violation, indicating the nature of the violation, and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of any illegal use of any land or structure, or any additional change or alteration thereto, except as permitted by this Ordinance, or the discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to ensure compliance with or to prevent violation of its regulations and standards. The notice requirements of this subparagraph are not a prerequisite for any such administrative or court actions by the Zoning Administrator and the City Attorney with respect to any violation. The notice requirements of this Section do not apply to parking tickets issued pursuant to Section VIII-4.

10. The Zoning Administrator, after investigation and recommendation, may refer the matter to the City Attorney, who shall, in turn, institute any appropriate action or proceeding in law or equity to restrain, correct, or abate such violation, or to recover an appropriate fine for violation of this Ordinance.

11. In the event that the provisions of Section VIII-4 are being violated, the Zoning Administrator shall cause a parking citation to be issued.

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

(Ord. No. 2005-01-010, 01-28-05)

Section XI-2. Plan Commission

A. *Appointment and Membership.* Refer to Chapter 18 of the Urbana City Code.

B. *Proceedings of the Plan Commission.*

1. All meetings of the Plan Commission shall be held at the call of the Chairman, at such times and places within the City of Urbana as the Plan Commission may determine. In no case shall a period of more than three months elapse between meetings of the Plan Commission.

2. All meetings of the Plan Commission shall be open to the public except as allowed by “An Act in Relation to Meetings” (Open Meeting Act), as approved on July 11, 1957, as subsequently amended.

3. The presence of a majority of the members of the Plan Commission shall constitute a quorum at a meeting of the Plan Commission. No action shall be taken by the Plan Commission unless a quorum is present.

4. The Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.

5. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.

6. Every rule, regulation, amendment, order, requirement, decision, or determination of the Plan Commission shall, without undue delay, be filed in the Office of the City Clerk, and shall be a public record.

7. In the performance of its duties, the Plan Commission may incur such expenditures as are authorized by the City Council.

8. The City Planner, or his/her representative, shall serve as Secretary to the Plan Commission.

9. The City Planner shall advise the Urbana Plan Commission and shall make oral or written recommendations as necessary concerning zoning matters and other business of the Plan Commission.

C. *Powers and Duties of the Plan Commission.* The Plan Commission shall have the following powers and duties:

1. To prepare and recommend to the City Council a comprehensive plan for the City and its peripheral area and, from time to time, to review and propose any needed amendments to the plan;

2. To prepare and recommend to the City Council, from time to time, plans for specific improvements in pursuance of the official comprehensive plan;

3. To consider all amendments to the Urbana Zoning Ordinance, and make recommendations thereon to the City Council, as provided in Section XI-7 of this Article;

4. To consider all proposed special uses, and make recommendations thereon to the City Council, as provided in Article VII of the Urbana Zoning Ordinance;

5. To review subdivision plans and make recommendations thereon to the City Council, as provided in Chapter 21 entitled “Subdivisions and Other Land Developments” of the Urbana City Code;

6. To review the zoning and special use cases before the Champaign County Zoning Board of Appeals which are located within one and one-half miles of the limits of the City of Urbana, and textual amendments to the Champaign County Zoning Ordinance under considerations by the Champaign County Zoning Board of Appeals, and to make recommendations thereon to the City Council;

7. To consider any proposed annexation agreement which prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, and make recommendations thereon to the City Council as provided for in Section XI-14 of this Article. (Ord. No. 9495-95, 4-17-95)

8. Such other responsibilities as may be specifically delegated to the Plan Commission by the City Council, or by the Urbana Zoning Ordinance.

Section XI-3. Zoning Board of Appeals

The word “Board”, when used in this section, shall be construed to refer to the Urbana Zoning Board of Appeals.

A. *Appointment and Membership*

1. The Zoning Board of Appeals shall consist of seven members, including the Chair, all of whom shall be residents of the City of Urbana. All members shall be appointed by the Mayor, subject to confirmation by the City Council.

2. The members of the Board serving on the effective date of this Ordinance are hereby appointed to the Board in the same capacity at the time the Ordinance becomes effective, for the term each respectively held. The successor to each member so appointed shall serve for a term of five years.

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

4. The City Council shall have the power to remove any member of the Board for cause, after public hearing, held after at least ten days’ notice to the member concerned of the charges against him/her.

B. *Proceedings of the Board*

1. All meetings of the Board shall be held at the call of the Chair, or as determined by the rules of the Board, at such times and places within the City of Urbana as the Board may determine.

2. All meetings of the Board shall be held in a public place designated by the Board, and shall be open to the public, except as allowed by “An Act in Relation to Meetings” (Open Meetings Act), as approved on July 11, 1957, as subsequently amended. At any meeting of the Board or at any hearing held by the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

3. The Board shall adopt rules necessary for the conduct of its affairs and consistent with the provision of this Ordinance and the laws of the State of Illinois.

4. *Authorizations.*

   a) All decisions shall be made by a roll call vote and shall require at least a majority of a quorum.

   b) Conditional use requests may be granted by a simple majority.

   c) Conditional use requests in which a valid written protest has been filed with the Secretary of the Board require a 2/3 vote.

   d) Minor Variance requests may be granted by a simple majority.

   e) Major Variance requests require a 2/3 vote and if so voted upon shall be forwarded to the Urbana City Council for final approval.

f) Appeals may be granted by a simple majority.

5. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.

6. The presence of a majority of the members of the Board shall constitute a quorum at a meeting of the Board. No action shall be taken by the Board unless a quorum is present.

7. Every rule, regulation, amendment, order, requirement, decision, or determination of the Board shall be signed by the Chair or Acting Chair, attested by the Secretary, and filed in the Office of the Board. The minutes, files, and records of the Board shall be open to inspection by the public at all reasonable times, in the Office of the Zoning Administrator.

8. In the performance of its duties, the Board may incur such expenditures as are authorized by the City Council.

9. The Director of the Department of Community Development Services, or his/her representative, shall serve as Secretary to the Board.

10. Except for the Board's recommendation on a major variance, no decision of the Board shall be subject to review, modification, or reversal by the City Council or any City official, but shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Review Act. (Ord. No. 1999-07-064, 07-06-99)

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

1. On all matters specifically referred to it by the provisions of this Ordinance, including the review and approval or disapproval of requests for conditional uses, as specified in Section VII-2 and Section VII-3 of this Ordinance.

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:

1) To permit a variance of the depth of a required front or rear yard or the width of a required side yard except that the variance shall not operate to reduce the required yards by greater than 25% of the requirements.

2) To permit the creation of a new lot with less lot area than required except that the variance shall not operate to reduce the required lot area by greater than 10%.

3) To permit the creation of a new lot with less lot width than required except that the variance shall not operate to reduce the required lot width by greater than 15%.

4) To permit a 5% increase in the required floor area ratio and a 5% decrease in the required open space ratio.

5) To permit up to a 25% decrease in the number of parking spaces required.

6) To permit the Zoning Administrator to approve a building permit or Certificate of Occupancy allowing the substitution of one nonconforming use for another in accordance with Section X-3.

7) To permit accessory off-street parking in a location other than the zoning lot of the principal use or within 600 feet, as provided in Section VIII-4.L and Section V-3.G.

8) To permit the postponement of the termination of a nonconforming use of land, as required by Section X-6, for a period not to exceed five years.

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

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 Board of Zoning 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*

1) A minor variance is recognized as having potential impact on only the immediate neighborhood and adjoining properties, whereas a major variance is recognized as having potential impact on the area larger than the immediate neighborhood or one that may affect enforcement of the zoning ordinance elsewhere in the City.

2) In either a minor or major variance the Board and/or the City Council must make specific findings of fact that are specific to the property or the variance in question by describing the special circumstances or special practical difficulties that exist in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest.

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;

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(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.

d) *Major Variance Procedures*

1) Apart from and in addition to the variances specified in Section XI-3.C.2.(c), the Board shall consider major variances that are consistent with the intent of this Ordinance. Said variances will be forwarded to the City Council only if the Board recommends their approval by a two-thirds vote of the members present and voting. If two-thirds of the Board does not reach a favorable recommendation, the variance is denied and the Board's findings will be the final administrative decision on such variance. The City Council shall have the authority to grant or deny major variance requests that the Board forwards in conformance with the procedures outlined below.

2) The Administrative Secretary to the Board shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested major variance for the Board Chair's signature. If the Board's decision is to forward the variance to the City Council with a recommendation for approval, the Administrative Secretary of the Board shall forward to the Urbana City Council the Board's decision sheet, the variance application, relevant case information, the names and addresses of all persons appearing before the Board and summaries of their testimony.

3) After receiving the findings and recommendations of the Zoning Board of Appeals, the Council shall consider and decide whether or nor to grant the major variance. If the Council decides to grant the major variance requested, it shall do so by adopting an ordinance reciting the findings of fact which support their decision and setting forth any conditions the Council deems necessary or desirable. The Council may take additional testimony or other evidence regarding the requested major variance.

4) The Council must approve or deny the variance request within 120 days of the date of the Board meeting at which the Board first recommends approval of the variance to the City Council. Failure of the Council to approve or deny the variance within these aforesaid 120 days shall be deemed the same as Council approval.

5) The consideration of a major variance shall not preclude the Board from granting a lesser, minor variance on the same case if it is within their authority to do so as outlined in Section XI-3.C.2.(c), if such minor variance is in substantial conformance with the intent of the major variance requested and is supported by the Board's findings. If such minor variance is then granted in the manner set forth above, City Council approval is not required.

6) The Urbana 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 Zoning Administrator shall forward a copy of the ordinance approving the variance to the petitioner and record a copy of the ordinance with the Champaign County Recorder' Office.

7) The major variance shall be subject to protest procedures outlined in Section XI-11.

e) *Conditions*. In granting a variance, the Board or City Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.

f) *Procedure on Request for Variation*

1) A written application for a variance shall be submitted to the Secretary of the Board, presenting evidence regarding the variance request and relative to the findings of fact outlined in Section XI-3.C.2.(c). (Ord. No. 1999-07-064, 07-06-99)

2) Each application for a variance shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8 of this Article.

3) Applicants for any proposed variance shall include the necessary information specified in Section XI-10 so that notification requirements for a public hearing as specified in Section XI-10 of the Urbana Zoning Ordinance can be satisfied.

4) The Board shall hold a public hearing to consider a variance.

5) The Board may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement or adjournment, another public notice regarding the variance need not be published.

D. *Appeals*

The following shall govern for all appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance. Any such appeal may be taken to the Board by any person aggrieved thereby, or by any officer, department, board, or bureau of the City, and shall be considered according to the following procedures.

1. The appeal shall be taken by filing a notice of appeal with the secretary of the Board. The notice of appeal shall describe the order, requirement, decision, or determination appealed from and shall specify the grounds for the appeal. The appeal shall be taken within 45 days as prescribed by the State Zoning Act (65 ILCS 5\11-13-12).

2. The Secretary of the Board shall, upon receipt of the notice of appeal, obtain from the Zoning Administrator all the documents and files which constitute the record upon which the action appealed from was taken.

3. The Chair shall fix a reasonable time, not more than 30 days in the future, for the hearing on the appeal, and inform the Secretary of the time and place that the hearing shall be held. The Secretary shall give due notice of the hearing in writing to the appellant, to the Zoning Administrator, to the members of the Board, and to any other person directly interested in the outcome of the appeal.

4. 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.

5. The hearing shall be held in accordance with the procedures established by the Board, and the Board shall decide the appeal within a reasonable time after the hearing; provided, however, that a hearing may be postponed or continued, or a decision postponed, as may be necessary, in the judgement of the Board, in order to give a case adequate consideration.

6. The Board shall not, by its decision on an appeal, permit a variation in the application of this Ordinance; provided, however, that this shall not limit an appeal and a request for a variance from going forward simultaneously.

7. Upon the filing of an appeal, no further permits of any kind shall be issued by the City of Urbana with respect to the parcel of land or improvements to which the matter appealed from related, nor shall the City commence any actions at law against the person who filed the appeal for matters involved in such appeal, until the Zoning Board of Appeals renders its decision; provided, however, that if, in the opinion of the Zoning Administrator, delay incident to a hearing before the Board would constitute an imminent danger to life or property, the City may file a complaint for equitable relief or extraordinary legal relief. If an appeal is taken from the issuance of any permit, the permittee may pursue his efforts under such permit at his own risk. (Ord. No. 1999-07-064, 07-07-99)

Section XI-4. City Council

In the administration and enforcement of this Ordinance, it shall be the duty and responsibility of the City Council to do the following:

A. Consider all appointments made by the Mayor to the Plan Commission, Zoning Board of Appeals, and the position of the Zoning Administrator, as provided in Section XI-1 through Section XI-3; and

B. Decide upon, and take any necessary action arising from such decisions, all proposed amendments to this Ordinance, as provided in Section XI-7; and

C. Decide upon all requested special use permits and, if the decision is favorable, authorize the Zoning Administrator to issue a special use permit as provided in Article VII; and

D. Review subdivision plats, as provided in the Subdivision Regulations of the City Code; and

E. Consider and decide upon any and all proposed changes in zoning, variances, or other modifications in the application of the Zoning Ordinance which are required as part of a proposed annexation agreement; and (Ord. No. 9495-95, 4-17-95; Ord. No. 9596-58, 11-20-95)

F. Any other duties and responsibilities assigned to the City Council by this Ordinance. (Ord. No. 9596-58, 11-20-95)

Section XI-5. Building Permits

A. A building permit shall be obtained by the owner of any property, from the Zoning Administrator, before starting:

1. To construct or erect a new principal or accessory structure or part thereof;

2. To extend, enlarge, move, alter structurally, or reconstruct a principal or accessory structure or part thereof.

B. *Application Procedure for Building Permits*

1. An application for a permit shall be submitted in such form as the Zoning Administrator shall prescribe. The application shall contain the full name and address of the applicant and of the owner of the property and, if the owner is a corporate body, of its responsible officer.

2. The owner or lessee of the property, the agent of either shall make the application, or the architect, engineer, or builder employed in connection with the proposed work. If a person other than the owner in fee makes such application, it shall be accompanied by an affidavit of the owner in fee, authorizing such application.

3. Nothing in this Code shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued. Such amendments shall be filed with, and be deemed a part of, the original application, if approved before the Certificate of Occupancy has been issued; otherwise, a new application for the alteration shall be made and a new building permit secured.

4. Each application for a permit shall be accompanied by a plat, in duplicate, drawn to scale and showing the actual dimensions of the lot to be built upon, the size and location of the structures to be erected or altered, and such other information as may be necessary to provide for the enforcement of this Ordinance. Any variance, conditional use permit, or special use permit, which may have been granted for the proposed building, structure, or use, shall be noted upon the application.

5. The Zoning Administrator shall examine applications for permits within a reasonable time after filing. If, after examination, he/she finds no objections to the same, and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, and that the proposed construction or work will be safe, he/she shall approve such application and issue a permit for the proposed work as soon as practicable. Every permit issued in accordance with these provisions shall have the signature of the Zoning Administrator or his/her authorized subordinate affixed thereto. If his/her examination reveals otherwise, he/she shall reject such application, note his/her findings in a written report to be attached to the application, and deliver a copy to the applicant.

6. The Zoning Administrator may revoke a permit or Certificate of Occupancy or approval issued, if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit, certificate, or approval was based.

7. The Zoning Administrator may issue a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, provided that adequate information has been submitted for the same, and has been found in compliance with this Ordinance.

8. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereto.

9. It shall be unlawful to reduce or diminish the area of a lot or plat for which a plot plan has been filed and has been used as the basis for a permit, unless a revised plat plan showing the proposed changes in conditions shall have been filed and approved; however, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

10. A permit under which no work is commenced within six months after issuance shall expire by limitation, and a new permit shall be secured before work is started. Written notice of the expiration shall be given to the applicant.

11. If the work described on the building permit shall not have been substantially completed within one year from the issuance thereof, the permit shall expire and be canceled by the Zoning Administrator, who shall furnish written notice of the expiration to the applicant, together with notice that further work as described on the expired permit shall not proceed unless and until a new permit shall have been issued, provided, however, that for commercial, institutional, and industrial buildings, the permit shall extend for such additional period as set forth in the application for the building permit as the time necessary to complete the building.

12. A copy of the permit shall be kept on the premises for public inspection until the completion of the work. The Zoning Administrator shall require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.

13. Normal repairs not involving structural alterations may be made without a permit.

14. No building permit shall be issued until an application for a Certificate of Occupancy for the same property has been filed. Such application shall include the estimated or approximate time of completion of the work for which the building permit was issued.

Section XI-6. Certificates of Occupancy

A. *Generally*

Upon completion of any construction, reconstruction, structural alteration, enlargement, expansion, or other work on a building or structure for which a building permit is required, as provided in Section XI-5, the Zoning Administrator shall consider the previously submitted application for a Certificate of Occupancy. No such building or structure shall be occupied, and no change shall be made in the use of any land, structure, or building, until a Certificate of Occupancy authorizing such occupancy or use has been issued by the Zoning Administrator. An application for a Certificate of Occupancy shall be made by the owner of the building or land, or by his/her agent, and shall state the precise purpose for which the building, structure, or land will be occupied or used.

B. *Certificates of Occupancy for Conforming Uses, Buildings, and Structures*

1. The application for a Certificate of Occupancy for a conforming use shall state that all proposed uses are conforming, and that all applicable parking and landscaping/screening requirements are fully met, and shall include any necessary supporting information to document these facts.

2. If the application for a Certificate of Occupancy was made at the time of the application for a building permit, the Zoning Administrator shall not issue the Certificate of Occupancy unless the building or structure, as built, enlarged, extended, structurally altered, reconstructed or moved,

complies with all plans and specifications included in the application for a building permit. Any variance, which may have been granted for the building or structure, shall be noted on the application, and on the Certificate, if issued.

3. If the application for a Certificate of Occupancy involves a change of use, the Zoning Administrator shall not issue the Certificate of Occupancy unless the proposed use or uses is conforming in the district in which it is proposed to be located, except as otherwise provided in this section. If a special use permit or conditional use permit was granted to authorize the proposed use, it shall be so noted on the applications, and on the Certificate of Occupancy, if issued.

4. The Certificate of Occupancy issued by the Zoning Administrator shall state upon its face the precise purpose or purposes for which the building, structure, or land shall be used.

5. Any transfer of ownership of the building, structure, or land that does not involve a change of use shall automatically affect a transfer of the Certificate of Occupancy to the new owner.

6. The Zoning Administrator shall return one copy of the Certificate of Occupancy, duly signed, to the applicant and retain the original copy.

7. A provisional Certificate of Occupancy may be issued for the occupancy of the premises, for a definite period of time not to exceed 90 days, provided that they can be occupied without danger to health or safety, under any of the following conditions:

   a) All requirements of this Ordinance are likely to be met within 90 days or less; or

   b) The Zoning Administrator has determined that strike, national emergency, weather, or Act of God has prevented or will delay completion of the building structure.

C. *Certificates of Occupancy for Nonconformities*

1. The owner of any nonconformity may, at any time, apply for a Certificate of Occupancy to continue as a nonconformity under the provisions of Article X of this Ordinance. Upon written notification, by certified mail with return receipt requested, by the Zoning Administrator of the noncompliance of a building, structure, or land, or use thereof, with the provisions of this Ordinance, the owner thereof shall apply for a Certificate of Occupancy within 60 days.

2. No Certificate of Occupancy for a nonconformity shall be issued until the applicant demonstrates that the nonconformity existed on January 6, 1980, or on the date when this Ordinance became effective as to such building, structure, or land, or that the building, structure, or land, or use thereof, was rendered nonconforming by an amendment to this Ordinance subsequent to such date.

3. The application for a Certificate of Occupancy for a nonconforming use, and the Certificate, if issued, shall state the precise purpose or purposes for which the building, structure, or land was occupied or used, and the date on which each nonconforming use was established.

4. The application for a Certificate of Occupancy for a nonconforming building, structure, or land, and the Certificate, if issued, shall, for every applicable developmental regulation, including parking requirements, with respect to which the building, structure, or land is nonconforming, cite the regulation as specified in this Ordinance, and state the extent to which the building, structure, or land meets this requirement. The Certificate shall also state the date of construction of the

building or structure, or the date of a more recent conversion, enlargement, expansion, or structural alteration which effected such nonconformity.

5. The application for a Certificate of Occupancy involving both a nonconforming use and a nonconforming building, structure, or land shall meet the requirements of Section XI-6.C.3 and Section XI-6.C.4.

6. When issued, the Certificate of Occupancy shall thereafter be considered proof that the building, structure, or land, or use thereof, has, and has had, nonconforming status, under the terms of this Ordinance, from the date stipulated on the Certificate.

7. Any transfer of ownership of the building, structure, or land, which does not involve a change of use, shall automatically affect a transfer of the Certificate of Occupancy to the new owner.

8. Failure to comply with the requirements of this section shall constitute prima-facie evidence that the building, structure, or land, or use thereof, is illegal, rather than nonconforming.

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 Board of Zoning 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 Board of Zoning Appeals, the Zoning Administrator, or the owners of more than 50% of the property involved.

   An application by the City Council, Plan Commission, or Board of Zoning 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 Board of Zoning 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.

C. Applicants for any proposed amendment to this Ordinance shall meet notification requirements for a public hearing specified in Section XI-10 of this Ordinance.

D. The public hearing shall be held according to the procedures established by the Plan Commission. Any person may appear and speak in person, or by agent or attorney. Upon conclusion of the public hearing, the Commission only with the unanimous consent of the members present may take action. If action is not taken, written testimony received within ten days after the close of the public hearing shall be considered.

E. The Plan Commission may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement, continuation, or adjournment, further publication of such action need not be made.

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.

G. Procedures for protest of any proposed change in the classification of land are specified in Section XI-11 of this Ordinance.

H. At its discretion, the Plan Commission may refuse to consider a request for an amendment to this Ordinance, if such request is identical to or substantially similar to a proposed amendment considered within the past year. Notwithstanding this, however, the City Council may direct the Plan Commission to consider any proposed amendment to this Ordinance.

Section XI-8. Fees

The schedule of fees for various actions taken under the provisions of this Ordinance shall be as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.

Section XI-9. Fines

A. *General Penalty; Continuing Violations; Persons Responsible.*

1. In all cases where the same offense is made punishable or is created by different clauses or sections of the Urbana Zoning Ordinance, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

2. Except as expressly stated elsewhere in this Ordinance, any person violating any of the provisions of this Ordinance, shall upon conviction thereof be fined not less than $50 per day per violation, nor more than $1,000 per day per violation. No total fine in any individual case except a parking violation under Section VIII-4 shall be less than $500 for a first conviction of any provision of the Zoning Ordinance, $750 for a second conviction, and $1,000 for a third or subsequent conviction, irrespective of the number of days of the violation, unless the court finds that the violator is an indigent person.

3. Whenever in the Urbana Zoning Ordinance the doing of any act or omission to do any act constitutes a violation, and the section violated is listed in Section XI-9.C, any person who shall be convicted of any such violation shall be fined not less than the minimum fine set forth in Section XI-9.C nor more than $500 for each offense.

4. In case of an amendment of any section of the Urbana Zoning Ordinance containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.

5. A separate offense shall be deemed committed on each day during or on which a violation of the Urbana Zoning Ordinance occurs or continues.

6. No provision of the Urbana Zoning Ordinance designating the duties of any officer or employees shall be construed as to make such officer or employee liable for any fine or penalty provided in the Urbana Zoning Ordinance for a failure to perform such duty, unless the intention of the Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

7. Except for Section VIII-4, the owners of the land or structure upon which a violation of this Ordinance has occurred or is occurring shall be prima-facie responsible for such violations of this Ordinance which occur on property owned by such person; provided, however, the foregoing shall not be construed to relieve the occupants, or any of them, of the land upon which the zoning violation has occurred or is occurring of the responsibility for such violation under this Ordinance.

8. Pursuant to Section VIII-4, the owners of the vehicle, as determined by the records of the Secretary of State, which is parked in violation of that section shall be prima-facie responsible for such violations; provided, however, the foregoing shall not be construed to relieve the owner or occupant of the land upon which the violation occurred of responsibility for such violation under this Ordinance.

B. *Settlement of Violation Prior to Suit Being Filed; Minimum Fines*

1. A person accused of violating a section of the Urbana Zoning Ordinance set forth in Section XI-9.C may be permitted to pay the minimum fine which is set forth in Section XI-9.C as settlement of such violation if payment is made in the following manner:

   Payment shall be made within 14 days after the date that the Notice to Appear was issued to the person accused of such violation. A payment shall be considered made within said 14 days if the payment is actually received by the City's Finance Department by 5:00 P.M. on the 14th day following the date the Notice to Appear was issued.

2. If a person pays the minimum fine pursuant to this section, then the City Attorney shall file no Complaint charging the person with the particular violation.

3. The minimum fine for those violations listed in Section XI-9.C shall be in lieu of the minimum fine set forth in other provisions of the Urbana Zoning Ordinance.

C. *Minimum Fine Schedule for Certain Violations*

1. The minimum fine for parking in violation of Section VIII-4 is $25.

2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is $25.

(Ord. No. 2005-01-010, 01-28-05)

Section XI-10. Notification Requirements

A. At least 15 days, but no more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed conditional use permit, mobile home park, planned unit development, special use permit, waiver of parking, variance, amendment, annexation agreement proposing a rezoning, or combination thereof shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the common street address and property index number (PIN) of the property for which such action is sought, or a legal description if a street address is not available, as well as a brief description of the proposed action. The cost of such

publication shall be paid by the petitioner, except in the case of an annexation agreement, and is in addition to the application fee.

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

C. *Notice by Sign*

1. In any case where a property owner, or a person acting on behalf of said property owner, is requesting a public hearing under this Ordinance for any zoning action concerning that property, the property owner shall permit staff of the Department of Community Development Services to post a sign on said property, visible from adjacent roadways, to notify the public about the public hearing. In cases where someone other than the owner or someone acting on the owner's behalf is the applicant for the public hearing, the required sign shall be posted by staff of the Department of Community Development Services on the public right of way adjoining the subject property. Said sign or signs shall be posted not less than 15 days but not more than 30 days prior to the date of the opening of the public hearing. A good faith effort shall be made to keep the signs in place until the date of commencement of the public hearing. Said signs shall be removed no later than ten days after the completion of the final public hearing.

2. The required sign shall contain the words "NOTICE OF PUBLIC HEARING" at the top of the sign. The sign shall indicate the nature of the zoning change being requested and the time, date, and location of the public hearing. In addition, the sign shall indicate the phone number of the Department of Community Development Services.

3. The City Planner may waive the requirement to post the sign in cases involving multiple lots to avoid confusing the public or to avoid an unreasonable burden on the staff of Community Development Services. Said waiver shall be made a part of the record of the case.

4. A good faith effort shall be made to comply with the requirements of Section XI-10.C.1 and Section XI-10.C.2. However, compliance with those requirements shall not be regarded as jurisdictional. (Ord. No. 9495-80, 3-6-95; Ord. No. 9596-58, 11-20-95)

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 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 members of the City Council.

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 Board of Zoning Appeals.

A written protest shall be considered valid if it is signed by either the owners of 40% of the subject lots of the public hearing or the owners of 40% of the lots, any part of which are included within the area defined by a line extended 250 feet outward in all directions from the perimeter of the land subject to the action on the public hearing. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the 250 foot measurement. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least 50% of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing the document, and identify the property within the protest area that each signatory owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way. The owner of property shall be considered to be any of the following: The record owner of the fee title; the contract seller and the contract buyer of such property; or those with beneficial interest in a land trust.

Section XI-12. MOR Development Review Board

A. *Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a MOR Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.

2. The MOR Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.

3. The MOR Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:

   a) Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area; and

   b) Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines; and

   c) Determine if proposed development plans meet the intent of the district as stated in Section IV-2.H.

B. *Powers and Duties.* The MOR Development Review Board shall have the following powers:

1. The MOR Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.

2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.A.2. The MOR Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-12.G.

3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. The MOR Development Review Board shall consist of seven members. A quorum of the MOR Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:

   a) A member of the Urbana Plan Commission;

   b) A member of the Urbana Historic Preservation Commission;

   c) A licensed architect;

   d) An owner-occupant_ of property in the MOR, Mixed-Office Residential Zoning District;

   e) A resident living inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;

   f) A local developer;

   g) An owner of a local small business with fewer than 40 employees.

2. MOR Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.

3. The Mayor shall declare vacant the seat of any MOR Development Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

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

2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.

3. Secretary. The Secretary of the MOR Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:

   a) Take minutes of each MOR Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;

   b) Provide administrative and technical assistance to the MOR Development Review Board to assist it in making the decisions and findings as provided herein;

   c) Publish and distribute to the MOR Development Review Board copies of the minutes, reports and decisions of the MOR Development Review Board;

   d) Give notice as provided herein or by law for all public hearings conducted by the MOR Development Review Board;

   e) Advise the Mayor of vacancies on the MOR Development Review Board and expiring terms of MOR Development Review Board members;

   f) Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the MOR Development Review Board on all appeals from decisions of the MOR Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and

   g) Have no vote.

E. *Meetings.*

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

2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the MOR Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the MOR Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote “aye” or “nay” unless that Board member abstains due to an announced conflict of interest.

2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.

3. Approval of a site plan shall require a simple majority vote and shall be calculated on the basis of those voting members present and not abstaining.

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.

H. MOR Development Review Board Review Procedures

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the MOR Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.

2. After reviewing the proposed site plan according to the criteria in Section XI-12.I, the MOR Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the MOR Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the MOR Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall, upon request of the applicant, cause the Secretary of the Board to appeal the request to the Zoning Board of Appeals in accordance with Section XI-3.

3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.

4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the MOR Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII. The MOR Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.

5. Any order, requirement, decision or condition of approval made by the MOR Development Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the MOR Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove a proposed site plan.

6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.

7. The procedure for amending a site plan already approved by the MOR Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless a building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.

9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

I. *Site Plan Review Criteria.* Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the MOR Development Review Board according to the criteria listed below.

1. *Compatibility with Surrounding Neighborhood.* Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2.H. In reviewing proposals the MOR Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.

2. *Parking and Access*. Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Zoning Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

3. *Screening and Landscaping.* Proposals shall demonstrate the preservation of existing natural features where practical. The MOR Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. The MOR Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

4. *Site Details.* Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The MOR Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.

5. *Design Guidelines.* The MOR Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.J.

J. Design Guidelines Review. In reviewing development proposals in the M.O.R., Mixed-Office Residential Zoning District, the MOR Development Review Board shall determine conformance with all of the guidelines contained in the adopted M.O.R., Mixed-Office Residential Design Guidelines, including such factors as architectural appearance, massing, placement of structures, orientation, openings, outdoor living space, landscaping, parking areas, building materials, and architectural details, as well as the overall compatibility of the proposal with the residential character of the district. In addition to proposals demonstrating conformance with the adopted Design Guidelines for the

district as specified in Section XI-12.J and compatibility with the residential character of the district, the following design items shall be required:

1. The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage.

2. Facades with street frontage shall contain window openings and shall not be blank.

3. Parking shall be located behind the principal structure and not in the façade zone.

The Design Guidelines shall be adopted under a separate ordinance and shall be housed in the City of Urbana Community Development Services Department. Any Proposed amendments to the "M.O.R., Mixed-Office Residential Zoning District Design Guidelines" shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

(Ord. No. 2003-11-120, 11/25/03)

Section XI-13. Boneyard Creek Commissioner

A. Upon the effective date of this amendment, there is hereby created the position of Boneyard Creek Commissioner to assist in the administration of the Creekway Permit System in conformance with Section XIII-4 of this Ordinance.

B. The Boneyard Creek Commissioner shall be a resident of the City of Urbana, and he or she shall be appointed by the Mayor, subject to confirmation by the City Council.

C. The Boneyard Creek Commissioner shall be appointed based on his/her qualifications, including education and experience in evaluating plans and evidence submitted.

D. The Boneyard Creek Commissioner shall serve a term of three years.

E. The City Council shall have the power to remove the Boneyard Creek Commissioner for cause, after public hearing, held after at least ten days of notice to the Commissioner of the charges against him/her. (Ord. No. 9495-33, 10-14-94; Ord. No. 9596-58, 11-20-95)

Section XI-14. Changes of Zoning, Variances, and Other Modifications of the Zoning Ordinance in an Annexation Agreement

A. If a proposed annexation agreement prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, the Plan Commission shall conduct a public hearing concerning the proposed agreement according to the procedures established by the Plan Commission. 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 agreement. The City Council shall then conduct a public hearing to consider the proposed annexation agreement and the recommendation of the Plan Commission.

B. All other proposed annexation agreements proposing any other variances from or modifications to the application of the Zoning Ordinance to the subject property at the time of annexation, shall be submitted directly to the City Council for consideration of those variances or modifications at a public

hearing, without the need for any prior action by any City Board or Commission otherwise authorized or empowered to consider such variances or modifications.

C. If the Council's decision on a proposed annexation agreement is favorable, it shall adopt the agreement by ordinance. The ordinance shall expressly approve of the implementation of any and all zoning changes, variances, conditional uses, or other modifications in the application of the Zoning Ordinance to the property, when annexed, which are required by the agreement. Upon execution of the annexation agreement by all parties to the agreement, any zoning changes, variances, or other modifications in the application of the Zoning Ordinance which are required by the agreement shall be deemed approved without any further action by any other City Board or Commission otherwise authorized or empowered to consider and/or grant such changes, variances, or modification. For example, a conditional use is usually authorized by the Zoning Board of Appeals. However, in the case of an annexation agreement, the City Council may authorize a conditional use as part of the annexation agreement, without having the request heard by the Zoning Board of Appeals. (Ord. No. 9697-154, 6-16-97)

D. The City Planner or designee shall fix the date and time for all public hearings before the City Council required under this section and notice thereof shall be published in the manner required under 65 ILCS 5/11-15.1-3 of the Municipal Code. Notice for all public hearings before the Urbana Plan Commission under this section shall be published and mailed to surrounding property owners in the same manner as is required under Section XI-10 for a hearing to consider a proposed zoning map amendment. If no hearing before the Urbana Plan Commission is required under this Section, and the first public hearing is before the City Council, notice for that public hearing shall be mailed to surrounding property owners in the same manner as is required under Section XI-10 for a hearing before the Urbana Plan Commission to consider a proposed zoning map amendment. Any notice required to be mailed to surrounding property owners under this Section shall be deemed to be a courtesy to said persons and shall not be deemed jurisdictional. (Ord. No. 9495-95, 4-17-95, Ord. No. 9596-58, 11-20-95)

Section XI-15. Design Review Board

(Ord. No. 2009-01-005)

A. *Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a Design Review Board to administer design review in designated areas subject to design review in conformance with the requirements of this Section.

2. The Design Review Board is created for the purpose of reviewing and approving or disapproving applications, in accordance with this section.

3. The Design Review Board has the following objectives for reviewing applications in areas subject to design review:

   a) Review the design of new construction to ensure compatibility with the neighborhood's visual and aesthetic character through the use of the adopted design guidelines; and

   b) Determine if applications meet the intent of the district as stated in the adopted design guidelines.

B. *Powers and Duties.* The Design Review Board shall have the following powers:

1. The Design Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Section and the laws of the State of Illinois.

2. To hold public hearings and to review applications within areas subject to design review. The Design Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-15.G.

3. To undertake any other action or activity necessary or appropriate to implement its powers and duties and to implement the purpose of this section.

4. Although the Design Review Board is not authorized to grant variances, special use permits, or conditional use permits, an application for design review can be processed simultaneously with applications for any of the above.

5. In a decision on an application, the Design Review Board is not authorized to prohibit or deny a land use that is permitted by right in the applicable zoning district. However, the Board may deny an application based on design considerations even if the effect of doing so would be to deny development of a use permitted by right.

C. *Membership*

1. The Design Review Board shall be comprised of seven members. Four members shall constitute a quorum. The members of the Board shall be appointed by the Mayor with approval of City Council.

   The persons filling the following positions on the MOR Development Review Board per Section XI-12.C.1 are automatically appointed to the Design Review Board:

   a) A member of the Urbana Plan Commission;

   b) A member of the Urbana Historic Preservation Commission;

   c) An architect; and

   d) A local developer.

   These four members of the Design Review Board shall continue to also serve as members of the MOR Development Review Board. The three additional members of the Design Review Board shall consist of:

   e) Three residents of Urbana. The residents shall include a representative from each design review district who resides in the district. If there is only one design review district, the second and third residents should reside elsewhere in the City.

2. Design Review Board members shall serve without compensation and shall serve terms of three years. Members of the MOR Development Review Board shall be automatically reappointed to the Design Review Board if reappointed to the MOR Development Review Board. The additional three members may be reappointed at the conclusion of their respective terms.

3. The Mayor shall declare vacant the seat of any Design Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases, as well as for resignations,

incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

1. There shall be a Chair elected by the Design Review Board, who shall serve a term of one year and shall be eligible for re-election. Elections shall be held annually.

2. The Chair shall preside over meetings. In the absence of the Chair, those members present shall elect a temporary Chair.

3. Secretary. The Secretary of the Design Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:

   a) Take minutes of each Design Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;

   b) Provide administrative and technical assistance to the Design Review Board to assist in making decisions and findings as provided herein;

   c) Publish and distribute copies of the minutes, reports and decisions of the Design Review Board;

   d) Give notice as provided herein or by law for all public hearings conducted by the Design Review Board;

   e) Advise the Mayor of vacancies on the Design Review Board and expiring terms of Design Review Board members;

   f) Prepare and submit to the Zoning Board of Appeals and the City Council a record of the proceedings before the Design Review Board on any other matters requiring Zoning Board of Appeals consideration; and

   g) Have no vote.

E. *Meetings.*

1. The Design Review Board shall hold at least one meeting per year. Meetings shall be called as needed.

2. All meetings shall conform to the requirements of the Illinois Open Meetings Act. All meetings of the Design Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Design Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote “aye” or “nay” unless that Board member abstains due to an announced conflict of interest.

2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.

3. Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.

G. *Applications.*

1. With the exception of exempt projects as defined in this Section, any person, firm or corporation applying for a building permit for a property within a design review overlay district, shall submit a Design Review Board application to the Urbana Zoning Administrator if the project would:

   a) Construct a new principal structure; or

   b) Alter the exterior of any existing principal structure; or

   c) Install or enlarge a parking lot.
2. Application forms, provided by the City, shall be accompanied by the required plans, and filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

3. *Submittal Requirements*. The Design Review Board Secretary shall have five working days to determine whether an application is complete. If the Secretary finds the application incomplete, he/she shall notify the applicant, who shall have five working days from the date notified to submit the missing information. An application shall be considered complete if accompanied by, at a minimum, the following information:

   a) A scaled drawing showing:

      1) Size and dimensions of the subject parcel drawn to scale;

      2) Location and widths of adjacent rights-of-ways, sidewalks and street pavement;

      3) Identification of neighboring property owners listed on the application;

      4) Location of all existing structures on the parcel;

      5) Location of adjacent parcels and structures;

      6) Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;

      7) Floor plans;

      8) Location and layout of any proposed access drives, parking area and walkways;

      9) Location of existing trees and shrubs and proposed landscaping;

      10) Relevant site details including lighting, dumpster locations, signage, and other features;

   b) Elevation renderings of the proposed structures or additions indicating the proposed materials to be used in construction;

   c) Detail view drawings as necessary to show key design elements; and

d) 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).

Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

The Design Review Board may require additional information as necessary.

4. Upon receipt of a complete Design Review Board application, and in conformance with the following guidelines, the Zoning Administrator shall determine whether applications require review by the Design Review Board, administrative review, or are exempt projects.

a) *Design Review Board Review*. The Design Review Board shall review applications required by Section XI-15.G.1 for building permit applications involving:

1) Construction of a new principal structure; or
2) Increasing the building footprint of an existing principal structure greater than 15%; or
3) Increasing the floor area ratio of an existing principal structure by more than 15%; or
4) Installing or enlarging a parking lot; or
5) Substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board chair.

Determinations that the application is to be reviewed administratively should be made in writing and signed by both the Zoning Administrator and the Chair.

b) *Administrative Review*. The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by the Design Review Board per Section XI-15.G.4.a. The Zoning Administrator may approve, approve conditionally, or deny an application. Applicable design guidelines shall be the basis for administrative design review. Administrative approval or denial shall be in writing and should be accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively-reviewed applications by listing on subsequent Design Review Board agendas.

c) *Exempt Projects*. Within design review overlay districts, construction or alteration:

1) Requiring no building permit; or

2) Including no exterior construction or alteration;

shall be exempt from design review.

H. Design Review Board Review Procedures

1. Once a complete application has been submitted, the Secretary shall schedule a meeting to consider and act on the application request. The meeting, which shall include a public hearing, shall be scheduled within 45 working days after the completed application has been received. Notification shall be given per Section XI-10.

2. At the Design Review Board meeting during which an application is to be considered, City staff will give a presentation evaluating the application. Following the presentation, the Design Review Board will hold a public hearing. After the public hearing, the Design Review Board will review the application 1) according to the criteria in Section XI-15.I; 2) using the adopted design guidelines; and 3) considering testimony given at the public hearing. The Design Review Board shall then

vote on whether to approve the proposed application, according to the voting requirements as outlined in Section XII-15.F.3.

The Board may:

a) Approve the application. If the proposed application conforms to the requirements of this Ordinance and the intent of the adopted design guidelines, the Design Review Board shall make the appropriate findings and approve the application.

b) Approve the application with conditions. In approving an application, the Board may prescribe appropriate conditions and safeguards in conformity with the adopted design guidelines and this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the application is approved, shall be deemed a violation of this Ordinance and punishable under the provisions of the Urbana Zoning Ordinance.

c) Invite the applicant to resubmit. If the application does not conform to the requirements of this Ordinance or to the adopted design guidelines, the Design Review Board may invite the applicant to resubmit the application, giving recommendations to the applicant on ways to improve the design of the proposal and achieve conformity with this Ordinance and the intent of the adopted design guidelines.

d) Deny the application. The Board may disapprove the proposed application, making findings stating the inadequacies of the proposal. The Board shall state its reasons for denial in writing and should make recommendations to the applicant on to how to bring the proposal into compliance with the design guidelines.

Within five working days of the Board's decision, the Secretary shall send written notice to the applicant of the Board's decision. The notification shall address the relevant and applicable reasons for the decision as well as any recommendations given by the Board.

If the application is denied, the applicant shall have the opportunity to amend the application to conform to the recommendations. The applicant shall be heard at a meeting of the Design Review Board within 30 days of receipt of the amended application at which time a vote will be taken to according to the voting requirements as outlined in Section XII-15.F.3.

3. Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.

4. Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the Design Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove an application.

5. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.

6. The procedure for amending an application already approved by the Design Review Board, or for a request to change conditions attached to the approval of an application, shall be the same procedure as a new application request.

7. Approval of an application pursuant to Section XI-15 shall become null and void unless a related building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the application. A one-year extension may be granted by the Zoning Administrator when a written request with substantial basis is submitted prior to the expiration of the one-year term.

8. Any building permit or Certificate of Occupancy issued pursuant to an approved application may be revoked by the City for failure to comply with the conditions of approval.

I. *Application Review Criteria.*

1. Applications must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance.

2. Applications shall be reviewed and considered by the Design Review Board according to the criteria listed in the design guidelines enacted by the Urbana City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the Design Review Board shall determine conformance with the intent of the design guidelines as contained in the adopted design guidelines manual, as well as the overall compatibility of the proposal with the character of the neighborhood.

J. Design Review Overlay Districts and Adopted Design Guidelines

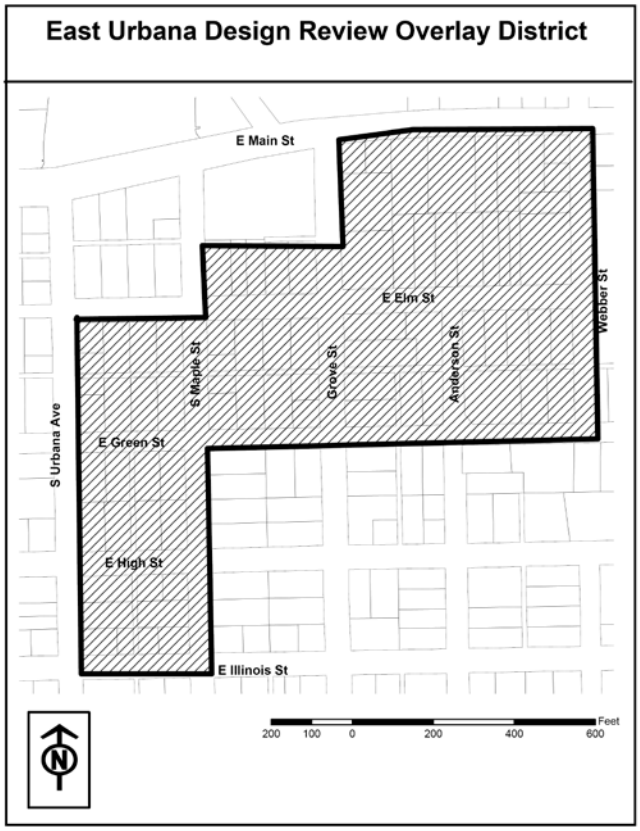
1. Design review overlay districts with their associated design guidelines shall be adopted under separate ordinances. The City of Urbana's Community Development Services Department shall make design guidelines available for public review and distribution. A design review overlay district shall be created by adopting a design guidelines manual for a specific geographic area.

   "Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.

   The following, adopted under separate ordinances, are the design overlay districts in the City of Urbana and have adopted design guidelines manuals:

   a) *Lincoln-Busey Corridor Overlay District*. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created by Ordinance No. 2009-01-005. The Lincoln-Busey Corridor Design Guidelines were adopted, on January 20, 2009, under Ordinance No. 2009-01-004.

   b) *East Urbana Design Review Overlay District*. Generally bounded by South Urbana Avenue, East Elm Street, Grove Street, East Main Street, South Webber Street, East Green Street, South Maple Street, and East Illinois Street, as more particularly illustrated below. The East Urbana Design Review Overlay District was created by Ordinance No. 2010-06-044 and amended under Ordinance No. 2010-08-073, and the East Urbana Design Guidelines were adopted under Ordinance No. 2010-06-045 and amended under Ordinance No. 2010-08-073.



2. Any new design guidelines, as well as proposed amendments to adopted design guidelines, shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

K. *Compliance with Regulations*. Except in compliance with the provisions of this Section, it shall be unlawful for any person, firm, or corporation to construct upon or alter the exterior any real property subject to this Section prior to obtaining a valid design review permit, in writing, from the Zoning Administrator, and making payment of any fees required by this Section. Any violation of this Section is subject to penalties and fines as provided in Article XI of the Urbana Zoning Ordinance.

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ARTICLE XII. HISTORIC PRESERVATION

Section XII-1. Statement of Purpose
Section XII-2. Definitions
Section XII-3. Historic Preservation Commission
Section XII-4. Historic Districts
Section XII-5. Historic Landmarks
Section XII-5.1 District and Landmark Designation Protests
Section XII-6. Certificates of Appropriateness and Economic Hardship
Section XII-7. Affirmation of Existing Zoning
Section XII-8. Building Permits Previously Issued
Section XII-9. Penalties
Section XII-10. National Register of Historic Places

Section XII-1. Statement of Purpose

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the community by:

A. Providing a mechanism to identify and preserve the distinctive historic, architectural and/or landscape characteristics of Urbana, which represent elements of the city's cultural, social, economic, political and architectural history;

B. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Urbana's landmarks and historic areas;

C. Stabilizing and improving the property value of Urbana's landmarks and historic areas;

D. Promoting restoration and rehabilitation by encouraging investment in historic resources;

E. Ensuring that all of the economic benefits resulting from preservation, including tax incentives, new jobs and renewed buildings, are available to our citizens; and

F. Preserving the character of historic neighborhoods and especially Urbana's historic downtown buildings and facades.

Section XII-2. Definitions

Alteration: Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to, the erection, construction, reconstruction, demolition, or relocation of any structure.

Appurtenances: Articles in the area surrounding a landmark or a building or structure within a historic district. This shall include, but not be limited to: fences, statues, signs, pavement and outbuildings visible from a public street or sidewalk.

Building: Any support, enclosure, or shelter for persons, animals, or property.

Certificate of Appropriateness: A certificate approving of plans for alteration (as defined herein) of either a designated landmark or a structure within a designated historic district.

Certificate of Economic Hardship: A certificate authorizing an alteration (as defined herein) following the denial of a Certificate of Appropriateness.

Chair: The Chair of the Urbana Historic Preservation Commission.

Complete Application: An application shall be considered a complete application at the time the Secretary has marked it as complete.

Conservation Right: The rights more fully defined in 765 ILCS 120/1 including easements, covenants, deed restrictions or any other type of less than full fee simple interest that may be used to protect a landmark or historic district.

Construction: Any act or process which requires a building permit, including the act of adding to a structure by an addition, or the erection of a new principal or accessory structure on a lot or property.

Contributing: A classification applied to a site, building, structure or object within a historic district signifying that it contributes generally to the qualities which give the historic district its historical, architectural, archaeological or cultural significance, but without necessarily being itself a landmark. See 'non-contributing'.

Council: The City Council of the City of Urbana.

Demolition: Any act or process that destroys in part or in whole a landmark, site or structure within a designated historic district.

Exempt Undertakings: Undertakings which are explicitly classified as 'Exempt Undertakings' in Tables XII-1 and XII-2 and which do not require a Certificate of Appropriateness. See 'Undertaking".

Exterior Architectural Features: The architectural character and general composition of the exterior of a building or structure, including but not limited to the type and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, ornamental details, and appurtenant elements.

Historic: Related to the City's architectural, artistic, civic, cultural, economic, educational, ethnic, political, or social heritage.

Historic District: An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites, or objects which may or may not be landmarks that contribute to the overall historic characteristics of the designated area.

Improvement: Any building, structure, bridge, work of art, parking space, parking lot, public infrastructure, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

Landmark: A property, building, structure, site, or object which is worthy of preservation because of its historic and/or architectural significance to the City of Urbana designated pursuant to procedures prescribed herein.

Minor Works: Exterior changes affecting the exterior appearance of designated historic landmarks or historic districts, but which do not appreciably affect the properties' historic integrity, and which require a minimum of discretion in conforming to adopted design criteria. Minor Works are specified in Section XII-6 and Table XII-1.

Major Works: Any exterior changes other than Exempt Undertakings or Minor Works.

Noncontributing: A building, structure, site, or object which may be part of a landmark or district, but does not possess historic, architectural, or archaeological significance or integrity per se; however, the relationship of these buildings, structures, sites, or objects to those that are contributing may be important to the preservation of the landmark or district. See 'contributing'.

Object: Constructions that are primarily artistic in nature and are relatively small in scale, including those constructions that are associated with a specific setting or environment.

Ordinary Maintenance. Any work for which a building permit is not required by law where the purpose and effect of such work is to correct any decay, deterioration or damage to structures, buildings, features, sites or objects, to restore the same, as nearly as practical, to its condition prior to the occurrence of such decay, deterioration or damage.

Owner(s) of Record: The person(s) or corporation or other entity in whose name(s) the property is held according to the last recorded deed in the records of the Champaign County Recorder.

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.

Parcel Owner: An owner of record of a parcel. (See 'owner of record.')

Person: Any individual, corporation, firm, trust, trustee, administrator, executor, partnership or joint venture.

Preservation Commission: Urbana Historic Preservation Commission.

Preservation Commissioners: Members of the Urbana Historic Preservation Commission.

Protest: See 'valid protest.'

Reasonable Economic Return: See Section XII-6.D, Certificate of Economic Hardship.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Relocation: Any repositioning of a building, structure, or object on its site or moving it to another site. The location of a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing buildings, structures, sites, or objects.

Secretary: Representative of the Community Development Services Department of the City of Urbana designated to provide staff support to the Historic Preservation Commission.

Structure: Any building, or other construction, 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.

Undertaking. Any alteration (as defined herein) to any building, structure, or attached landscape appurtenances, in whole or in part, and which in any way affects an exterior architectural feature of a property designated under this Article, regardless of "contributing" or "noncontributing" status. This definition explicitly excludes seasonal installation of window air conditioning units, living landscaping, and ornamentation and fixtures which are not appurtenances, including temporary decorations and lighting. This definition also excludes any work taking place within public rights-of-way, including alleys.

Valid Protest: A valid protest is a document signed by the requisite number of parcel 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

A. *Preservation Commission Created*. There is hereby created the Urbana Historic Preservation Commission, consisting of seven members. One member may reside in the 1 ½ mile extra-territorial jurisdictional area of Urbana while the rest must be residents of the City of Urbana. The Preservation Commission shall be appointed by the Mayor of Urbana and approved by the City Council. Members shall be appointed on the basis of expertise, experience or interest in the areas of architecture, architectural history, building construction or engineering, finance, historic preservation, geography, landscape architecture, law, neighborhood organizing, planning, real estate or another related field. Preservation Commissioners shall serve without compensation and shall serve terms of three years. Initially, Preservation Commissioners shall serve staggered terms of three persons for three years, two persons for two years, and two persons for one year.

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

1. Identifying such buildings, structures, sites, objects or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;

2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;

3. Protecting the historical characteristics of landmarks or districts by reviewing proposed changes to their exterior architectural appearances;

4. Educating the public on the opportunities presented by historic preservation; and

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

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

1. *The Chair Shall Preside over Meetings*. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.

2. *Secretary.* The Secretary of the Preservation Commission shall be a representative of the Department of Community Development Services of the City of Urbana. The Secretary shall:

   a) Take minutes of each Preservation Commission meeting, an original of which shall be kept in the office of the Department of Community Development Services;

   b) Provide administrative and technical assistance to the Preservation Commission to assist it in making the decisions and findings as provided herein, including receiving and processing applications for the Preservation Commission;

   c) Determine whether an application submitted for decision under this ordinance is complete and if so determined, stamp the time and date, and mark it ‘accepted as complete’;

d) Publish and distribute to the Preservation Commissioners copies of the minutes, reports and decisions of the Preservation Commission;

e) Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;

f) Advise the Mayor of vacancies on the Preservation Commission and expiring terms of Preservation Commissioners;

g) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on all appeals from decisions of the Preservation Commission and on any other matters requiring Council consideration; and

h) Have no vote.

D. *Meetings*

1. A quorum shall consist of a majority of the members of the Preservation Commission then holding office, but not less than three.

2. All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists, but in any event not less than three affirmative votes.

3. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair. There shall be a minimum of four meetings per year.

4. Abstentions shall not be considered an aye or nay vote and shall not be ruled by the Chair to go with the majority.

5. All meetings shall conform to the requirements of the Open Meetings Act.

6. No action shall be taken by the Preservation Commission which in any manner could deprive or restrict the owner of the subject property of its use, modification, maintenance, disposition or demolition until such property owner shall first have had the opportunity to be heard at public meeting(s) of the Preservation Commission, as provided herein.

E. *Vacancies.* The Mayor may declare vacant the seat of any Preservation Commissioner who no longer meets the residency requirement, who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, the Mayor shall appoint a successor with approval of the City Council.

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

1. To adopt its own procedural regulations.

2. To conduct an ongoing survey to identify Urbana's historically and architecturally significant buildings, structures, sites, objects and districts.

3. To investigate, hold public hearings and designate or recommend designation of landmarks and historic districts.

4. To keep a register of all buildings, structures, sites, objects or districts that have been designated under this ordinance, including all information required for each designation.

5. To determine an appropriate system of plaques and markers to identify historic landmarks and districts and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.

6. To nominate landmarks and historic districts to the National Register of Historic Places.

7. To inform and educate the citizens of Urbana concerning the historic and architectural heritage of the City.

8. To hold public hearings and to review building permit applications for new construction within historic districts and for additions to, alterations, relocations, removal or demolition of designated landmarks or buildings, structures, sites or objects within historic districts, and to issue or deny Certificates of Appropriateness for such actions. The Preservation Commission may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions.

9. To consider and make decisions upon applications for Certificates of Economic Hardship.

10. To apply criteria as set forth herein for the alteration, construction, relocation or removal of landmarks or buildings, structures, sites or objects within historic districts.

11. 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 Board of Zoning Appeals, or the City Council.

12. To testify before the City Council and all boards and commissions, including the Building Safety Code Board of Appeals, the Community Development Commission, the Plan Commission, the Property Maintenance Code Board of Appeals, and the Zoning Board of Appeals on any matter affecting historically or architecturally significant buildings, structures, sites, objects and areas. The Chair or the Chair's designee shall give such testimony on behalf of the Preservation Commission.

13. To administer on behalf of the City of Urbana, upon designation by the City Council, any property or full or partial interest in real property, including a conservation right as that term is used in 765 ILCS 120/1, which the City may possess or accept as a gift or otherwise.

14. To recommend application for, acceptance of, and administration of such gifts, grants and money as may be appropriate for the purpose of this ordinance to the Urbana City Council.

15. To consider amendments to the preservation component of the Comprehensive Plan of the City of Urbana and to recommend action upon such amendments to the Plan Commission and the City Council.

16. To periodically review the Urbana Zoning Ordinance and to recommend to the Plan Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or buildings, structures, sites or objects within historic districts.

17. To recommend certification of designated historic districts to the Illinois Historic Preservation Agency.

18. To recommend prospective Preservation Commissioners to the Mayor in order to fill vacancies on the Preservation Commission.

19. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

Section XII-4. Historic Districts

A. *Historic District Nomination*. Nominations shall be made to the Preservation Commission on a completed application form provided by the Preservation Commission. The Secretary shall have five working days to review an application for completeness. From the time when an application has been marked as complete by the Secretary, the Building Official shall not issue building permits (including demolition permits) for activities that would require a Certificate of Appropriateness for all affected properties until the designation process is concluded, except when a Certificate of Appropriateness is issued.

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter. (Ord. No. 2008-03-012, 03-03-08)

2. A completed application form for historic district nominations must be accompanied by signatures of parcel owners representing no less than 25% of the parcels within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a parcel 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 parcel is considered independently, regardless of single ownership of multiple parcels.

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 record of each property proposed for designation;

   b) Common street addresses, tax parcel identification numbers, and legal addresses of the property proposed for designation;

   c) A map delineating the boundaries and location of the district proposed for designation;

   d) A written statement describing the district and setting forth the reasons the district may be eligible for nomination, including a statement indicating which of the criteria in Section XII-4.C are met by the nomination; and

   e) An application fee as set forth in Chapter 14 of the Urbana City Code.

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 parcel owners within the proposed district of said application. If there are multiple owners for one parcel, 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 property 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 property owners of the time, date, and location of the public hearing and include a form whereby the property owner can express his/her opinion regarding the proposed designation. Notification shall be by first class mail to:

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

      2) The person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments at the listed address;

      3) The person shown on the last recorded deed of the property affected directing where the tax bill should be sent; and

      4) If the property affected is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.

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

C. *Criteria for Designation of a Historic District*. A proposed historic district must meet one or more of the following criteria for designation:

   1. Contain a significant number of buildings, structures, sites or objects meeting any of the standards in Section XII-5.C.1;

   2. Contain a contiguous grouping of properties having a sense of cohesiveness expressed through a style, period or method of construction; or

   3. Have sufficient historical integrity to convey a sense of historical time and place.

D. *Review Process.* The Preservation Commission shall commence a public hearing on the question of designation within 60 days of receiving a complete application. The Commission may continue the hearing to a subsequent meeting following its adopted bylaws.

   1. At the public hearing, the Preservation Commission shall take any 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 district status as well as documentation of such evidence.

   2. Following public input, the Preservation Commission shall :

      a) Review and evaluate all information presented to it pertinent to the nomination according to the applicable criteria set forth in Section XII-4.C herein; and

      b) Identify all contributing and noncontributing buildings, structures, sites or objects within the proposed historic district that are listed in the application.

3. During the public hearing, the Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be considered further. If contiguity of the district is interrupted, areas may be considered as separate districts. The Preservation Commission may amend, but not extend the boundaries of the proposed historic district.

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:

   a) If the Preservation Commission determines to recommend designation of the proposed historic district, it shall do so per Section XII-3.D.2.

   b) 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) Affected parcel 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 district should be created, it shall do so by enacting an ordinance.

   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 parcel can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic parcel vote in another proposed historic district.

3. *Historic District Status Recorded.* The Preservation Commission shall record a copy of the ordinance designating a historic district at the office of Champaign County Recorder of Deeds.

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 parcel owners representing no less than 25% of the parcels within the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a parcel 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 parcel owners representing no less than 25%

of the parcels 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 parcel shall be as stated in Section XII-4.A.2.

Section XII-5. Historic Landmarks

A. *Historic Landmark Nomination*. Nominations shall be made to the Preservation Commission on a completed application form provided by the Preservation Commission. The Secretary shall have five working days to review an application for completeness. From the time when an application has been marked as complete by the Secretary, the Building Official shall not issue building permits (including demolition permits) for activities that would require a Certificate of Appropriateness until the designation process is concluded, except when a Certificate of Appropriateness is issued.

1. Nominations may be made by any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter. (Ord. No. 2008-03-012, 03-03-08)

2. Owner approval shall not be required for historic landmark nomination or designation.

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 record of each property proposed for designation;

   b) Common street address, tax parcel identification number, and legal address of the property proposed for designation;

   c) A map delineating the boundaries and location of the property proposed for designation;

   d) A written statement describing the property and setting forth the reasons the landmark may be eligible for nomination, including a statement indicating which of the criteria in Section XII-5.C.1 are met by the nomination; and

   e) An application fee as set forth in Chapter 14 of the Urbana City Code.

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 parcel 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:

   a) The occupant of the property affected at the address of the property;

   b) The person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments at the listed address;

   c) The person shown on the last recorded deed of the property affected directing where the tax bill should be sent; and

d) If the property affected is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.

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

C. *Criteria for Designation of a Landmark.*

1. *Landmark Criteria.* A proposed landmark must meet one or more of the following criteria for designation:

a) Significant value as part of the architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage of the nation, state, or community.

b) Associated with an important person or event in national, state or local history.

c) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous materials, while retaining a high degree of integrity.

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.

e) Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.

f) Character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures with a high level of integrity or architectural significance.

g) Located in an area that has yielded, or may be likely to yield, information important in history or prehistory.

2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered.

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 subject 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.

2. *Commission Review & Determination.* The Preservation Commission shall review all information presented to it pertinent to the nomination.

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:

   a) If the property 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 parcel 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.

   b) No application relating to the same property may be filed during the 12 months following such a denial by the Urbana City Council.

3. *Landmark Status Recorded.* A copy of the ordinance or Historic Preservation Commission decision sheet designating a historic landmark shall be recorded at the office of Champaign County Recorder of Deeds.

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

Section XII-5.1. 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 parcels within the subject district shall have protest documents signed and submitted on behalf of such parcels by the respective owners of such parcels as set forth in subsection c) below.

2. With respect to a landmark, to be considered a valid protest as to the subject parcel, a protest document, signed and submitted on behalf of such parcel by the respective owner(s) of such parcel 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 of record, by such sole owner;

   b) If the record owners are more than one, by not less than 50% of the title interest in such parcel; or

   c) If the record 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 parcel 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-6. Certificates of Appropriateness & Economic Hardship

A. *Certificate of Appropriateness Required*. No person shall make or cause to make any undertaking without the City having first issued a Certificate of Appropriateness approving such work; however, undertakings designated in Tables XII-1 and XII-2 under “No Review” may be made without an application for a Certificate of Appropriateness. Furthermore, the Community Development Services Department shall not issue any building or demolition permit allowing work which could not otherwise take place until a Certificate of Appropriateness has been issued.

B. *Certificate of Appropriateness process*.

1. *Determining level of review*. Applications for Certificates of Appropriateness shall be made by forms supplied by the Community Development Services Department. The application shall be regarded as complete when so marked by the Secretary. Following receipt of a complete application for any work qualifying as an undertaking, the Zoning Administrator and Chair of the Historic Preservation Commission shall determine according to Tables XII-1 and XII-2 whether the application is an exempt undertaking and requires no review, requires administrative review, or requires Historic Preservation Commission review.

   In cases where applications include multiple activities, those determined to be Minor Work may be reviewed administratively and Major Work activities reviewed by the Historic Preservation Commission.

2. *No review*. When both the Zoning Administrator and Chair determine that the proposed undertaking(s) are exempt from review then the Zoning Administrator shall end the review process and so notify the applicant and Building Safety Manager in writing within 10 working days following receipt of the complete application.

3. *Minor and Major Work.* Except for applications determined to be exempt undertakings requiring no review, as provided in Section XII-6.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-6.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*.

   a) *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 with the procedures specified in Section XI-10.

   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-6.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-6.E of this Article.

   d) Within ten working days of the Commission's final action on the application, the Secretary shall notify the applicant(s) and Building Safety Manager of the issuance of a Certificate of Appropriateness.

C. *Review Criteria for Certificates of Appropriateness*

In making a determination whether to issue or deny a Certificate of Appropriateness, the Preservation Commission shall consider the following criteria:

1. Maintain the significant original qualities and character of the buildings, structures, sites or objects including, if significant, its appurtenances. Removing or altering any historic or distinctive architectural features should be avoided whenever possible.

2. Retain and preserve the historic character of a property. Avoid removing or substituting distinctive materials or altering features, spaces, and spatial relationships that characterize a property.

3. Recognize each property as a physical record of its time, place, and use. Do not undertake changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.

4. Retain and preserve changes to a property that have acquired historic significance in their own right.

5. Preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property.

6. *Deteriorated historic features*. Repair rather than replace deteriorated historic features. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence.

7. *Treatment methods*. Use the gentlest means possible when using chemical or physical treatments. Do not use treatments that cause damage to historic materials.

8. *Archaeology*. Protect and preserve archeological resources in place. If such resources must be disturbed, mitigation measures should be undertaken.

9. *New construction*. With new additions, exterior alterations, or related new construction, do not destroy historic materials, features, and spatial relationships that characterize the property. Undertake new additions and adjacent or related new construction in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Differentiate new work from the old. To protect the integrity of the property and its environment, new additions and new construction shall be compatible with the original architecture of the landmark or styles within the historic district and in terms of the following guidelines:

    a) *Height*: The height of the proposed building or structure or additions or alterations should be compatible with surrounding buildings or structures.

    b) *Proportions of structure's front façade*: The proportion between the width and height of the proposed building or structure should be compatible with nearby buildings or structures.

    c) *Proportions of openings into the facility*: The proportions and relationships between doors and windows should be compatible with existing buildings and structures.

    d) *Relationship of building masses and spaces*: The relationship of a building or structure to the open space between it and adjoining buildings or structures should be compatible.

    e) *Roof shapes*: The design of the roof should be compatible with that of adjoining buildings and structures.

    f) *Appurtenances*: Use of appurtenances should be sensitive to the individual building or structure, its occupants and their needs.

    g) *Scale of building or structure*: The scale of the building or structure should be compatible with that of surrounding buildings or structures.

    h) *Directional expression of front elevation*: Street façades should blend in with other buildings and structures with regard to directional expression when adjacent buildings or structures have a dominant horizontal or vertical expression.

10. *Demolition*. In granting a Certificate of Appropriateness to undertake demolition, the Commission shall find that at least one of the following conditions exists:

    a) The demolition would be limited to a nonsignificant portion of a building or a nonsignificant accessory structure, and provided that the demolition will not adversely affect those parts of a building or buildings which are significant as determined by the Commission; or

b) The demolition request is for a noncontributing building and the demolition will not adversely affect the character of the district; or

c) The Building Official of the City of Urbana certifies that the demolition is required for public safety because of an unsafe or dangerous situation.

D. *Certificate of Economic Hardship.*

1. Notwithstanding any contrary provisions of this Article, following denial of a Certificate of Appropriateness application, the applicant may apply for, and the Commission may issue, a Certificate of Economic Hardship to allow work for which a Certificate of Appropriateness has been denied. Applications for Certificates of Economic Hardship shall be made on forms provided by the City of Urbana.

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 with the procedures specified in Section XI-10.

3. At the public hearing, the Commission shall take statements presented by the owner(s) and any other interested parties concerning the effect of the proposed undertaking on any designated historic landmark or property within a designated historic district based upon the criteria set forth in this Article. The Commission shall conduct such hearings in a manner consistent with adopted rules of procedure, as may be amended from time to time. The hearing may be continued to a date certain.

   The applicant bears the burden of proof that denial of the proposed work would leave the property without an economically viable use, and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property being incapable of earning any reasonable economic return.

   The Commission may solicit expert testimony to evaluate information provided either as part of a Certificate of Economic Hardship application or at the public hearing, and may continue the public hearing to provide time to evaluate new evidence.

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:

   a) A substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness;

   b) A substantial decrease in the financial return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness;

   c) The cost of the proposed construction, alteration, relocation or demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness;

   d) The structural soundness of any structures on the property and their suitability for rehabilitation;

   e) The economic feasibility of rehabilitation or reuse of the existing structure, or in the case of proposed demolition, the economic feasibility of improvement on the property.

5. *Evidence.* The applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the applicant believes to have contributed to the economic hardship alleged to be incurred if the applicant is not granted a Certificate of

Appropriateness. Specific information and documentation which may be presented by the applicant as competent evidence at the hearing may include:

a) The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).

b) The assessed value of the land and improvements thereon according to the two most recent assessments.

c) Real estate taxes for the previous two years.

d) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.

e) All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.

f) Any listing of the property for sale or rent, price asked and offers received, if any.

g) Any consideration by the owner as to profitable adaptive uses for the property.

h) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any during the same period.

i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

j) Any other information including the income tax bracket of the owner, applicant or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

6. Commission findings. Following public input, the Commission shall approve the issuance of the Certificate of Economic Hardship only if it finds that either 1) the subject property cannot be put to any reasonably beneficial use or 2) the owner/applicant will suffer a substantial economic loss if the application is not approved, and in either case, further finds that the hardship was not created with the intent of circumventing this Article.

7. Should the Commission adopt either finding in Subsection 6 above, and lacking a finding that the owner/applicant self-created the hardship with the intent of circumventing this Article, then the Commission shall issue a Certificate of Economic Hardship.

8. Should the Commission fail to adopt either finding in Subsection 6 above, then the application for a Certificate of Economic Hardship is denied.

E. Appeals

1. Approval or denial of any Certificate of Appropriateness or Certificate of Economic Hardship may be appealed when the following requirements are met:

a) If the appeal pertains to a Landmark, the appeal may be taken only by the applicant or other person who has a financial interest in the property. If the appeal pertains to a property within

a historic district, the appeal may be taken by the applicant or an owner of a property within the historic district

b) The appeal shall be taken by filing a notice of appeal with the Zoning Administrator. The notice of appeal shall describe the decision being appealed and shall specify the grounds for the appeal.

c) The appeal shall be taken within 15 days of mailing the notice of the decision to the applicant.

d) When both a Certificate of Appropriateness and Certificate of Economic Hardship have been denied for the same work, one but not both decisions may be appealed.

2. Once an appeal has been filed, work allowed by the approval of a Certificate of Appropriateness or a Certificate of Economic Hardship shall be stayed until the appeal is decided.

3. Section XI-3.D does not apply to appeals of decisions made by the Zoning Administrator under this article.

4. *Notice of appeal*. The Secretary shall give due notice of the hearing in writing to the appellant, the property 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.

5. *Consideration of appeal*. The city council shall decide the appeal by passing a resolution, with a majority vote of the alderpersons then holding office, that either upholds the decision of the Preservation Commission or reverses the decision of the Preservation Commission.

6. If the Council decides that a Certificate of Appropriateness or Economic Hardship should be issued, the Secretary shall notify the applicant and the Building Safety Division within seven days of the Council's decision and the Building Safety Division then shall begin review of the permit within 15 days.

7. If the Council concurs with the Preservation Commission's decision not to issue a Certificate of Appropriateness or a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Building Safety Division of this decision within seven days.

F. *Special Emergency and Life Safety Circumstances*

1. If emergency circumstances affect a landmark or a building, structure, site or object within a historic district in a way that requires immediate relief, repair or demolition, the Urbana Fire Chief or Building Safety Division Manager shall certify that such conditions exist and nothing in this article shall prevent said conditions being eliminated as quickly as is practicable. Emergencies are defined as life or health-threatening conditions requiring immediate attention.

2. In a non-emergency circumstance, where the Urbana Fire Chief or Building Safety Division Manager shall require exterior alterations in an existing use to conform to life safety or other codes, a Certificate of Appropriateness shall be required. In the event that irreconcilable conflicts arise between such codes and this Article, the Preservation Commission shall grant permission to conform to those codes even if a Certificate of Appropriateness would not otherwise be issued.

Table XII-1: Level Of Review for Contributing Properties			
	Exempt Undertakings	**COA Required**	
		Minor Works (Administrative Review)	**Major Works (HPC review)**
Description of undertaking			
Building ordinary maintenance made in kind and using like materials:			
Architectural features, repair of existing	X		
Masonry repointing with compatible mortar		X	
Painting previously painted surfaces, regardless of paint colors	X		
Roof cladding, with like materials		X	
All other exterior building maintenance and repairs		X	
Site ordinary maintenance made in kind and using like materials:			
Access drives	X		
Outdoor storage, replacement of existing	X		
Steps (not attached to buildings)	X		
Structural landscape features		X	
Walkways	X		
All other repairs of site improvements		X	
Building changes and new construction, including:			
Access ramps/lifts - erection, alteration, removal		X	
Architectural features and details		X	
Awnings		X	
Building additions			X
Construction of new buildings (other than accessory)			X
Decorative glass (colored, leaded, or beveled)			X
Doors (except storm doors)		X	
Gutters and downspouts (integral and attached)		X	
Mailboxes	X		
Painting of unpainted material, such as masonry, copper, and wood		X	
Porches, decks, and attached steps (including enclosing)			X
Roofs, including roof lines and materials			X
Satellite dishes		X	
Shutters		X	
Siding, removal of non-original synthetic siding		X	
Siding (other)			X
Signs and interpretative displays (permanent)			X
Storm doors and storm windows	X		
Windows (except storm windows and window screens)			X
Window screens	X		
All other new construction and changes to buildings			X

	Exempt Undertakings	**COA Required**	
		Minor Works (Administrative Review)	**Major Works (HPC review)**
Site changes and new construction, including:			
Accessory buildings (less than 100 sq. ft. in area)	**X**		
Accessory buildings (greater than 100 sq. ft. in area)			**X**
Access drives			**X**
Air conditioner condenser units		**X**	
Fences		**X**	
Landscape planting beds and gardens	**X**		
Mechanical and electrical service equipment		**X**	
Parking lots			**X**
Patios		**X**	
Signs (permanent)			**X**
Signs (temporary)	**X**		
Walkways		**X**	
Walls and screens (as landscape features)		**X**	
All other site modifications			**X**
Demolition, removal, and relocation of buildings and other structures:			
Accessory structures (less than 100 sq. ft. in area)		**X**	
Accessory structures (greater than 100 sq. ft. in area)			**X**
Fences (nonhistoric)		**X**	
Fences (historic)			**X**
All other demolition, removal, and relocation			**X**

Table XII-2: Level Of Review for Non-Contributing Properties			
	Exempt Undertakings	**COA Required**	
		Minor Works (Administrative Review)	**Major Works (HPC review)**
Description of undertaking			
Building ordinary maintenance made in kind and using like materials:			
Architectural features, repair of existing	X		
Masonry repointing with compatible mortar	X		
Painting previously painted surfaces, regardless of paint colors	X		
Roof cladding, with like materials	X		
All other exterior building maintenance and repairs	X		
Site ordinary maintenance made in kind and using like materials:			
Access drives	X		
Outdoor storage, replacement of existing	X		
Steps (not attached to buildings)	X		
Structural landscape features	X		
Walkways	X		
All other repairs of site improvements	X		
Building changes and new construction, including:			
Access ramps and lifts (erection, alteration, removal)	X		
Architectural features and details		X	
Awnings		X	
Building additions			X
Construction of new buildings (other than accessory)			X
Decorative glass (buildings less than 50 years old)	X		
Decorative glass (buildings 50+ years old)			X
Doors (except storm doors)		X	
Gutters and downspouts (integral and attached)	X		
Mailboxes	X		
Painting of unpainted materials, such as masonry (buildings less than 50 years old)	X		
Painting of unpainted materials, such as masonry (buildings 50+ years old)		X	
Porches, decks, and attached steps (including enclosing)			X
Roofs, including roof lines and materials (buildings less than 50 years old)		X	
Roofs, including roof lines and materials (buildings 50+ years old)			X
Satellite dishes		X	
Shutters	X		

	Exempt Undertakings	COA Required	
		Minor Works (Administrative Review)	Major Works (HPC review)
Siding, removal of non-original synthetic siding	X		
Siding (other)		X	
Signs and interpretative displays (permanent)		X	
Storm doors and storm windows	X		
Windows (except storm windows and window screens)		X	
Window screens	X		
All other new construction and changes to buildings		X	
Site changes and new construction, including:			
Accessory buildings (less than 100 sq. ft. in area)	X		
Accessory buildings (greater than 100 sq. ft. in area)			X
Access drives		X	
Air conditioner condenser units		X	
Fences		X	
Landscape planting beds and gardens	X		
Mechanical and electrical service equipment		X	
Parking lots			X
Patios		X	
Signs (permanent)		X	
Signs (temporary)	X		
Walkways		X	
Walls and screens (as landscape features)		X	
All other site modifications		X	
Demolition, removal, and relocation of buildings and other structures:			
Accessory structures (less than 100 sq. ft. in area)	X		
Accessory structures (more than 100 sq. ft. in area)		X	
Fences		X	
All other demolition, removal, and relocation			X

Section XII-7. Affirmation of Existing Zoning

This Article does not modify or negate the existing zoning of any property in the City of Urbana. Furthermore, nothing contained in this Article relieves any person of the duty of complying with all other statutes, laws, ordinances and regulations. Nor is anything in this Article XII intended to amend the powers of any other regulatory body of the City.

Section XII-8. Building Permits Previously Issued

The provisions of this Article shall not apply to a structure for which a building permit has been applied for, or issued, prior to the date the Secretary of the Commission receives a nomination for a landmark or historic district designation pertaining to said structure. Such exemption shall remain in force until the date that a certificate of occupancy is issued for said building permit.

Section XII-9. Penalties

A. Any person, firm or corporation who alters, demolishes, repairs or relocates any landmark or any building, structure, site or object within a historic district without complying with the provisions of this Article shall be required to restore the building, structure, site or object to its appearance prior to the violation. Any action to enforce this section shall be brought by the City Attorney, his designee or by designated representatives of the Department of Community Development Services. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

B. Any person, firm or corporation knowingly violating this article of this ordinance, upon conviction, shall be fined not less than $50 nor more than $500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 2005-01-010, 01/28/05)

Section XII-10. National Register of Historic Places

A. *Criteria for Evaluation.* The Preservation Commission shall use the guidelines of the National Register for Historic Places for evaluating potential sites for National Register nomination.

B. The following criteria are designed to guide the states, federal agencies and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and national historic landmarks) for the National Register:

1. The quality of significance in American history, architecture, archeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and

2. That are associated with events that have made a significant contribution to the board patterns or our history; or

3. That are associated with the lives of persons significant in our past; or

4. That embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or

5. That has yielded, or may be likely to yield, information important in prehistory or history.

C. Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

2. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

3. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

4. A cemetery with derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived; or

6. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

7. A property achieving significance within the past 50 years if it is of exceptional importance. (Ord. No. 9798-112, 06-06-98)

ARTICLE XIII. SPECIAL DEVELOPMENT PROVISIONS

Section XIII-1. Telecommunications Facilities, Towers and Antennas
Section XIII-2. Mobile Home Parks
Section XIII-3. Planned Unit Developments
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Section XIII-1. Telecommunications Facilities, Towers and Antennas

A. *Telecommunications Definitions*

Abandonment: (as applied to Section XIII-1) (1) to cease operation for a period of 60 or more consecutive days; or (2) to reduce the effective radiated power of an antenna by 75% for 60 or more consecutive days; or (3) to relocate an antenna at a point less than 80% of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by 75% for 60 or more consecutive days.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for “cellular,” “enhanced specialized mobile radio” and “personal communications services,” telecommunications services, and its attendant base station.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio, telephonic, or television signals.

Applicant: Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City.

Backhaul Network: Lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Camouflaged: A personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, new structure, tower, or mount within trees so as to be significantly screened from view.

COW: “Cell on Wheels.”

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Cell Site or Site: A tract or parcel of land that contains telecommunications service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications services.

Collocation: The use of a personal wireless service facility or cell site by more than one personal wireless service provider.

EIA: The Electronics Industry Association.

Modification: The significant changing of any portion of personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design or height or placement of antenna on an antenna support structure.

Mount: The structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts: (i) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building. (ii) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower. (iii) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

Personal Wireless Service, Personal Wireless Service Facilities, and Facilities used in this Title, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Pre-Existing Towers and Pre-Existing Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued or is considered legally nonconforming prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Residential Zoning Districts: The AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, MOR, B-1 and B-2 Zoning Districts for the purposes of enforcing Section XIII.

Security Barrier: A wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

Tower Height: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Unlicensed Wireless Services: Commercial mobile services that operate on public frequencies and do not need a FCC license.

B. *Purpose.* The purpose of this ordinance is to establish general guidelines for the siting of wireless communications, radio and television towers, and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers

and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety with respect to communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Urbana shall give due consideration to the City of Urbana's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

C. *Applicability.*

1. *New Towers and Antennas.* All new towers or antennas in the City of Urbana will be subject to these regulations, except as provided in this Article.

2. *Pre-existing Towers or Antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than those which specifically apply to pre-existing towers or antennas.

D. *Exemptions.* The following are considered exempt telecommunications facilities and are not governed by this Section:

1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding 25 feet;

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

3. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed 50 feet;

4. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance;

5. Mobile services providing public information coverage of news events of a temporary nature;

6. Hand held devices such as walkie-talkies, garage door openers, and similar devices as determined by the Zoning Administrator;

7. City government owned and operated receive and/or transmit telemetry station antennas for supervisor control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations, and/or irrigation systems with heights not exceeding 35 feet;

8. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission;

9. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale;

10. Radar systems for military and civilian communication;

11. Wireless radio utilized for temporary emergency communications in the event of disaster;

12. Licensed amateur (ham) radio facilities as provided herein;

13. Satellite dish antennas less than one meter in diameter for residential uses and less than two meters in diameter for commercial or industrial uses, including direct to home satellite services, when used as an accessory use of the property;

14. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennas, towers, or buildings) provided that compliance with the standards of this ordinance are maintained;

15. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity;

16. A "Cell on Wheels" (COW) or other temporary Personal Wireless Telecommunications Facility shall be permitted for a maximum of 30 days or during an emergency declared by the City.

E. General Requirements.

1. *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Subdivision regulations will not apply. The lease shall be created by a plat of survey to accompany permit applications.

2. *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot unless there are unusual geographic or public health, safety, and welfare or other public policy considerations. A plat of survey shall accompany any permit application.

3. *Inventory of Existing Sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Administrator or his or her designee an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Urbana or within one and one half mile of the boundary thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator or his or her designee may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Urbana, provided, however, that the Zoning Administrator or his or her designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. *Recognition of Industry Site Selection Criteria:* In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. The City recognizes that specific locations within that general area are evaluated by the industry providers using the following criteria which are not listed in order of priority:

   a) Topography as it relates to line of sight transmissions for optimum efficiency.

   b) Availability of road access.

   c) Availability of electric power.

   d) Availability of land-based telephone lines or microwave link capability.

e) Leasable lands, and landlords who desire facilities to be located on their properties consistent with zoning regulations.

f) Screening potential of existing vegetation, structures, and topographic features.

g) Zoning that will allow low power mobile radio service facilities.

h) Compatibility with adjacent land uses.

i) The minimum number of sites to cover the desired area.

j) The greatest amount of coverage, consistent with physical requirements.\

k) Opportunities to mitigate possible visual impact.

l) Availability of suitable existing structures for antenna mounting.

5. *Setbacks*. The following setback requirements shall apply to all towers, provided, however, that the Zoning Administrator (in the case of administrative approval) or the City Council (in the case of a special use approval) may approve a reduction of the standard setback if the goals of this Ordinance would be better served thereby. Setback distance requirements will include right-of-way widths, if applicable.

   a) Guys wires and accessory buildings in all zoning districts must satisfy the minimum zoning district setback requirements for principal buildings, including average front yard setbacks, for the entire parcel, even if a portion of the parcel is being leased for the tower, unless there are unusual geographic or public health, safety and welfare or other public policy considerations.

   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.

   c) Towers in the IN-1 or IN-2 districts must satisfy the setback requirements of the IN-1 or IN-2 zoning district for principal buildings except that a tower shall not be placed closer than 100% of its height from any residential zoned land or land use building set back line.

   d) Towers in the B-3, B-3U, or MIC districts shall satisfy the setback requirements of that district for principal buildings except that no tower shall be placed closer than 150% of its height from any residential zoned lot or land use building set back line.

6. *Height Limitations.* Towers in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, or MOR districts shall be restricted to 50 feet in height unless said height limitation is varied by the Zoning Administrator (in the case of an administratively approved permit) or the City Council (in the case of an approved special use permit) to allow co-location or if the goals of this Ordinance would be better served thereby.

7. *Separation Distances Between Towers.* If an applicant requests a permit for a new tower within 1,500 feet of an existing tower, the applicant must provide evidence that the existing tower cannot accommodate the new antenna requested.

8. *Radio and Television Towers and Stations in the B-4 Zoning District:* Minimum lot size are applicable to freestanding towers and stations, but not to those within buildings of other uses. Any radio or television tower or antenna which requires an obstruction notice to the Federal Aeronautics Administration (FAA) under the requirements of the Federal Aviation Regulations, the findings of the FAA, if any, shall be made part of an application for a special use. The Plan Commission and City Council shall consider any findings of the FAA in determining whether a

tower constitutes a hazard to aviation or the flight operations of any airport. (Ord. No. 1999-06-045, 06-22-99)

F. *Location Preference.* The order of preference for locating new personal wireless service facilities shall be as follows:

1. *First Preference.* Use of such facilities by the City of Urbana and placement of antennas and towers on property owned by the City of Urbana and which comply with the requirements of this Article including:

   a) The facilities will not interfere with the purpose for which the City-owned property is intended;

   b) The facilities will have no significant adverse impact on surrounding private property;

   c) The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;

   d) The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of removing the facilities;

   e) The antennas or tower will not interfere with other users who have a higher priority as discussed in this Article;

   f) Unless otherwise agreed, the applicant must agree that upon the occurrence of issues affecting public health, safety, or welfare, and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;

   g) The applicant must reimburse the City for any related costs, such as attorney expenses, which the City incurs because of the presence of the applicant's facilities;

   h) The applicant must obtain all necessary land use approvals; and

   i) The applicant must cooperate with the City's objective to promote collocations and thus limit the number of cell sites requested, or camouflage the site.

2. *Second Preference Location – Other Public Agencies.* The order of preference after City usage shall be as follows:

   a) Public safety agencies, including law enforcement, fire; and ambulance services, which are not part of the City and private entities with a public safety agreement with the City;

   b) Other governmental agencies, for uses which are not related to public safety except parks and schools;

   c) Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), radio and television services, specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.

3. *Other Preference Locations.* The order of preference after placement on publicly-owned property shall be as follows:

   a) Place antennas on appropriate rights of ways and existing structures, such as buildings, towers, water towers, and smokestacks;

b) Place antennas and towers in districts zoned IN-2 Heavy Industrial, if towers are greater than 250 feet from residential land use or zoning;

c) Place antennas and towers in districts zoned IN-1, Light Industrial/ Office or B-3 General Business which do not adjoin or adversely impact residential neighborhoods and are greater than 250 feet from residential land use or zoning;

d) Place antennas and towers on other non-residential property;

e) Place antenna and towers in B-4 Central Business District or the Medical Institutional Campus MIC zoned areas if on existing structures or buildings greater than 35 feet in height;

f) Place antennas on multi-family residential structures which exceed 35 feet in height and are located in the R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, R-7 University Residential, B-3 General Business, or B-4 Central Business zoning districts;

g) Place antennas and towers in R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Medium Density Multiple Family, R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, and R-7 University Residential zones only If (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, utility facilities, or other appropriate public facilities, excluding medians in the right-of-ways.

4. *Application Requirements.* The following requirements shall also apply for all applications:

a) An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

b) Applicants are required to demonstrate by providing proof of certified mailings or other reasonable means: (i) that they have contacted the owners of reasonably suitable structures which are ten feet less than the design height of the tower within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.

c) The information submitted by the applicant shall include: (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty-five feet (35') within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

G. *Site Selection Criteria.*

1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate by engineering certification that the height requested is the minimum height necessary to fulfill the site's function so that sufficient height will be included for collocation of one other provider.

2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.

3. Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

4. In all zoning districts, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district. In all zoning districts, towers shall be significantly screened by placing them among existing trees to the extent that it does not result in significant signal degradation.

H. *Aesthetics.* Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color or such shades as are appropriate and compatible with the surrounding environment, so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, be screened with live plantings and include evergreen vegetation with a minimum height of six feet, at the time of planting, placed densely as to form a screen, subject to the City Arborist's approval and sufficient to reduce the visual obtrusiveness of said structures. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Fencing for equipment enclosures must be of residential quality such as wood privacy fencing or if chain-link is used, must be screened with evergreen vegetation that will reach a height of six feet within one year of its planting.

I. *Lighting.* Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

J. *State or Federal Requirements.* All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

K. *Building Codes: Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Building Codes, as amended from time to time, whichever is more stringent. If, upon inspection, the City of Urbana concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure

to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

L. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Urbana irrespective of municipal and county jurisdictional boundaries.

M. *Essential Services.* Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be requested or permitted as essential services, public utilities, or private utilities.

N. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Urbana have been obtained and shall file a copy of all required franchises with the Zoning Administrator or his or her designee.

O. *Signs.* No signs shall be allowed on an antenna, tower, or equipment enclosures other than identification signs not exceeding one square foot in area.

P. *Building and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Article and applicable Building Codes.

Q. *Administratively Approved Uses*

1. *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.

   a) The Zoning Administrator or his or her designee may administratively approve the uses as provided in this Article.

   b) Each applicant for administrative approval shall apply to the Zoning Administrator or his or her designee providing the information required in this Article and a nonrefundable fee as established by ordinance of City Council to reimburse the City or Urbana for the costs of reviewing the application.

   c) The Zoning Administrator or his or her designee shall review the application for administrative approval and determine if the proposed use complies with the terms of this Article.

   d) The Zoning Administrator or his or her designee shall respond to each such complete application within 30 days after receiving it by either approving or denying the application. If the Zoning Administrator or his or her designee fails to respond to the applicant within said 30 days, then the application shall be deemed approved.

   e) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances between towers by up to 50%.

   f) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

   g) If an administrative approval is denied, the applicant may file an appeal to the Zoning Board of Appeals as provided for in the Urbana Zoning Ordinance.

2. *List of Administratively Approved Uses.* The Zoning Administrator, or his or her designee, may approve the following uses after conducting an administrative review:

a) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Urbana, greater than 250 feet from any residential zoning district or land use, provided a license or lease authorizing such antenna or tower has been approved by the City or Urbana and provided there is compliance with this article.

b) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the IN-1, Light Industrial/Office, IN-2 Heavy Industrial, or B-3, General Business districts and greater than 250 feet from any residential zoning district or land use.

c) Locating antennas on existing structures or towers consistent Section XIII-1.Q.3.(d).

3. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator or his or her designee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, greater than 35 feet provided:

a) The antenna does not extend more than 35 feet above the highest point of the structure;

b) The antenna complies with all applicable Federal Communications Commission and Federal Aviation Administration regulations; and

c) The antenna complies with all applicable Building Codes.

d) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator or his or her designee and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator or his or her designee allows reconstruction as a monopole.

2) Height.

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to herein may only occur one time per communication tower.

(c) The additional height referred to herein shall not require an additional distance separation as set forth herein. The tower's pre-modification height shall be used to calculate such distance separations.

3) On-site location.

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers as provided

herein. The relocation of a tower hereunder shall in no way be deemed to cause a separation distance.

(d) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned property shall only be permitted with approval by the Zoning Administrator or his or her designee.

e) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers with antennas which are no more than 24 inches in height attached to poles, light standards, existing wireline systems, such as conventional cable or telephone systems, or similar technology that does not require the use of towers.

R. *Special Use Permits.*

1. Uses Requiring Special Use Permit.

a) Antennas with towers on City-owned and controlled property if tower location is less than 250 feet from residential land use or zoning.

b) Antennas with towers in any Zoning District, except R-6B, B-3, B-3U, or IN-1.

c) Antennas with towers in the IN-1, Light Industrial/ Office, IN-2 Heavy Industrial, or B-3 General Business Zoning Districts if towers are less than 250 feet from residential land use or zoning.

d) Equipment enclosures in any Zoning District, except R-6B, B-3, B-3U, IN-1 or IN-2, which are not located on an existing structure as allowed herein and if the enclosure is less than 100 feet from residential zoning or land use. Special use permits may be granted for equipment enclosures as part of a special use permit allowing a tower.

2. The following provisions shall govern the recommendations of the Plan Commission and the issuance of special use permits for towers or antennas by the Urbana City Council:

a) If the tower or antenna is not a permitted use under this Article or permitted to be approved administratively pursuant to this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

b) Applications for special use permits under this Article shall be subject to the procedures and requirements of Article VII of the Zoning Ordinance, except as modified in the Article.

c) In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a structural engineer licensed by the State of Illinois.

e) An applicant for a special use permit shall submit the information required herein and a non-refundable fee as established by ordinance of the City Council to reimburse the City of Urbana for the costs of reviewing the application.

f) *Residential District Term Limitations.* Every ordinance granting approval of a special use permit for a personal wireless services antenna or antenna support structure in a residential district may provide that:

1) Where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and

2) The Special Use shall be subject to review by the City Council, at five year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the Special Use at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change.

3. Towers

a) *Required Submittals*. In addition to any information required for applications for special use permits pursuant to Article VII of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:

1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in this Article, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or his or her designee to be necessary to assess compliance with this ordinance.

2) Legal description of the parent tract and leased parcel or subdivision or survey plat (if applicable).

3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to this Article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5) A landscape plan showing specific landscape materials.

6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

7) A description of compliance with this Article and all applicable federal, state, or local laws.

8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

11) A description of the feasible location(s) of future towers or antennas within the City of Urbana based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. *Factors Considered in Granting Special Use Permits for Towers.* In addition to any standards for consideration of special use permit applications pursuant to Article VII of the Zoning Ordinance, the Plan Commission and City Council shall consider the following factors when recommending that the City Council waive or reduce the burden on the applicant of one or more of these criteria if the Plan Commission concludes that the goals of this ordinance are better served thereby:

   a) Height of the proposed tower;

   b) Proximity of the tower to residential structures and residential district boundaries;

   c) Nature of uses on adjacent and nearby properties;

   d) Surrounding topography;

   e) Surrounding tree coverage and foliage;

   f) Proposed ingress and egress; and

   g) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Article.

5. *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission and City Council that no existing tower, structure, or alternative technology exists that does not require the use of towers or structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

   a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

   b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

   c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

   d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

   e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

   f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

   g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

6. *Security Fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Plan Commission may recommend or the City Council may waive such requirements, as it deems appropriate.

7. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided however, that the Plan Commission may recommend or the City Council may waive such requirements if the goals of this ordinance would be better served thereby.

   a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

   b) In locations where the visual impact of the tower would be minimal, the Plan Commission may recommend and the City Council may waive the landscaping requirement.

   c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a sufficient buffer.

S. *Equipment Enclosures, Buildings, or Other Equipment Storage.*

1. *Antennas Mounted on Structures or Rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following unless there are public health, safety, and welfare or other public policy considerations:

   a) The cabinet or structure shall not contain more than 240 square feet of gross floor area or be more than twelve feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related equipment structure, if over 350 feet square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

   b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25% of the roof area and shall be architecturally compatible with the existing structure.

   c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

   d) Providers will submit certification of a structural engineer licensed by the State of Illinois that the building can safely support the equipment cabinet.

2. *Antennas Mounted on Utility Poles or Light Poles.* Where antennas are greater than 24 inches in height and located in the public right-of-way or where towers will be located in the public right-of-way, the equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

   a) The equipment cabinet or structure must meet the setback requirements of a principal structure, except that the Zoning Administrator (for administratively approved locations) or the City Council (for special use permits) may vary this requirement if it is deemed to be technically infeasible.

   b) *Antennas Located on Towers.* The related equipment enclosure shall not contain more than 350 square feet of gross floor area or be more than 15 feet in height, and shall be located in accordance with the minimum requirements of the zoning district in which they are located. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

c) *Modification of Building Size Requirements.* The requirements herein may also be modified by the Zoning Administrator or his or her designee in the case of administratively approved uses or recommended by the Plan Commission and approved by City Council in the case of uses permitted by special use to encourage collocation.

T. *Removal of Abandoned Antennas and Towers*

1. Removal of Abandoned Antennas and Towers. Any antenna or tower that is abandoned as defined herein shall be removed within 180 days of receipt of notice from the City of Urbana notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 180 days shall be grounds for the City to cause removal of the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

2. The Owner of any approved antenna or tower shall post a bond or other surety payable to the City of Urbana, equivalent to the cost of demolition or removal of the approved facility in the event said owner is unable or unwilling to remove an abandoned antenna or tower in conformance with the provisions hereof. The City of Urbana will have the right, at intervals no more often than every three years, to require that the bond amount be increased to reflect changes in the Chicago Metropolitan Area Consumer Price Index (all consumers) during the prior three year period.

U. *Nonconforming Uses*

1. *Not Expansion of Nonconforming Use*. Not withstanding anything in this Article to the contrary, towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article, shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. *Pre-existing Towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.

3. *Rebuilding Damaged or Destroyed Nonconforming Towers of Antennas.* Not withstanding anything in this Article to the contrary, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in this Article. The type, height, and location of the on-site tower and antennas thereon shall be of the same type and characteristics as the original facilities. Building permits to rebuild shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facilities are damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

Section XIII-2. Mobile Home Parks

A. *Mobile Home Park Definitions.*

1. *Mobile Home*: A movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components, for repeated towing. Removal of wheels, towing devices, or any other alteration does not qualify a mobile

home as a conventional single-family dwelling unless such alterations enable the unit to meet the Building, Plumbing, and Electrical Ordinances of the City of Urbana.

2. *Mobile Home Park*: A contiguous parcel of land planned and improved for the placement of five or more mobile homes.

3. *Mobile Home Park Service Building*: A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for use by mobile home park occupants.

4. *Mobile Home Site*: A parcel of land clearly delineated on the mobile home park site plan, intended for the placement of an individual mobile home and for the exclusive use of its occupants.

5. *Mobile Home Stand*: That part of an individual mobile home site that has been constructed for the placement of a mobile home.

B. Mobile home parks, containing mobile homes for residential purposes and the accessory facilities subordinate thereto, require the approval of a Special Use Permit subject to Sections VII-4 and VII-5. In addition, the following procedures and standards shall apply:

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.

1. *Preliminary Conferences.* Prior to the preparation of formal application, the applicant should meet with the Secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.

2. *Preliminary Development Plan Submission*

a) Twelve copies of a preliminary development plan, with supporting data, shall be submitted to the Secretary of the Urbana Plan Commission. One copy shall be returned to the petitioner after the Commission's review.

b) The preliminary development plan must include, either in the form of drawings or written statements, all of the following information:

1) The name, location or address, owner, and designer of the proposed development; it shall thereafter be the responsibility of the owner and operator of the mobile home park to notify in writing the Secretary of the Urbana Plan Commission of any change in their names and addresses;

2) A legal description of the site proposed for development;

3) Location of all property lines, existing streets, easements, utilities, and any other significant features;

4) Date, north arrow, and graphic scale (not less than one inch equal to 100 feet) on all drawings submitted;

5) Indication and location of existing conditions on the tract, including:

(a) Contour lines at a minimum of five-foot intervals;

(b) Watercourses and existing drainage facilities; and

(c) Existing structures, trees, and vegetation, with an indication of those that will be removed and those that will be retained as part of the development;

6) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities, and existing zoning;

7) A site plan, indicating, among other things, the general location of the following:

(a) All buildings, structures, mobile home stands, and other improvements;

(b) Common open spaces;

(c) Off-street parking facilities and the number of spaces to be provided;

(d) Sidewalks;

(e) Illuminated areas;

(f) Use of open space being provided;

(g) Indication as to which streets will be public and which private;

(h) All utilities, including storm drainage, sanitary sewers, and water service; and

(i) Such other documents explaining unusual circumstances as the Plan Commission may require.

8) Quantitative data indicating the following:

(a) Total number of mobile homes;

(b) Approximate gross density;

(c) Total amount of open space provided in the tract, as a percentage of the total site acreage, and in square feet or acres; and

(d) Such other calculations as the Plan Commission may require.

9) A development schedule indicating:

(a) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

(b) The approximate dates when the development of each of the stages in the development will be completed; and

(c) The area and location of common open space that will be provided at each stage.

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 Chairman 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.

In formulating its recommendation, the Plan Commission shall consider whether the facts set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed mobile home park would be in harmony with the general purpose and intent of this Ordinance, and that the proposed use would not be unreasonably injurious or detrimental to the district in which it would be located, or to surrounding districts and uses, or otherwise injurious or detrimental to the public welfare. The Plan Commission may include with its recommendation such conditions and requirements as it considers appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

a) Regulation of the location, extent, density, and intensity of the proposed mobile home park;

b) Requirement of screening of the mobile home park by means of fences, walls, or vegetation;

c) Stipulation of mobile home site and site development requirements;

d) Regulation of vehicular access;

e) Require Conformance to health, safety, and sanitation requirements, as necessary;

f) Increasing the required yards; and

g) Any other conditions deemed necessary to affect the purposes of this Ordinance.

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. 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, or by resolution of the City Council, 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.

c) Procedures for protest of any proposed mobile home park are specified in Section XI-11 of this Ordinance. (Ord. No. 8788-28, § 5, 10-5-87)

5. *Final Development Plan Submission*

a) Within 12 months following the passage of the ordinance approving the preliminary development plan by the City Council, the applicant shall file the final development plan in accordance with Section XI-7 of this Ordinance. Five copies of the final development plan shall be filed, containing all data, information, and plans as required herein.

b) The final development plan shall include but not be limited to the following:

1) All the material required in the preliminary development plan submission;

2) An accurate legal description and property survey by a registered land surveyor, of the entire area included within the proposed mobile home park;

3) Delineation of the location of all mobile home stands to be constructed;

4) Pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the mobile home park development;

5) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;

6) Accurate tabulations on the use of the area, including land area, number of mobile homes per acre, buildings and other community facilities, total common open space, and total number of parking spaces provided;

7) Any other plans or specifications which may be necessary for final engineering evaluation of drainage, street design, and other facilities deemed necessary by the City Engineer.

6. *Final Development Plan Review.* Upon receipt of the final development plan, the Plan Commission shall review the submitted documents and ascertain whether the final development plan substantially conforms to the regulations of this section, and is consistent with the approved preliminary development plan. Upon review of the final development plan, the Plan Commission shall forward to the City Council the final development plan and any necessary supporting information, along with its recommendation.

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. In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance shall apply.

   Upon approval by ordinance of the final development Plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically null and void.

   After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

8. *Combined Preliminary and Final Development Plan Review.* The applicant may submit a combined preliminary and final mobile home park plan to the City, in lieu of the procedure provided for above. Such submission shall include all of the material required for both the preliminary development plan submission and the final development plan submission. Upon receipt of the combined mobile home park application, the required material to be presented, and the payment of the applicable fee, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 30 days after the public hearing, the Plan Commission shall recommend approval or disapproval or, at the

request of the applicant, continue discussion pertaining to the preliminary and final mobile home park plan. The preliminary and final mobile home park plan, the recommendations of the Plan Commission thereon, and any necessary supporting information shall be forwarded to the City Council.

9. *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. 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, or by resolution of the City Council, 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.

   In case of a written protest against the proposed plan, the provisions of Section VII-4.A.(c) shall apply. Upon approval by ordinance of the combined preliminary and final development plans by the City Council, the City Clerk, upon direction of the applicant and upon receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught. After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

D. *Development standards*

1. *General Provisions*

   a) No mobile home park shall be located in an area where the conditions of the soil, ground water level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.

   b) No mobile home park shall be located so that is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.

   c) Ingress and egress to a mobile home park shall be provided in such a manner as to facilitate access by emergency vehicles and shall be designed to provide efficient and safe traffic circulation both within and outside the mobile home park.

   d) No part of any mobile home park shall be used for nonresidential purposes, except customary accessory uses that are required to serve directly the mobile home park residents and for the maintenance of the mobile home park. No commercial mobile home sales shall be permitted in any mobile home park.

2. *Size and Density of Mobile Home Park.* No mobile home park shall contain an area of less than five acres or a density of more than eight mobile home sites for each gross acre of land, provided, however that mobile home parks in existence on February 5, 1973, which have a total area of less than five acres or a total density of more than eight mobile home sites for each gross acre of land may continue to operate, except as otherwise provided herein.

3. Existing mobile home parks may be altered to bring such parks into greater conformity with this Article. However, no additions or alterations may be made to any existing mobile home park unless such addition or alteration is in conformity with this Article, and unless the total area of the mobile home park, including such additions or alterations, consists of at least three acres.

Required Yards and Screening for Mobile Home Park Exterior Boundary

a) All mobile home stands shall maintain a setback of no less than 45 feet from the right-of-way line of Interstate, United States or State of Illinois highways, and a setback of no less than 35 feet from the right-of-way line of any other highway or street which borders the mobile home park.

b) There shall be minimum side and rear yards of 15 feet, measured from the mobile home, except where Section XIII-4.B.3, is applicable.

c) All mobile home park boundaries adjacent to existing residential development shall be provided with a six foot high fence of sufficient density to limit substantially the view from outside the mobile home park of any mobile homes, accessory structures, and other uses placed in the mobile home park. All other boundaries shall be provided with screen planting, which is estimated by the Zoning Administrator to reach a height of eight feet after three years, and is estimated to have sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park. However, if residential development amounting to three or more dwelling units occurs within 250 feet of the boundary of the park within the three-year time limit mentioned above, a fence six feet high and of sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park shall be placed by the mobile home park owner or developer along the boundary where such residential development occurs. All fences or screen plantings shall be continually maintained to meet the requirements of this section. Under unusual circumstances, the Plan Commission may recommend that all or portions of these screening requirements be waived.

4. *Required Recreation Space.* Not less than 10% of the gross site area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be conveniently located on the site and readily accessible to all mobile home occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and administrative offices). Single parcels of outdoor recreation space containing less than 6,000 square feet, or with a minimum average width of less than 30 feet shall not be included as meeting the 10% requirements stated above, but are not otherwise restricted.

5. *Mobile Home Site Requirements*

a) The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be 15 feet. If parking is provided on the street adjacent to the mobile home, a minimum distance of ten feet from the parking area shall be provided.

b) There shall be a rear yard provided for each mobile home of at least ten feet. The rear yard is the yard farthest from the street.

c) The minimum distance between mobile homes shall be 20 feet, excluding hitches and steps. Bay windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear yard requirements.

d) All mobile home sites rented or used in a mobile home park shall contain a contiguous area of at least 3,200 square feet.

e) Mobile home park operators shall maintain a copy of the current plot plan of the mobile home park, indicating specific locations of all mobile home stands, in the office of the Zoning Administrator.

f) A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate the mobile home to be located thereon. A mobile home stand shall be a solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of

a mobile home or other forces due to frost, vibration, wind, or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four such ground anchor connections shall be provided for each mobile home of 51 feet or less in length, and six such ground anchor connections shall be provided for each mobile home exceeding 51 feet in length.

g) Each mobile home site shall be provided with an outdoor living space on the site to supplement the interior living space of the mobile home. Such outdoor living space must be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a single usable surface adjacent to the mobile home. The area of the outdoor living space shall be a minimum of 160 square feet, with a minimum dimension of eight feet.

h) The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting. The area thereby enclosed may be used for storage of nonflammable objects and materials.

i) A minimum of two hard-surfaced parking spaces shall be provided for each mobile home site. One of these parking spaces may be provided off the site, provided such parking space is not more than 200 feet from the mobile home site served, and is not located on public street right-of-way.

6. *Street Requirements*

a) All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.

b) Public street dedications within or abutting mobile home parks may be required, and shall be made in accordance with the subdivision regulations. No mobile home site shall have direct access onto a dedicated public street.

c) Entrance drives into mobile home parks shall have direct access to a public street, and shall be designed to have free traffic flow onto such public streets. No parking or mobile home site access driveway shall be permitted off an entrance drive for a distance of 50 feet from a public right-of-way.

d) The internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector private streets. Cul-de-sac private streets shall be limited to a length of 300 feet.

e) Minimum pavement widths for private streets, including curbs, shall be as required herein; however, center paving for cul-de-sac turnarounds shall be in accordance with the Urbana Subdivision Ordinance.

1)	Collector streets	31 feet
2)	Minor streets	24 feet
3)	Cul-de-sac turnarounds	80 feet diameter

f) With respect to design and construction standards, the provisions of the Subdivision Ordinance shall apply to private streets, except as otherwise provided herein.

g) Parking spaces shall not be located within the required private street pavement width. Parking on the sides of minor streets is permitted, provided that the required 24 feet of pavement remains unobstructed for travel.

7. *Street Lighting*

   a) Streetlights shall be designed to produce a minimum of 0.1 foot-candle at every point within the street system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of street abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 foot-candle.

   b) All gas or electric service to the street lighting system shall be located underground.

8. *Pedestrian Walkways*

   a) Individual walks to each mobile home stand from paved streets or parking areas are required, and shall be a minimum of two feet in width. An individual walkway may be combined with a required on-site parking space, provided the total paved width of such a walkway and parking space shall not be less than ten feet.

   b) Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.

   c) Individual and common walks shall be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a continuous surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.

   d) No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

9. *Utilities and Required Services*

   a) *Water Supply Distribution System*

      1) All mobile home sites shall be provided with a public water supply.

      2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

   b) *Sewer Systems*

      1) All mobile home sites shall be provided with a sewage collection system, which shall be connected to the Urbana-Champaign Sanitary District.

      2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

   c) *Storm Drainage System*

      1) Storm sewers should be designed to conform with the current edition in use of the “State of Illinois Manual.” The design frequency shall be a “five-year storm.”

      2) The construction of the storm sewers should conform to the current edition in use of the “Standard Specifications for Water and Sewer Main Construction in Illinois,” approved by the Illinois Society of Professional Engineers and the Associated General Contractors of Illinois.

      3) The maximum length of flow on the surface is to be more than 1000 feet. However, the design criteria should allow no more than a seven-inch depth of water on paved surfaces

and no more than an eighteen-inch depth of water in sodded open swales. All storm runoff shall be carried in an underground drainage system after it has flowed the maximum length on the surface.

4) If the design flow is greater than could be handled by a closed, smooth circular storm sewer having a diameter no larger in inches than ten inches plus one inch for each acre in the mobile home park area, the owner may be allowed to use an open ditch. This open drainage should be designed with no steeper than three horizontal to one vertical side slopes, and those side slopes should be sodded. The design of the channel should be such that it would not scour under design flow. Ditches with intermittent flow shall be designed so as not to pond water more than one day after flow has stopped.

d) *Solid Waste Disposal*

1) All refuse shall be stored in watertight containers located on each mobile home site or within 150 feet thereof.

2) Refuse shall be collected regularly and transported to a disposal site in compliance with State law. Incineration of any refuse or vegetation is prohibited.

3) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

e) *Electrical Distribution System*

1) Electrical installations in mobile home parks shall conform to the Urbana City Electrical Code, and the following regulations.

2) The electrical distribution system in all mobile home parks shall be underground.

3) Mobile home site feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/140 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at mobile home sites.

4) The total load for a mobile home park shall be calculated on the basis of 16,000 watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and services are as follows:

Table XIII-1. Electrical Distribution Load

Number of Mobile Home Site Services	*Demand Factor (Percent)*
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

f) *Telephone Service and Television Systems*

1) All telephone service shall be underground.

2) When a master television antenna service or cable television service is provided for the mobile home park, the distribution of such services to mobile home sites shall be underground.

g) *Fire Protection*

1) Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.

2) Approved fire hydrants shall be located throughout the mobile home park, and shall be located not more than 500 feet from any mobile home. Each of two hydrants, when operated simultaneously, shall deliver a minimum of 500 gallons of water per minute at a pressure of 20 pounds per square inch for a period of four hours.

3) Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health regulations.

10. All mobile home parks shall provide the following service buildings and other community facilities:

a) A management office;

b) Maintenance storage facilities;

c) Other facilities as may be required by State law.

11. *Conformity to Development Schedule.* The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or reasonably progressed, or no approved use as a mobile home park has been established in the mobile home park within one year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse and shall be void and no longer in effect. At its discretion and for good cause, the City Council my extend for one additional year the period for the beginning of

construction, the establishment of an approved use as a mobile home park, or completion of a phase of development as indicated in the development schedule. If extension is approved for completion of a stage of development, the City Council may give consideration to extending the time limit for completion of subsequent stages. If a mobile home park development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicant, in writing, at the address given on the plan submitted, or at any subsequent address of which he/she has been notified, as provided in Section VII-4.A.2.(b).1.

E. *Effectiveness of Prior Mobile Home Park Approvals.* If construction of a mobile home park approved prior to February 5, 1973, has not commenced prior to February 5, 1974, all future construction shall conform to the standards and requirements of this section, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan. If construction of a mobile home park approved prior to February 5, 1973, is not completed by February 5, 1975, all future construction shall conform to all standards and requirements contained in this amendment, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan.

The mobile home park applicant shall submit information indicating compliance with all applicable standards for review by the City Engineer and Zoning Administrator. If all applicable regulations are met, the Zoning Administrator shall issue the special use permit for the mobile home park. If all regulations other than those excluded are not met, then the information shall be submitted to the Plan Commission for its review and recommendation on the adequacy of the development. The material submitted to the Plan Commission and the Plan Commission's recommendation shall be forwarded to the City Council for its review and final action.

F. *Compliance of Existing Mobile Homes and Existing Mobile Home Parks with Regulations*

1. Existing mobile home developments of less than five mobile homes shall be discontinued no later than February 5, 1980. In cases of hardship, such developments may be permitted to continue for a specific period of time, as provided in Section XI-3. (Ord. No. 8283-18, 9-7-82)

G. *Violations.* Violation of the terms and conditions of the special use permit for a mobile home park shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit, may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

Section XIII-3. Planned Unit Developments

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

A. *Planned Unit Development Definitions.*

1. *Planned Unit Development.* A large, integrated development adhering to a detailed site plan and located on a contiguous tract of land that may include a mixture of residential, commercial and/or industrial uses. Zoning and development regulations may be varied in conformance with this section and the adopted Urbana Comprehensive Plan.

   a) *Residential Planned Unit Development.* A type of planned unit development focusing primarily on residential uses, which may include limited compatible business development.

   b) *Commercial Planned Unit Development.* A type of planned unit development focusing primarily on business uses, which may include compatible residential development.

c) *Mixed Use Planned Unit Development.* A type of planned unit development focusing on the integration of residential and business uses in a manner compatible with the surrounding uses and with the goals of the Urbana Comprehensive Plan.

d) *Industrial Planned Unit Development.* A type of planned unit development focusing primarily on industrial uses, and permitting other compatible business uses.

2. *Conservation Development*. A development design technique that concentrates buildings on specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

3. *Infill Development.* Development of vacant or partially developed parcels which are surrounded by areas that are substantially or fully developed and served by existing public infrastructure.

B. *Purpose Statement.* The purpose of a planned unit development is to encourage development that goes beyond the minimum zoning and development standards in terms of design, public amenities, innovative "green" construction, and implementation of the Comprehensive Plan and other official development plans and policies. In exchange for public amenities, developers are granted flexibility in applying the typical zoning and development regulations. These amenities may include bicycle trails, public art, unique architecture, protection of natural resources, "green" design and building, or higher density and mixed-use development. For developers, flexibility allows more creative development that encourages infill development, provides a wider variety of housing choices, or meets a market niche. In all planned unit developments, the final built form shall be generally consistent with the goals, objectives, and future land uses of the Urbana Comprehensive Plan and other relevant plans and policies.

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.

D. *Applicability*

1. In order to qualify as a planned unit development, the development plan must include a gross site area of at least one-half acre and meet at least one of the following criteria. The Zoning Administrator shall determine if a development qualifies as a planned unit development in accordance with these criteria:

   a) *Mixed-Use*. Either in the same building or with a "campus" approach, provide for a mixture of single-family, two-family, multi-family, commercial, office, and/or recreational uses.

   b) *Conservation.* Protect natural, cultural and/or historical resources and harmoniously utilize such features as part of the development. This may include environmentally sensitive, or "green" building and site design.

   c) *Infill.* Redevelop properties within the urban area that are vacant or underutilized due to obstacles such as lot layout, utility configuration, and road access.

   d) *Unique Development.* Development that significantly responds to the goals and objectives of the Comprehensive Plan and other relevant plans and policies and/or addresses unique features of the site.

E. *Minimum Development Standards*

1. *Flexible Zoning Standards.* Except as otherwise provided herein, standards for lot width, building height, floor area ratio, setbacks, off-street parking and loading, landscaping and screening, and fences may vary from the standards established in this Ordinance if justified by the circumstances particular to the site or the project and approved by City Council in accordance with the purpose and goals of this section.

2. *Flexible Subdivision Standards.* All dimensional and design standards, such as public and private streets, sidewalks, and stormwater management facilities, shall meet the requirements of the Urbana Subdivision and Land Development Code. A waiver of the requirements for public improvements may be considered concurrently or subsequently with the planned unit development as part of a subdivision plat subject to the criteria in Section 21-7 of the Urbana Subdivision and Land Development Code.

3. *Multiple Structures and Uses*. There may be more than one principal and/or accessory building on a lot in a planned unit development. Similarly, there may be more than one principal and/or accessory use on a lot in a planned unit development.

F. *Preliminary Development Plan Submittal Requirements*

1. *Preliminary Conference.* Prior to the preparation of a formal application, the applicant shall meet with the Secretary of the Urbana Plan Commission and the Zoning Administrator, or his/her designee, to discuss the proposed development and determine if it meets the requirements of this Article and if additional information is needed.

2. *Preliminary Development Plan Application.* The applicant shall submit a completed application to the Secretary of the Urbana Plan Commission, together with five copies of a preliminary development plan, and an application fee as specified in Section XI-8. The preliminary development plan should be conceptual but shall minimally include the following materials:

   a) The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants. Applications shall be submitted by the owners of more than 50% of the ownership of the subject property involved.

b) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels.

c) A site inventory and analysis to identify site assets and constraints, such as floodplains, wetlands, soils, wooded areas, existing infrastructure and easements, existing buildings, and public lands.

d) A conceptual site plan with the following information:

1) Any adjacent and/or contiguous parcels of land owned or controlled by the petitioner(s).

2) Proposed land uses, building locations, and any conservation areas.

3) Existing and proposed streets, sidewalks, and multi-use paths.

4) Buffers between different land uses.

e) Any other information deemed necessary by the Secretary of the Plan Commission.

3. If the development plan involves a Zoning Map Amendment, such a request may be submitted concurrently with or subsequently to the planned unit development permit request.

4. If the development plan involves a subdivision plat and/or subdivision code waiver request, such a request may be submitted concurrently with or subsequently to the planned unit development permit request.

G. *Final Development Plan Submittal Requirements*

1. The applicant shall submit a completed application to the Secretary of the Urbana Plan Commission, together with five copies of a final development plan, and an application fee as specified in Section XI-8. The final development plan shall minimally contain the following materials:

a) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels.

b) A specific site plan with the following information:

1) The location of proposed structures and existing structures that will remain, with height and gross floor area noted for each structure; and

2) The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public right-of-way; transit stops; easements and other reservations of land; the location of existing and proposed curb cuts, off-street parking and loading spaces, including service drives; sidewalks and other walkways; and

3) A landscape plan indicating the general location of trees, shrubs, and ground cover (proposed or existing); and

4) The location of any proposed open space; and

5) A preliminary stormwater plan indicating the general location of impervious surfaces, detention/retention basins, and the basic storm sewer layout; and

6) A preliminary utilities plan indicating the general location of sanitary sewers, electricity, gas, telecommunications, and similar services; and

7) The location of street and pedestrian lighting, including lamp intensity and height.

8) Conceptual elevations of all proposed commercial buildings and conceptual typical elevations of residential buildings. Scaled elevations shall identify building materials, the location, height and material for screening walls and fences, storage areas for trash and rooftop equipment.

9) Design, location, display area, and height of any proposed signage subject to the regulations of the Urbana Zoning Ordinance.

10) A development program that provides general information about the development, including desired residential and commercial tenants, housing price targets, estimated construction costs, and any other information that conveys that purpose and intent of the development.

11) A development schedule indicating:

(a) The approximate date when construction of the project will begin;

(b) The phases in which the project will be built, if applicable, and the approximate date when construction of each phase will begin;

(c) The approximate dates when the development of each of the stages will be completed;

12) Any other information deemed necessary by the Secretary of the Plan Commission.

H. *Preliminary Development Plan Review*

1. *Plan Commission Review*. Following receipt of a complete Planned Unit Development application and supporting materials, and the payment of applicable fees, the Secretary of the Plan Commission shall schedule, and the Plan Commission shall hold, a public hearing in accordance with the notification requirements of Section XI-10 of the Zoning Ordinance. Within 30 days after completing the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall consider the proposed preliminary Planned Unit Development plan in accordance with the definitions and goals of this section, the report and recommendations of City staff, and the minimum requirements set forth in this section. The Plan Commission shall forward to the City Council the preliminary Planned Unit Development application and plan, together with its recommendation thereon. The recommendation may include revisions to, additions to, or deletions from the application and development plan submitted by the applicant.

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 shall not be construed as an implied waiver of any requirements. A waiver of any requirement shall be expressly written.

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

I. *Final Development Plan Procedures.*

1. Final Development Plan applications shall be submitted before the expiration of the Preliminary Development Plan. The Final Development Plan shall be reviewed in accordance with Section XIII-3.J and Section XIII-3.K.

2. The application shall demonstrate that the proposed development plan meets the criteria specified in Section XIII-3.K.

3. Each application for a Planned Unit Development Permit shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.

J. *Final Planned Unit Development Review.*

1. A public hearing shall be held by the Plan Commission, in accordance with notification requirements specified in Section XI-10 of this Ordinance.

2. The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the Planned Unit Development Permit based upon the criteria specified in Section XIII-3.K.

3. The Plan Commission shall make a recommendation to the City Council for or against the Final Planned Unit Development plan, and may also recommend such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

   a) Regulate the location, extent, and intensity of such uses;

   b) Require the screening of such uses by means of fences, walls, or vegetation;

   c) Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;

   d) Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;

   e) Require conformance to health, safety, and sanitation requirements, as necessary;

   f) Regulate signs and outdoor lighting;

   g) Any other provisions deemed necessary to effect the purposes of this Ordinance.

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

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 members of the City Council. Procedures for protest against any proposed Planned Unit Development Permit are specified in Section XI-11 of this Ordinance.

6. The Final Planned Unit Development plan, as approved by the City Council, shall be recorded within six months following passage of the ordinance approving said plan.

7. Once expressly authorized by the City Council pursuant to the Preliminary and Final Planned Unit Development plan procedures, the Zoning Administrator shall then issue a Planned Unit Development Permit in accordance with the approved plan. No building permit or Certificate of Occupancy (if no building permit is required) shall be issued before issuance of a Planned Unit Development Permit.

8. Unless otherwise specifically stated by the City Council, the planned unit development approval shall be valid for a period of two years from the date of City Council approval. The Zoning Administrator may extend the approval for an additional year in response to a written request by the applicant detailing the reasons why the timeline set forth in the original application cannot be fulfilled.

9. If construction has not begun or an approved use has not been established in the planned unit development within the timeframe specified herein, the approval of the final development plan shall lapse and be considered void and no longer in effect.

10. Violation of the terms and conditions of the Planned Unit Development Permit shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the planned unit development permit may be approved by the Zoning Administrator. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.

K. *Final Planned Unit Development Criteria for Approval.*

The applicant shall demonstrate that the development plan meets the following criteria:

1. That the proposed development is conducive to the public convenience at that location; and

2. That the proposed development is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the surrounding areas, or otherwise injurious or detrimental to the public welfare; and

3. That the proposed development is consistent with the goals, objectives, and future land uses of the Urbana Comprehensive Plan and other relevant plans and policies; and

4. That the proposed development is consistent with the purpose and goals of this section; and

5. That the proposed development is responsive to the relevant recommended design features identified in Table XIII-2 of this Ordinance.

L. *Changes in the Approved Development Plan.* Minor changes to an adopted development plan may be approved by the Zoning Administrator, provided that the changes do not:

1. Substantially alter the overall use or character of the development, as approved by the City Council; or

2. Significantly increase the overall lot coverage of structures, individual building height, or intensity of use, resulting in the development plan no longer meeting the approval criteria specified in Section XIII-3.K; or

3. Significantly reduce approved open space, setbacks, off-street parking and loading space, or required street widths, resulting in the development plan no longer meeting the approval criteria specified in Section XIII-3.K; or

4. Create problems regarding pedestrian, bicycle, and vehicular traffic circulation, public safety, emergency access, or public utilities; or

5. Necessitate additional waivers to the Urbana Subdivision and Land Development Code.

M. *Permitted Uses*

1. In a Residential or Mixed Use Planned Unit Development, any agriculture, residential, public/quasi-public, or business use identified in Table V-1 may be permitted except the following uses and use categories:

   a) Agriculture

      1) Agriculture, General
      2) Commercial breeding facility
      3) Farm Chemical and Fertilizer Sales
      4) Farm Equipment Sales and Service
      5) Grain Storage Elevator and Bins
      6) Livestock Sales Facility and Stockyards
      7) Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities

   b) Public and Quasi-Public

      1) Penal or Correctional Institution

      2) Public or Commercial Sanitary Landfill

      3) Public Maintenance and Storage Garage

   c) Business

      1) Adult Entertainment Uses

      2) Wholesale Produce Terminal

      3) Ambulance Service

      4) Express Package Delivery Distribution Center

      5) Building Material Sales

      6) Transportation, except for personal aviation facilities

      7) Vehicular Sales and Service

      8) Cemetery

      9) Construction Yard

      10) Crematory
      11) Kennel
      12) Lawn Care and Landscaping Service
      13) Self-Storage Facility
      14) Warehouse

   d) All Industrial uses

2. In a Commercial Planned Unit Development, any agriculture, public or quasi-public, business, or industrial use identified in Table V-1 may be permitted except:

a) Agriculture

1) Commercial Breeding Facility

2) Farm Chemicals and Fertilizer Sales

3) Grain Storage Elevator and Bins

4) Livestock Sales Facility and Stockyards

5) Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities

b) Public and Quasi-Public

1) Public or Commercial Sanitary Landfill

3. In an Industrial Planned Unit Development, any agriculture, public or quasi-public, business or industrial use may be permitted.

N. *Recommended Design Features*.

1. The recommended design features specified in Table XIII-2 are intended to provide guidance on how a development plan may meet the planned unit development review criteria. The recommended design features are directly based on the purpose and goals of this Section, as well as the Urbana Comprehensive Plan.

TABLE XIII-2. PLANNED UNIT DEVELOPMENT RECOMMENDED DESIGN FEATURES

General Site Design	Recommended Design Feature	Applicable PUD Type
Building Layout	Buildings should be placed in a manner that facilitates the recommended design features of this Article.	All
Transition Area	The development shall incorporate general design features from the surrounding area, including street design, building configuration, landscaping and setbacks, to ensure compatibility and to provide a transition between differing land use intensities.	All
Lighting	Lighting design, amount, angles, and placement should reduce excessive lighting and minimize negative impacts on nearby residential areas.	All
Street Lights	Street lighting approved by the City Engineer should be provided to enhance public safety and visibility.	All
Pedestrian Connectivity		
Crosswalks	Crosswalks through intersections of sidewalks and streets should be designed with clearly defined edges, either by contrasting paving materials or striping.	All
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 *Urbana Bicycle Master Plan, Champaign County Greenways and Trails Plan,* the Urbana Capital Improvements Plan, and the Urbana Comprehensive Plan.	All
Transit	Adequate space for well-lit transit shelters should be provided to clearly identify bus stops. Curb cuts, bump outs, and other infrastructure should be provided as necessary to facilitate transit provision.	All
Internal Connectivity	A network of sidewalks, bicycle paths and trails should be included in a development to link buildings within a site and to the surrounding neighborhood.	All
Bicycle Parking	Bicycle racks should be placed convenient to building entrances, and under canopies whenever possible. The minimum amount of bicycle parking required is stipulated in Table VIII-1, and should be increased when necessary.	All

Vehicular Connectivity	Recommended Design Feature	Applicable PUD Type
Access	Roads and Access drives that connect to major roads should be spaced in accordance with the *Champaign County Access Management Guidelines.* The number of access points drives shall be minimized, and all access points are subject to approval by the City Engineer.	All
Internal Connectivity	The internal street system of a development should promote efficient traffic movement and be generally consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan.	All
External Connectivity	The internal street system of a development should connect to adjacent roadways to promote an efficient citywide transportation system consistent with the Mobility Map of the 2005 Urbana Comprehensive Plan.	All
Parking Areas		
Permeable Parking	Where appropriate and feasible, parking areas should utilize permeable materials to minimize stormwater runoff. Any such material is subject to approval by the City Engineer.	All
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
Rear Parking	Parking areas should be located behind the principal structure whenever possible to encourage a more pedestrian-friendly environment.	Commercial Mixed Use Industrial
Parking Area Landscaping	The corners of parking lots, tree islands, and all other areas not used for parking or vehicular circulation should be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs, or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking	Commercial Mixed Use Industrial
Shared Parking	Design parking lots to take advantage of potential sharing among nearby commercial, office, residential, and industrial uses with differing operating hours and peak parking demand times in order to minimize the amount of parking area.	All

Landscaping and Screening	Recommended Design Feature	Applicable PUD Type
Landscape Identity	Distinct landscaping, such as prairie plantings or large caliper trees, should be used to link signage, pedestrian facilities, parking areas, drainage areas, and buildings together in order to distinguish the site. A listing of approved materials is provided in Table VI-1 and Table VI-2. Additional materials may be approved by the City Arborist.	All
Tree Preservation	Significant trees, as identified by the City Arborist, should be protected and incorporated into the development to the greatest extent possible.	All
Street Trees	Deciduous canopy street trees shall be provided along all streets in a development. Trees need not be evenly spaced, and should be placed in the landscaped area of a boulevard, or in tree wells.	All
Screening	Screening shall be required in accordance with Section VI-6 and Section VIII-3.F.	All
Open Space		
Open Space Provision	Open space uses, such as environmental corridors, protected natural areas, community parks, water bodies, and stormwater facilities, should be either retained or created and incorporated into the development plan as appropriate, and in accordance with the Comprehensive Plan.	All
Open Space Purpose	Open space uses should protect significant natural, cultural, and historical resources such as wooded and other natural areas, natural detention areas, vistas, drainage ways, and historic structures or properties.	All
Greenways and Trails	Provide connections to existing and planned bicycle, shared-use paths, and greenways identified in the *Champaign County Greenways and Trails Plan*, the Capital Improvements Plan, and the Comprehensive Plan.	Residential Commercial Mixed Use
Drainage Areas	Drainage areas may count as open space, but should not constitute the majority of open space. Drainage areas should be permanently accessible to the public and link to other such areas within a development.	All
Passive Recreation	Provide passive recreation areas that appeal to a wide demographic, such as off-street nature trails, sculpture gardens, community garden plots, and covered picnic areas, where appropriate in the development.	Residential Commercial Mixed Use

Open Space	Recommended Design Feature	Applicable PUD Type
Active Recreation	Provide areas for active recreation that appeal to a wide demographic, such as play lots and sports fields, where appropriate in the development.	Residential Commercial Mixed Use
Connected Open Space	Open space throughout the development should be linked by sidewalks, trails, or across public right-of-way in order to avoid separate isolated open space areas.	All
Architectural Design		
Architectural Consistency	Incorporate common patterns and architectural characteristics found throughout the development and the surrounding area, such as porches, roof types, and building massing.	Residential Commercial Mixed Use
Architectural Identity	Utilize a number of architectural features, landscaping, public art, and other methods to ensure buildings create an identity for the development.	Residential Commercial Mixed Use
Articulated Design	Buildings should look "complex and engaging," including varying roof heights and pitches, forward and back progressions, exterior trim details, outdoor living space and other decorative details and exterior materials.	Residential Commercial Mixed Use
Openings	Windows, doors and other openings should be in scale and proportionate with each other. Openings should display a consistent pattern and rhythm in order to "break up" large wall spaces.	Residential Commercial Mixed Use
Exterior Surfaces	Exterior treatment, such as brick, or siding should protect the integrity of the structure and provide an enhanced visual aesthetic to the block.	Residential Commercial Mixed Use
Fences	Walls and fences should be compatible with the architecture of the site and surrounding properties.	All
Building-Street Relationship	The principal entrance of a building should be oriented towards the street. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should be used to define the principal entrance of a building.	Residential Commercial Mixed Use

Architectural Design	Recommended Design Feature	Applicable PUD Type
Garages	Garages may be located within the principal building or as an accessory building provided that the accessory building conforms to Section V-2. When possible, garages should be accessed from behind the front façade of a building.	Residential Mixed Use
Energy Efficient Construction	Whenever possible, a development should utilize building construction and site design that incorporate innovative and effective techniques in energy conservation. A development that achieves at least enough points to attain LEED "Certified" status is highly recommended.	All
Materials	Utilize exterior treatments or siding that protect the integrity of a structure and provide an enhanced visual aesthetic for the development consistent with other architectural features.	Residential Commercial Mixed Use
Accessibility / Visitability	Individual buildings should incorporate design features that encourage accessibility and visitability, such as wide doorways, bathrooms on the main floor, and "zero step" entryways.	All
Signage		
General Signage	The amount and type of signage in a development should be architecturally compatible with the building design and development in general, including materials, scale, colors, lighting and general character in order to promote better recognition of a specific business.	Commercial Mixed Use Industrial
Freestanding Signs	Freestanding signs should incorporate design elements, such as landscaping, strategic placement, and compatible materials, to draw attention. Monument signage (as opposed to pylon signs) is strongly encouraged when appropriate, especially near residential areas.	Commercial Mixed Use Industrial
Group Signage	Multiple businesses or shopping centers shall group signage near main access drives and utilize landscaping or other means to visually link signs to the site and building.	Commercial Mixed Use Industrial

Section XIII-4. Special Procedures in the Boneyard Creek District

A. The purposes of the Boneyard Creek District are as follows:

1. To establish a Boneyard Creek District as an area of vital significance to the cultural, economic, and environmental future of the City.

2. To promote and facilitate sound stormwater management practices, to assist in the reduction of flood hazards to persons and property, to improve water quality, and to prevent encroachments and land uses that adversely affect water runoff.

3. To encourage the development and maintenance of the Boneyard Creek District as a recreational resource and circulation area and to reclaim for the City the benefits of a natural waterway that have been ignored as a design asset and to provide a focal point for urban redevelopment.

4. To improve the maintenance of the creek bank in a manner which will reduce harmful mosquito and insect reproduction.

5. To provide incentives for redevelopment through private initiative in a manner consistent with the Boneyard Creek Master Plan, Comprehensive Plan and any amendments thereto, and any other documents or agreements which regulate or restrict development in the Boneyard Creek Corridor.

6. To promote and conserve the economic value of land and buildings and thereby protect and improve the City's tax base.

B. Applicability to Urbana Zoning Ordinance and Zoning Map

1. Definitions and requirements of the Urbana Zoning Ordinance are applicable unless specifically modified pursuant to this section, but 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.

2. The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are shown as an overlay district on the official zoning map of the City.

3. This section authorized granting a Creekway permit, that may modify the requirements of the underlying zoning district, and establishing new standards for the use of property within the Boneyard Creek District.

C. *General Consideration*. Upon the review of a Creekway permit, the following factors shall be considered.

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.

2. Whether the location, size, and type of the proposed use is appropriate to the objectives of the Boneyard Creek District.

3. Whether the proposed use is compatible with the character of the area in which it is located.

4. Whether the proposed use would be compatible with the spirit of the underlying zoning district.

5. Whether there are adequate community services to support the proposed use, such as, but not limited to, streets, water, sewer, recreational, and public school facilities.

6. Whether the design of the proposal as to size, height, and open space allows adequate access to light and air and to surrounding streets, parkways, and properties.

D. *Creekway Permits Required*

1. No permits for construction, demolition, change of use classification or other zoning permits within the Boneyard Creek District shall be granted except in compliance with the provisions of this section.

2. It shall be unlawful to proceed with any construction, demolition, excavation, reconstruction, installation of poles, pipes, and other objects in the Boneyard Creek District without a Creekway permit.

E. *Standards of Construction.* Each application for a Creekway permit required by this section on property within the Boneyard Creek District shall be subject to the provisions of and eligible for the benefits of this section. A Creekway permit shall establish specific standards of construction, including time limits, and may require posting of a performance bond or other guarantees of adequate, timely performance.

1. *Generally.* The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all applications for permits within the Boneyard Creek District, except as modified by this section or as modified pursuant to the procedures of this section.

2. *Minimum Area and Yards.* The minimum zoning lot shall be 6,000 square feet for any new building or use in the Boneyard Creek District, except for lots of record on the effective date of this ordinance that shall be considered buildable lots subject to the provisions of this section.

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 lines.

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.

5. *Zoning Lot.* A proposed development shall occur on a zoning lot. For the purposes of this section, a zoning lot shall be approved by the permit granting entity and need not be within a single block. A zoning lot may include land not within the Boneyard Creek District and land within said district if the development of such a zoning lot substantially contributes to the implementation of the Boneyard Creek Master Plan.

6. *Landscaping and Screening.* Each application for construction under a Creekway permit shall include a plan indicating the type, number, size, and location of trees, shrubs, and other landscaping features to be retained or provided. Such plan shall be consistent with the Boneyard Creek Master Plan.

7. *Flood Hazard Area.* The provisions of this section shall not be deemed to be an amendment of the Flood Control Ordinance No. 7677-107 of the City of Urbana, as amended. Additional requirements may be imposed by a Creekway permit when deemed necessary to prevent hazards to persons or property, or to decrease the need for public expenditures to avoid flood hazards.

8. *Prohibited Structures.* Construction of structures in, or over, the Boneyard Creek which would substantially interfere with the development of the district, the park and recreational uses, or

increase the flood hazard is deemed to be inconsistent with the purposes of this section and is prohibited.

9. *Lighting.* Lighting along the creek shall be provided to produce a minimum of 0.1 foot-candle at every point within the public access areas. Potentially hazardous locations such as intersections and major pedestrian crossings shall be illuminated with the minimum of 0.3 foot-candle. New utility, gas, and electric service lines shall be located underground where appropriate to implement the Boneyard Creek Master Plan.

10. *Improvement Fund.* When an application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section results in modifications which increase floor area over that permitted by the underlying zoning district requirements, the applicant shall contribute to a special fund of the City. Such amount shall equal one dollar per each additional square foot. The fund shall be used for the installations and maintenance of public improvements and public landscaping of the Creek bank.

11. *Dedication.* Each application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section will include an irrevocable offer by the owner for the term specified below to dedicate a portion of the zoning lot as determined by the Plan Commission. Provided, that such dedication is not required if none of the bonus provisions of subsection Six are requested by the applicant. The parcel to be dedicated shall be determined in accord with applicable provisions of the Boneyard Creek Master Plan but shall not exceed an amount greater than 20% of the zoning lot area or a strip of land averaging 20 feet in width, whichever is smaller. The parcel offered or dedicated shall for computation purposes remain as part of the zoning lot and shall be counted as open space or yards. The dedication shall be to a governmental unit to be specified in the Creekway permit but shall not be effective until officially accepted by such governmental unit provided that such offer shall lapse if not accepted within two years of the date of granting of the Creekway permit. Such dedicated parcel shall be for public use to serve the users or residents of the proposed development, to serve the public and to enhance the parcel's value by allowing Creek development and improvements, such as a public multi-use path and Creek bank modification.

F. *Bonus Provisions.* For the purpose of this subsection, development rights means the total square feet of floor area that may be constructed on an existing parcel of land as permitted by the underlying zoning classification in which it is located, less the amount of any existing floor area retained or in use. The transferor and transferee of development rights shall record their instrument of transfer for each parcel with the Champaign County Recorder as a real property transfer for the benefit of the transferee and such instrument of transfer shall include assumption of obligation for real estate taxes in proportion to the value of the interest transferred.

1. *Development Rights Transfer.* The maximum floor area and the height permitted on a zoning lot may be increased by the amount of floor area of development rights transferred from an adjoining lot or successively adjoining lots.

2. *Extra Lot Size.* For computation purposes, a zoning lot contiguous to the Boneyard Creek may include the area between the lot lines which intersect the Creek extended to the center line of the Creek.

3. *Yards.* Yard requirements may be decreased or waived when necessary to permit acceptable densities and a more desirable setback from the Boneyard Creek.
4. *Height.* Height requirements may be modified to add an additional story provided such height modification shall not exceed 12 feet.

5. *Parking.* Off-street parking shall be provided if required by the underlying zoning classification or by the Creekway permit and may be off-site parking but shall be located within 600 feet of the zoning lot.

6. *Mixed Uses.* Residential uses other than those listed as permitted by right or permitted with special or conditional permits may be authorized in any underlying zoning classification and mixed use of a zoning lot may be permitted.

G. *Application Procedure.* The procedure of this Section shall supersede the general procedures of the Zoning Ordinance for zoning lots within the Boneyard Creek District.

1. *Preliminary Conference.* The Zoning Administrator shall provide all necessary information to prospective applicants for Creekway permits under this section. An Applicant shall contact the zoning Administrator to schedule a preliminary conference with the Zoning Administrator, the Building Safety Division Manager, the City Engineer, and the Boneyard Creek Commissioner to discuss the Boneyard Creek Master Plan and the Creekway permit procedures.

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.

3. *Zoning Administration Permit.* The Zoning Administrator, after consultation with the City Engineer and the Boneyard Creek Commissioner, shall be authorized to grant a Creekway permit based on his/her determination that the provisions of the underlying zoning classification have been complied with and that:

a) A requested modification of the front or rear yard requirements of the underlying zoning classification of not more than 30 feet is reasonable; and

b) That the minimum setback from the Creek is maintained in accordance with the building line requirements of Article VII; and

c) That the standards of Section XIII-4.D through Section XIII-4.I are complied with.

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.

I. *Referral to Plan Commission.* When an applicant for a Creekway permit requests modifications in excess to those authorized by Section XIII-4.G.3, the permit may be referred to the Plan Commission for consideration. The Zoning Administrator shall, within five working days after receipt of an application determined by the Zoning Administrator to be complete, provide a complete copy of the application to the Plan Commission and the Boneyard Creek Commissioner. The Boneyard Creek Commissioner and appropriate City staff shall submit any recommendations with respect to each application to the Plan Commission within 20 days.

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:

1. Grant the Creekway permit based upon the application as approved by the Plan Commission and subject to any specific requirements or conditions as determined by the Plan Commission; or

2. Deny the Creekway permit based on the application's failure to present a plan in accordance with the Boneyard Creek Master Plan, the Comprehensive Plan and any amendments thereto, and other ordinances or agreements regulating development in the Boneyard Creek corridor, and the provisions of this section; or

3. Defer action on the application based on a determination that modifications of the use, density, and other requirements of the underlying Zoning Ordinance are beyond those authorized by Section XIII-4. In this case, the City Council shall consider the recommendations of the Plan Commission and the Boneyard Creek Commissioner regarding the Creekway permit, and may authorize the Zoning Administrator to issue the Creekway permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission and Boneyard Creek Commissioner, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

K. *Appeal of a Creekway Permit Decision.* Any aggrieved person, party, public official, or governmental entity may appeal a decision of the Zoning Administrator or the Plan Commission to the city Council within ten days of the date of such decision. No decision to grant a Creekway permit shall be acted upon by the Zoning Administrator until the lapse of the ten-day appeal period.

L. *Lapse of a Creekway Permit.* If no construction has begun or no approved use has been established pursuant to a Creekway permit within one year from the date of its final approval, the Creekway permit shall lapse, be void and no longer in effect.

M. *Notice of Hearing.* Notice of hearing of a required meeting to consider a Creekway permit shall be given in the same manner as required by the Urbana Zoning Ordinance for a hearing on special use permits. At the public hearing or meeting, any person may appeal in person or by agent or attorney.

N. *Appeals.* Any aggrieved person, party, public official, or governmental entity may appeal final decision made pursuant to this section. Appeals are authorized to the City Council from a decision of the Zoning Administrator, the Plan Commission, and their designees and shall be limited to the official record. Upon appeal of an application, the Council shall review all recommendations. A Creekway permit shall be granted only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied. Appeals to the Circuit Court shall be subject to the provisions of the Administrative Review Act.

O. Hearing Officer. An administrative determination to be made by the Zoning Administrator or Plan Commission and a public hearing by the City Council may be conducted on behalf of the applicable unit of government by a Hearing Officer. Hearing Officers shall be appointed by the entity in whose place such action is taken. The terms of such appointment shall be established by the appointing entity. Hearing Officers shall be appointed based on their qualification, including education and experience in evaluating plans and evidence submitted, and their ability to conduct a fair and expeditious hearing. (Amended by Ord. No. 9495-33, 10-14-94)

Section XIII-5. Neighborhood Conservation Districts

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

A. Purpose. The purposes of establishing a neighborhood conservation district are to:

1. Conserve the unique characteristics, including architectural, historical and aesthetic qualities, of older neighborhoods;

2. Provide for design review of new construction and alteration of existing buildings to ensure compatibility with the existing character of the district;

3. Encourage the retention and rehabilitation of existing structures in older neighborhoods;

4. Encourage reinvestment in older neighborhoods; and

5. Protect the setting and context of historic landmarks and historic districts in close proximity to or surrounded by neighborhood conservation districts; and

6. Promote quality architectural innovation appropriate to a neighborhood.

B. Definitions.

Conservation District Design Guidelines: A document identifying significant physical design features within a defined Neighborhood Conservation District as well as design guidelines for future physical improvements within the district.

Neighborhood Conservation District: An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects with unifying qualities or characteristics which are to be conserved.

Parcel Owner: An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.

Secretary: The Secretary of the Plan Commission, or designee.

C. Minimum eligibility requirements. The minimum eligibility requirements for nomination of neighborhood conservation districts are:

1. The proposed district shall consist of a minimum of twenty-five adjoining zoning lots which for the purposes of this Section may be separated by a street right-of-way wider than 28 feet;

2. The proposed district boundaries shall designate a logical, coherent, and cohesive district in terms of the physical location of properties in relation to one another; and

3. The proposed district shall be predominately residential in use or character.

D. Neighborhood Conservation District Applications. Applications shall be made by means of a completed application form provided by the City and may be initiated by a minimum of 15% of the parcel owners to be included in the proposed district.

The Plan Commission Secretary shall have five working days to determine whether or not an application is complete. Applications shall minimally include:

1. The name and address of the owner of record of each property proposed for designation;

2. A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;

3. A map delineating the boundaries and location of the district proposed for designation;

4. A written statement describing the district and specifying the reasons the district needs to be conserved;

5. A statement and description of the desired outcome of the designation, including any expectations for conservation district design guidelines; and

6. Any required filing fee.

E. Application Notice. Upon receipt of a complete application for designation of a neighborhood conservation district, the Secretary shall notify parcel owners within the proposed district of the time and date of the Plan Commission meeting where preliminary review of the application will occur. Notification shall include a copy of the application or relevant portions thereof for the property owners' information. Additionally, the City of Urbana will make a good faith effort to post signs within the proposed district notifying the public of the preliminary determination hearing.

F. Preliminary Determination.

1. The Urbana Plan Commission shall make a determination as to whether or not the proposed district has a cohesive and identifiable visual setting, character or association:

a) Representing the traditional character of Urbana neighborhoods through architecture; building scale, massing, setbacks, and orientation; or streetscape design;

b) Exemplifying a neighborhood development pattern significant to the cultural history or tradition of Urbana; or

c) Containing an identified unique or unusual physical character that creates distinctiveness.

2. Within sixty days of receiving the application, the Plan Commission shall make a preliminary determination as to whether a proposed neighborhood conservation district meets one or more of the criteria in Section XIII-5.F. The Secretary shall notify the applicant in writing of the preliminary determination for the nomination, specifying the date of said determination.

3. Additionally, the Secretary shall forward the application to the Urbana Historic Preservation Commission for review at their next regularly scheduled meeting. The Commission may find that the proposed district appears to qualify for designation as a local historic district, in which case the applicants may choose to withdraw their application and apply for historic district designation under Section XII-4 of the Zoning Ordinance or continue with the neighborhood conservation district application. The Commission's findings shall be provided within 35 calendar days of receipt of the application.

G. Conservation District Plan and Design Guidelines. Following the preliminary determination, the City, in consultation with district property owners and residents, will prepare a plan to conserve and promote desirable characteristics of the neighborhood and may additionally prepare design guidelines for the proposed district. Conservation district design guidelines should minimally include:

1. An inventory defining what is significant about the established character of the proposed neighborhood conservation district, including building characteristics such as established setbacks from property lines and patterns in height, massing, bulk, and orientation; patterns of parcel size and orientation; and streetscape elements.

2. Defined boundaries of the neighborhood conservation district;

3. Proposed design guidelines prescribing future development within the district, which may include the following or other necessary elements:

a) Building size and massing;

b) Roofline and pitch;

c) Façade/elevation features, including orientation of doorways and window openings;

d) Porches;

e) Exterior materials;

f) Parking areas; and

g) Screening;

provided that any design guidelines shall not include requirements for areas not visible from a public street or sidewalk, building interiors, doors and windows (as opposed to door and window openings), colors, landscaping other than landscape screening, handicapped ramps, and solar panels.

4. An outline of the proposed review process for future exterior changes and whether these changes are to be reviewed by a commission or board, City staff, or a combination thereof depending on levels of review, including rights for variances and appeals.

H. Notification of Public Hearing. The Secretary shall schedule a public hearing on the application and any design guidelines at the Plan Commission. The Secretary shall provide the following notice not less than ten days before a public hearing on the proposal:

1. Notice by Mail. The Secretary shall notify owners of all properties within the proposed district the date of the public hearing. Notification shall be sent by first-class U.S. mail to:

a) The address of the property affected;

b) The address of the person who last paid the general taxes on the affected property according to the records of the Champaign County Supervisor of Assessments;

2. Notice by Publication. At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed neighborhood conservation district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street addresses or address ranges, a description of the proposed district boundaries for which such action is sought, as well as a brief description of the proposed action.

3. Notice by Sign. The Secretary shall make a good faith effort to post notice by sign in accordance with Section XI-10 of the Urbana Zoning Ordinance.

I. Public Hearing of the Plan Commission. The Plan Commission shall hold a public hearing at which the Commission shall take testimony of the applicants, property owners, residents, and any others wishing to be heard on the application. In addition, the Plan Commission shall consider all written comments received prior to or during the hearing.

J. Plan Commission Recommendation.

1. Within 60 days following the public hearing, the Plan Commission shall by majority vote recommend to the City Council whether to approve, approve with changes, or deny the application, including any design guidelines.

2. The Plan Commission's recommendation shall be accompanied by findings and a report summarizing the evidence presented at the hearing.

3. Within 15 days of the Plan Commission's recommendation, property owners in the proposed district shall be mailed a copy of the Plan Commission's recommendation and a registered preference form by certified mail.

4. The City shall provide owners of record thirty calendar days to submit a registered preference form in favor of or opposing designation of the neighborhood conservation district. Signatures of 60% or more of the responding owners of record indicating they are in favor of designation shall be required for approval. The determination as to endorsement of the owners of record shall be, if a sole owner, by his or her signature, and if multiple owners, by the signatures of owners representing no less than the majority of the title interest in the property. If the affected property is owned by a corporation or partnership, a signed resolution must be submitted indicating an endorsement. Each parcel is considered independently, regardless of single ownership of multiple parcels.

K. The Secretary shall forward to the City Council the application, plan and design guidelines, Plan Commission recommendation, results of returned registered preference forms, enacting ordinance for the district, and an ordinance or resolution adopting any proposed design guidelines. Copies shall be sent to the applicants, the Historic Preservation Commission, and the Urbana Building Safety Division.

L. Protests Against Designation. Prior to commencement of the City Council meeting in which a vote on the proposed action is taken, owners of property within the proposed district may file an official protest against designation of the neighborhood conservation district. A protest shall be considered valid if written opposition is signed by the owners of at least 25% of the lots within the proposed district as follows:

1. If a sole owner, then protest shall be signed by the sole owner; or

2. If multiple owners, then protest shall be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take three of such joint owners to sign the protest for it to be valid.

3. There shall be one registered preference per parcel in the proposed district. For example, if an owner owns four lots, each lot would have one vote.

M. Final Determination.

1. The City Council shall by majority vote of a quorum either approve, approve with amendments, or deny both the proposed district and any design guidelines.

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 members of the City Council.

3. No less than 15 days following the City Council's final determination, the City shall notify all owners of record in the district where a copy of the plan and any design guidelines may be reviewed.

4. At its discretion, the Plan Commission may refuse to consider a request for a neighborhood conservation district if such request is identical to or substantially similar to a proposed district denied by the City Council within the past year.

N. Amendment and Dissolution. The district boundaries of any adopted neighborhood conservation district may be amended by the same procedures and criteria as for designation. The City Council may amend any design guidelines enacted as part of the neighborhood conservation district following the notification requirements of Section XI-10 of the Zoning Ordinance. Neighborhood conservation districts may be dissolved by following the procedures provided in Section XI-7 of the Zoning Ordinance except that a two-thirds "affirmative" vote of the City Council members then holding office will be required.

Section XIII-6. Condominium Conversions

(Ord. No. 2008-06-055, 06-16-08)

A. Definitions.

Board of managers means the Board of Managers provided for and referred to in the Illinois Condominium Property Act, 765 ILCS 605 et seq.

Closing of a sales contract means the act of transferring ownership of a condominium unit to the purchaser from the developer.

Common elements means all portions of the property except the condominium units, including limited common elements, unless otherwise specified.

Condominium means a form of property established by the Illinois Condominium Property Act.

Condominium instrument means any document and authorized amendments thereto recorded pursuant to the provisions of the Illinois Condominium Property Act, including the declaration, bylaws, and plat.

Condominium project means the sale of or plan by a developer to sell or offer for sale residential condominium units in an existing building or any modification or reconstruction of an existing building.

Condominium unit means a separate three-dimensional area within a condominium building, identified as such in the declaration and on the condominium plat, including all improvements contained within such area except those excluded in the declaration.

Conversion means the offering for sale by a developer or his or her agent of a condominium unit that was rented by any person prior to the commencement of a condominium project.

Developer means any person who undertakes to develop a condominium unit or building by conversion, as further defined in the Illinois Condominium Property Act.

Director means the director of the Community Development Services Department or his or her designee.

Master association means an organization described and referred to in the Illinois Condominium Property Act.

Person means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof, and includes any trustee, receiver, assignee, or personal representative thereof.

Plat means a plat or a plat of survey of all the units and common elements in a property submitted to provisions of the Illinois Condominium Property Act.

Unit Owners' Association means the association of all the condominium unit owners, acting pursuant to bylaws through its duly elected board of managers.

B. Applicability. This article shall apply to all condominium conversions in the city, where the units are intended or designed to be used principally for residential purposes, provided, however, that this article shall not apply to:

1. Condominium units which, prior to the effective date of this article, have been sold under a binding contract of sale to a purchaser for use as a residence; or

2. Condominiums lawfully established prior to the effective date of this article.

C. Notice of intent required; contents.

1. A developer intending to submit a property to the provisions of the Illinois Condominium Property Act or offering an existing apartment for sale as a proposed condominium unit shall file with the director a written notice of intent to convert and shall certify by affidavit that all disclosures are true to the best of his or her knowledge and belief. Notice shall be provided at least thirty (30) calendar days prior to the closing of a sales contract on any condominium unit and shall include, at minimum, the following information about the condominium project, numbered and indexed in such a manner as the developer may select, so as to permit ready reference thereto:

   a) The address of the condominium property, a legal description of the condominium units to be offered for sale, and the proportionate percentage of individual ownership of said units;

   b) The names and telephone numbers of existing occupants and the current property owner if other than the developer;

   c) Any leases on real or personal property applicable to the condominium;

   d) The coverage and amounts of property insurance policies maintained on the condominium building;

   e) The declaration of covenants, conditions and restrictions that would apply to owners of the units within the condominium project;

   f) The condominium plat, as provided in section D below;

   g) The articles of incorporation or charter of the condominium association, if any;

   h) The by-laws and regulations of the condominium association;

   i) A description of the common elements and a statement of the percentage ownership of the common elements applicable to the condominium units to be offered for sale;

   j) A description of all existing and proposed facilities not included, or not to be included, as part of the common elements.

   k) Any management contract, employment contract or any other contract affecting the use, maintenance, or access to all or any part of the condominium. Said disclosures under this subsection shall include:

      1) The name of the management company, if any, and the services the agent will perform;

      2) The length of term of any management contract and the charges and circumstances, if any, under which the charges may be increased;

      3) The conditions, if any, under which the contract may be canceled or terminated; and

      4) A statement disclosing any relationship between the developer and the management company.

2. If the covenant or similar condominium instrument does not require the hiring of a professional management company to carry out maintenance and repairs, the developer shall explain how maintenance and repairs of the proposed conversion will be accomplished.

3. The developer shall timely provide such other information regarding the condition of the proposed development of the property as the director shall reasonably request.

4. No existing building, or part thereof, shall be submitted to the provisions of the condominium property act, nor shall an existing apartment unit be offered for sale or be sold as a proposed condominium unit or be occupied as a condominium unit, without the prior filing of a notice of intent pursuant to this section.

5. No person shall convert any apartment building into a condominium without complying with each of the requirements of this article, in addition to all other applicable laws and ordinances.

D. Condominium Plat.

1. A developer intending to submit a property to the provisions of the Illinois Condominium Property Act or offering an existing apartment for sale as a proposed condominium unit shall file with the director and the city engineer a condominium plat pertaining to the property. The condominium plat shall be prepared and submitted in accordance with the provisions of the Condominium Property Act (765 ILCS 605), the Plat Act (765 ILCS 205), and Chapter 21 of the Urbana City Code.

2. Upon approval, the plat shall be signed and attested by the director and the city engineer. The developer shall then record the plat with the Office of the Recorder of Deeds and shall submit a recorded copy to the City Clerk within seven (7) calendar days of receipt of the recorded documents from the Recorder.

3. No condominium plat or amended condominium plat shall be recorded or shall be effective unless first approved by the director and the city engineer.

E. Code inspection.

1. In the case of the conversion of an existing building into condominium units, the city shall have the right to inspect the existing building prior to the conversion. Each proposed condominium unit and building shall comply with the current life safety, building, and zoning codes of the city.

2. The developer shall correct at his or her expense any code violations and deficiencies detected during an inspection of projected condominium units and common elements and facilities to the satisfaction of the director. The developer shall complete all such corrections no fewer than fifteen (15) calendar days prior to the closing of a sales contract on any condominium unit to allow the director adequate time to reinspect the premises.

3. The fee for each inspection or reinspection shall be as set forth in the schedule of fees.

4. The developer shall bear the costs of the inspection and any required reinspection.

5. Whenever the director or Fire Department personnel, upon presentation of proper credentials and request for entry to inspect, is refused access to any building undergoing conversion to condominiums, the city is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such building or unit for the purpose of making such inspections as shall be necessary for the enforcement of the provisions of this article.

F. Maintenance of common elements.

1. Whenever a condominium is created that contains any common elements that will be conveyed to a unit owners' association, master association, or similar entity, the developer shall record among the county land records, prior to the conveyance of any unit in the condominium, a covenant or similar condominium instrument that shall provide for the following:

a) That the entity which owns the common elements shall be responsible for its maintenance;

b) That in the event the entity fails to maintain the common elements in accordance with applicable city ordinances, the city shall have the right to enter upon the common elements for the purposes of bringing it into compliance with the ordinances;

c) That in addition to any fine levied, the costs incurred by the city pursuant to subsection b) shall include, but shall not be limited to, the actual costs and expenses in time of city employees and the costs of material relating to the efforts of bringing the area into compliance, including overhead and administrative costs associated with such effort, or if the work is contracted out in whole or in part, the full costs of such contract;

d) That a pro rata share of the costs incurred by the city pursuant to subsection b) above shall constitute a lien on each unit within the condominium; and

e) That the covenant shall run with the real property within the condominium and shall be binding on all parties having any right, title, or interest in any unit therein.

2. Prior to recording said covenant or similar condominium instrument, the developer shall submit a copy to the director for review and approval to ensure proper provision for maintenance of common elements. After approval by the director, the developer shall record the instrument with the Office of the Recorder of Deeds and shall submit a recorded copy to the City Clerk within seven (7) calendar days of receipt of the recorded documents from the Recorder.

G. Easements and dedications.

1. The developer or board of managers shall grant or dedicate to the city, at no cost, those easements and right-of-ways the city indicates it reasonably needs to provide or to continue to provide or facilitate, utilities or other city services to the condominium project or other property. Such easements and rights-of-way shall not materially impact the use of the property.

2. The developer shall ensure that the condominium instruments include a provision requiring that the owners of the condominium property adequately maintain and repair any stormwater management facilities located on the property. The developer or board of managers shall grant the city an easement on the property so that in the event stormwater management on the property is not adequately maintained or repaired in the future, the city shall have the right, but not the obligation, to access the property for purposes of maintaining or repairing such stormwater management facilities, the cost of which may be assessed against the property owners or may be filed as a lien against the property.

3. All grants of easement or dedication required from the developer pursuant to this subsection and any plats of easement or dedication shall be prepared at the developer's expense and shall be in a form approved by the director. After any instrument required by this section is recorded with the Officer of the Recorder of Deeds, the developer shall submit a recorded copy to the City Clerk within seven (7) calendar days of receipt of the recorded documents from the Recorder.

H. Penalty.

1. Any person who violates any provision of this article or who makes any false statement or affidavit pursuant to this article shall be guilty of an offense. Any person convicted of an offense under this article, in addition to other legal and equitable remedies available to the city, shall be punished by a fine of not less than one hundred dollars ($100.00) for each day during or on which a violation occurs or continues.

2. The developer, the unit owner, and the unit owners' association or similar entity shall be liable for violations occurring in a unit, and each may be cited for any individual violation. The developer

and the association or similar entity shall be liable for violations occurring in common elements, and each may be cited for any individual violation.

3. In addition to the imposition of a fine, the city may seek injunctive relief to prevent a violation of this article, including, but not limited to enjoining the occupancy or sale of any building or unit.

I. Effective date. This Ordinance shall be in full force and effect after its passage and approval and publication according to law.

Cross reference: Chapter 21, "Subdivisions and Other Land Developments."
State law references: 765 ILCS 605, 765 ILCS 205

Section XIII-7. Wind Energy Systems

(Ord. No. 2010-09-075, 10-04-10)

A. *Purpose*

The purpose of this section is to further the goals and objectives of the Urbana Zoning Ordinance in promoting the use of wind as an alternative energy source. This section regulates the siting, installation and operation of wind energy systems to allow the effective and efficient use of wind resources while protecting the health, safety, and welfare of nearby residents and the general public.

B. *Wind Energy System Definitions*

Ambient Sound: The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this section, the "ambient sound level" shall mean the quiescent background level, that is, the quietest of 10-second average sound levels measured when there are no nearby or distinctly audible sound sources. Daytime ambient measurements should be made during mid-morning, weekday hours while nighttime measurements should be made after midnight.

Anemometer Tower: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Horizontal-Axis Wind Turbine: A tower-mounted turbine in which the rotor is mounted horizontally.

Rotor: The rotating part of a wind turbine, including the blades and blade assembly or the rotating portion of the generator.

Rotor Diameter: The diameter of the circle swept by the rotor. For measurement purposes this means the distance from the outer-most tip of the blade to the center of the turbine rotor multiplied by two.

Shadow Flicker: A repetitive oscillation of light and shadow cast when light passes through and is interrupted by moving wind turbine blades.

Sound Level: The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to the American National Standards Institute (ANSI) S1.4. The "average" sound level is time-averaged over a suitable period using an integrating sound level meter that meets the requirements of ANSI S12.43.

System: See definition for *Wind Energy System*.

System Height: The vertical distance measured from the finished grade at the foot of the system to the outer-most tip of the rotor when the tip is at its highest point.

Tower-Mounted Wind Turbine: A wind turbine mounted on a structure that is designed and constructed primarily for the purpose of elevating and supporting a wind generator, including freestanding lattice towers, monopole towers or guyed towers.

Urbana Extraterritorial Jurisdiction: The unincorporated territory lying within one and one-half (1½) miles of the corporate limits of the City of Urbana, excluding the areas located within the subdivision jurisdiction of another municipality.

Vertical-Axis Wind Turbine: A wind turbine in which the rotor is mounted vertically.

Wind Energy System: A wind turbine and all directly supporting components, including any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, and batteries.

Wind Energy System, Building-Mounted: A relatively small wind turbine and components mounted on a building and which generates power for on-site use.

Wind Energy System, On-Site: A Wind Energy System that is incidental and subordinate to and which generates power for the principal use of the zoning lot on which it is situated. A wind energy system is considered on-site even if excess electricity is used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company.

Wind Energy System, Pre-Existing: Any wind energy system which is operational on the effective date of this section.

Wind Energy System, Service Area: A wind energy system intended to provide power to a small grouping of uses within a single zoning district.

Wind Energy System, Utility:

1) A wind energy system that exceeds the maximum system height, or maximum rotor diameter standards provided by this Section for an on-site tower-mounted wind energy system; or

2) Groupings of wind energy systems, often maintained by one entity, which generate power on-site to be transferred to a transmission system for distribution to customers.

Wind Turbine: A rotary mechanical device that extracts energy from the wind for either direct mechanical use or conversion to electrical energy.

C. *Applicability*

1. The provisions of this section shall apply to wind energy systems erected and operated within the corporate limits of the City of Urbana and within the unincorporated territory lying within one and one-half (1½) miles of those corporate limits (Urbana Extraterritorial Jurisdiction) per statutory authority granted in Chapter 65 ILCS 5/11-13-26.

2. All zoning districts and zoning regulations cited are as enacted by the City of Urbana or Champaign County, whichever is applicable to the subject property.

3. All wind energy systems shall be erected, constructed, installed and modified in conformance with the provisions of this section, and all other applicable regulations, as evidenced by the issuance of a Building Permit, and any other necessary zoning or development approvals.

4. Pre-existing wind energy systems shall be exempt from the provisions of this section with the exception of maintenance, removal of abandoned systems and those which specifically apply to

pre-existing systems. Pre-existing wind energy systems shall be permitted to continue per Section XIII-7.N.

D. *Temporary Wind Turbines.* An anemometer tower is permitted in all zoning districts as a temporary use for no more than eighteen (18) months. An extension of this time period, not to exceed an additional eighteen (18) months, may be granted at the discretion of the Zoning Administrator upon submittal and review of sufficient evidence to support the requested extension.

E. *Wind Energy Systems Permitted by Right*

1. *Building-Mounted Wind Energy Systems.* Within all zoning districts, a building-mounted wind energy system is permitted as an accessory use to any permitted principal use other than common-lot-line dwellings. A building-mounted wind energy system shall only be permitted within a condominium development if authorized by the condominium association board, and if provisions are made for the maintenance of said system in the condominium development bylaws or other applicable legal document, subject to the review and approval of the City of Urbana.

   All building-mounted wind energy systems shall be subject to the following requirements:

   a) Design Standards as set forth in Section XIII-7.I.

   b) *Maximum Height*: 10 feet as measured from the highest point of the roof for all uses in residential zoning districts; and 15 feet as measured from the highest point of the roof for all uses in non-residential zoning districts.

   c) *Maximum Rotor Diameter*: 10 feet.

   d) *Minimum Setback*: Shall be equal to the required minimum yard (front, rear, side) for the zoning district in which it is located. The setback shall be measured horizontally from the furthest outward extension of all moving parts to the nearest property line.

   e) *Minimum Separation*: If more than one building-mounted wind energy system is installed, a minimum distance equal to the height of the highest system must be maintained between the bases of each system.

   f) *Maximum Quantity*: The maximum number of systems per property shall be based on setback and separation requirements as set forth in this section.

   g) *Building Support*: The building upon which the system is to be mounted shall be able to safely support operation of the wind energy system. Certification by a structural engineer licensed in the State of Illinois shall be required as part of the building permit process by the City of Urbana.

2. *On-Site Tower-Mounted Wind Energy System.* An on-site tower-mounted wind energy system is a permitted accessory use within all zoning districts. An on-site tower-mounted wind energy system shall only be permitted on the commons area within a condominium development if authorized by the condominium association board, and if provisions are made for the maintenance of said system in the condominium development bylaws or other applicable legal document, subject to the review and approval of the City of Urbana.

   All on-site tower-mounted wind energy systems shall be subject to the following requirements:

   a) Design Standards as set forth in Section XIII-7.I.

   b) *Maximum System Height*:

1) Residential Zoning Districts: 120 feet.

2) Non-Residential Zoning Districts: 175 feet, except that the maximum system height shall be limited to 120 feet if located within 500 feet of an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).

c) *Maximum Rotor Diameter*:

1) Residential Zoning Districts: 30 feet.

2) Non-Residential Zoning Districts: 70 feet, except that maximum rotor diameter shall be limited to 30 feet if located within 500 feet of an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).

d) *Lot Size*: No minimum lot size.

e) *Location*: Entirely behind the principal building in residential and commercial zoning districts. Wind energy systems shall not be constructed on any public easement.

f) *Minimum Setback*: A distance equal to the system height from all property lines, public street right-of-way lines and overhead utility lines. The setback shall be measured from the center of the tower's base. No guy wire anchors may extend closer than ten feet to the property line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.

F. *Wind Turbines Permitted by a Special Use Permit*

1. *Service Area Tower-Mounted Wind Energy Systems.* A service area tower-mounted wind energy system may be erected in all zoning districts with the issuance of a Special Use Permit. A Special Use Permit for a proposed service area tower-mounted wind energy system shall be evaluated in consideration of the factors set forth in Section XIII-7.G and along with compliance to the design standards of Section XIII-7.I. A Special Use Permit application shall be submitted in accordance with Article VII of this Ordinance. If the owner of a system is not the owner of land on which the system is located, the City may require that a bond be posted, at time of approval of a Special Use Permit, for the removal of the system.

   All service area tower-mounted wind energy conversion systems permitted as a special use shall be subject to the following requirements:

   a) Design Standards as set forth in Section XIII-7.I.

   b) *Maximum System Height*: 175 feet.

   c) *Maximum Rotor Diameter*: 70 feet.

   d) *Minimum Setback*: A distance equal to the system height from property lines of those properties which are not a part of the service area, public street right-of-way lines and overhead utility lines. The setback shall be measured from the center of the tower's base.

   e) *Maximum Quantity*: As determined by the Special Use Permit.

2. *Utility Tower-Mounted Wind Energy System.* A utility tower-mounted wind energy system may be erected in all agricultural and industrial zoning districts as established by either the City of Urbana

or by Champaign County within Urbana's ETJ and in the CRE and any future university zoning districts as established by the City of Urbana with the issuance of a Special Use Permit. A Special Use Permit for a proposed utility tower-mounted wind energy system shall be evaluated in consideration of the factors set forth in Section XIII-7.G and along with compliance to the design standards of Section XIII-7.I. A Special Use Permit application shall be submitted in accordance with Article VII of this Ordinance. If the owner of a system is not the owner of land on which the system is located, the City may require that a bond be posted, at time of approval of a Special Use Permit, for the removal of the system.

All utility tower-mounted wind energy conversion systems permitted as a special use shall be subject to the following requirements:

a) Design Standards as set forth in Section XIII-7.I.

b) *Maximum System Height*: 400 feet.

c) *Maximum Rotor Diameter*: 300 feet.

d) *Lot Size*: The minimum lot size shall be equal to the minimum lot size for the zoning district in which the system is located.

e) *Minimum Setback*: A distance equal to the total height of the system from all property lines, public street right-of-way lines and overhead utility lines. In addition said system shall be located a minimum of 1,200 feet from an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s). The setback shall be measured from the center of the tower's base.

TABLE XIII-3. SUMMARY OF WIND ENERGY SYSTEMS ALLOWED

TURBINE TYPE	USE STANDARD		MINIMUM SETBACK	MAXIMUM SYSTEM HEIGHT	MAXIMUM ROTOR DIAMETER
	Permitted Use (Accessory Use Only)	*Special Use* (Accessory or Principal Use)			
Building Mounted	All Zoning Districts		Shall be equal to the required minimum yard (front, rear, side) for the zoning district in which it is located.	10 feet as measured from the highest point of the roof for all uses in residential zoning districts; and 15 feet as measured from the highest point of the roof for all uses in non-residential zoning districts	10 feet
On-Site Tower-Mounted	Residential Zoning Districts		A distance equal to the system height from all property lines, public street right-of-way lines and overhead utility lines.	120 feet	30 feet
	Non-residential Zoning Districts			175 feet, except that the maximum system height shall be limited to 120 feet if located within 500 feet of an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).	70 feet, except that the maximum rotor diameter shall be limited to 30 feet if located within 500 feet of an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).
Service Area Tower-Mounted		All Zoning Districts	A distance equal to the system height from property lines of those properties which are not a part of the service area, public street right-of-way lines and overhead utility lines.	175 feet	70 feet
Utility Tower-Mounted		All agricultural and industrial zoning districts as established by either the City of Urbana or by Champaign County within Urbana's ETJ and in the CRE and any future University zoning districts as established by the City of Urbana	A distance equal to the total height of the system from all property lines, public street right-of-way lines and overhead utility lines. In addition said system shall be located a minimum of 1,200 feet from an existing residence, the boundary of a residentially zoned property, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).	400 feet	300 feet

G. *Evaluation of a Wind Energy System Special Use Permit*

Following the procedures established in Article VII, the Plan Commission, in evaluating a Special Use for a utility or residential service area tower-mounted wind energy system, shall consider the following factors in addition to the requirements identified in Section VII-4.A:

1. Number of systems and their location;

2. The number of systems relative to the size of the parcel on which the systems are proposed to be located;

3. The height of the system relative to the size of the parcel on which the system is proposed to be located;

4. The need for the proposed height of the system in order to allow the system to operate efficiently;

5. The need for the rotor diameter and/or number of systems in order to serve the site effectively;

6. The uniformity of design, including tower type, color, number of blades, and direction of blade rotation for multiple system proposals;

7. The building density of the general area in which the system is proposed to be located;

8. The nature of existing and planned future land use on adjacent and nearby properties;

9. Proximity to an existing residence, residential zoning district, or the boundary of a property that is in Urbana's ETJ and designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s);

10. Land use compatibility and impact on orderly development;

11. Location of other wind energy systems in the surrounding area;

12. Proximity to transmission lines to link the systems to the electric power grid;

13. Surrounding topography;

14. Proximity to environmentally sensitive areas and the environmental impact of the system;

15. Whether the design of the proposed system reflects compliance with the design standards of Section XIII-7.I;

16. Whether a substantial adverse effect on public safety will result from the height or rotor diameter of the system or some other aspect of the system's design or proposed construction;

17. Consistency with the Urbana Comprehensive Plan; and

18. Any other factors relevant to the proposed system.

H. *Wind Energy System Special Use Expiration*. A Special Use Permit issued pursuant to this section expires if:

1. A building permit for the wind energy system has not been requested by means of a complete application within two years of approval of the Special Use Permit.

2. The wind energy system is abandoned and removed per Section XIII-7.M.

I. *Design Standards.* In addition to all other applicable requirements of this Section, wind energy systems shall be constructed in conformance with the following design standards:

1. *Visual Appearance*

   a) *Tower Type*: Monopole type tower is required in all zoning districts with the exception of all City of Urbana industrial districts and in all Champaign County agricultural and industrial zoning districts in Urbana's ETJ.

   b) *Color*: Non-reflective, non-obtrusive color such as off white, light gray, or other neutral color, or the color supplied by the manufacturer. The required coloration and finish shall be maintained throughout the life of the system.

   c) *Lighting*: No artificial lighting is allowed unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding land uses.

   d) *Signs*: All signs, both temporary and permanent, are prohibited on a wind energy system with the exception of one warning sign no more than four square feet in area.

   e) *Electrical System*: All on-site electrical transmission lines connecting a wind energy system to a building or public utility electricity distribution system shall be located underground. As-built plans shall be submitted showing the location of underground conduit and cable located within the public right-of-way.

2. *Safety*

   a) *Tower Access*: Towers shall be designed to prevent climbing within the first 12 feet from the ground. Access to the tower shall be limited by locating all climbing apparatus to no lower than 12 feet from the ground and by providing any other applicable anti-climbing measures.

   b) *Equipment Access*: All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

   c) *Ground Clearance*: The minimum distance between the ground and any part of the rotor blade system of a tower-mounted horizontal-axis wind energy system shall be 20 feet. For a tower-mounted vertical-axis wind energy system, no moving portions of the turbine shall be located any closer than 10 feet above the adjacent finished grade.

   d) *Overspeed Controls*: All on-site tower-mounted wind energy systems shall be equipped with automatic and manual braking systems. Utility tower-mounted wind energy systems shall be equipped with a redundant braking system, including both aerodynamic over-speed controls and mechanical brakes.

   e) *Force Wind Standard*: At a minimum, a wind energy system shall be engineered to withstand a wind velocity 110 miles per hour.

3. *Electromagnetic Interference.* All wind energy systems shall be designed and sited such that no disruptive electromagnetic interference is caused to communication systems, contrary to Federal Communication Commission requirements for electromagnetic interference and/or other State or local laws. All turbines shall utilize nonmetallic rotor blades unless the applicant can supply documentation from an independent testing laboratory certifying that any proposed metallic blade rotor will not cause electromagnetic interference.

4. *Vibration*. All wind energy systems shall not produce vibrations which are humanly perceptible beyond the property on which a wind energy system is situated.

5. *Sound Level Limitations*

   a) The sound level limits identified below shall apply. Established Sound Level Measurement Procedures shall be used that account for ambient sound contributions.

Receiving Property	Hours of Operation	Sound Level Limits
Residential	10:00 pm – 7:00 am	45 dB(A)
Residential	7:00 am – 10:00 pm	55 dB(A)
Non-Residential	24 hours	60 dB(A)
Industrial	24 hours	65 dB(A)

   b) No system shall operate with an average sound level more than 5 dB (A) above the non-operational ambient level, as measured at the property line.

   c) To limit the level of low frequency sound, the average C-weighted sound level during system operation shall not exceed the A-weighted ambient sound level by more than 20 dB.

   d) Applications for wind energy systems requiring a Special Use Permit shall include an environmental sound impact study that gives:

      1) Certified manufacturer's specification of the sound emissions from similar turbines that specifically state that the overall sound level as well as the 1/3-octave band levels measured in accordance with IEC 61400-11.

      2) The expected maximum one minute averaged A- and C-weighted sound level at the property line with all turbines operating.

      3) The daytime and night time quiescent ambient sound levels at the property line as measured by an environmental acoustics expert (board certified by the Institute of Noise Control Engineering).

6. *Shadow Flicker*

   a) Applications for wind energy systems requiring a Special Use Permit shall include a shadow flicker study. Using available software, the applicant shall show calculated locations of shadow flicker caused by a wind energy system and the expected duration in total number of hours per year of the flicker cast upon adjacent dwellings, residential zoning districts, or areas in Urbana's ETJ that are designated for future residential use by the Urbana Comprehensive Plan Future Land Use Map(s).

   b) Wind energy systems requiring a Special Use Permit shall be sited in a manner that does not result in significant shadow flicker impacts on adjacent properties. Significant shadow flicker is defined as more than 30 hours per year on any residential structure. The applicant has the burden of providing evidence that the shadow flicker will not have significant adverse impact. Potential shadow flicker shall be addressed either through siting or other approved mitigation measures.

7. *Federal Aviation Administration (FAA) Compliance.* All wind energy systems shall comply with all applicable regulations of the FAA, including required FAA permits for installation closer than two miles to an airport. The applicant shall be responsible for determining the applicable FAA regulations and securing the necessary approvals.

8. *Industry Standards.* All wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Owners shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters

Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

J. *Code Compliance*. All wind energy systems shall meet the City of Urbana Building Code, Erosion Control Ordinance, Subdivision and Land Development Code and all other applicable codes and ordinances of the City of Urbana.

K. *Maintenance*. All wind energy systems shall be maintained in good condition and in safe working order throughout the life of the system. If the system is not maintained in operational condition and/or poses a potential safety hazard, the owner shall immediately correct the situation at their expense. Any wind energy system found to be unsafe by the Zoning Administrator or appointed designee, must stop operation immediately upon notification. If the owner fails to correct the unsafe condition, the Zoning Administrator may remove or cause to be removed, altered or repaired an unsafe wind energy system immediately and without notice, if, in his/her opinion, the condition of the system is such as to present an immediate threat to the safety of the public. If a wind energy system remains inoperable for a period of 180 days, it shall be deemed abandoned and the procedures under Section XIII-7.M applied.

L. *Violation*. Should a wind energy system or any part thereof violate the requirements of this Section, the owner shall cease operations immediately. Upon receipt of a complaint or the notice of a complaint from the owner, the Zoning Administrator shall make a determination as to whether there is a violation requiring the immediate cessation of operation. The system may resume operation once the violation(s) have been remedied.

M. *Abandonment and Removal.* A wind energy system shall be deemed abandoned it not functioning for a continuous period of 180 days, and there is no demonstrated plan to restore the equipment to operating condition. The City will issue a Notice of Abandonment for the removal of an abandoned wind energy system as follows:

1. The Zoning Administrator is authorized to issue a Notice of Abandonment to the owner of a wind energy system that is deemed to be abandoned, and in cases where immediate safety is not of concern, the owner shall have 30 days from Notice receipt date to respond.

2. Following the 30-day response period, and if the Zoning Administrator determines that the system remains abandoned, the owner of the system shall remove the abandoned system at their expense within 180 days of the original Notice of Abandonment. A demolition permit shall be obtained for the removal of the abandoned system.

3. Failure to remove the abandoned system within said 180 days constitutes a violation of this Section. Following said 180 days, the City, or a contractor hired by the City, shall have the authority to enter the subject property and cause removal of the system at the owner's expense. In the case of such removal the City may file a lien for reimbursement, of any and all expenses incurred by the City without limitation, including attorney fees and accrued interest. For those cases in which the owner of a wind energy system is not the owner of land on which the system is located, the City may execute the bond posted at the time of approval of the system.

N. *Pre-Existing Wind Energy Systems*

1. Pre-existing wind energy systems shall be allowed to continue. Routine maintenance shall be permitted on such pre-existing systems.

2. A building permit and any other necessary zoning and development approvals shall be obtained to alter, enlarge, extend, replace or relocate a pre-existing wind energy system.

3. If a pre-existing wind energy system is nonconforming with this Section, it shall not be altered, enlarged, extended or relocated such that the nonconformity of the system is increased.

4. Pre-existing wind energy systems that are substantially damaged or destroyed must be rebuilt to conform with this Section.