

ORDINANCE NO. 2018-08-055

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

(Revising Articles V, VIII, and XI to combine the MOR Development Review Board and the Design Review Board – Plan Case No. 2346-T-18)

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance creates the MOR Development Review Board and the Design Review Board; and

WHEREAS, these Boards serve similar functions and have similar memberships, in that four member positions on the MOR Development Review Board are automatically appointed to the Design Review Board; and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to combine the MOR Development Review Board and the Design Review Board as one board, designated as the Design Review Board, and make other revisions to assist in the administration of the Board; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2346-T-18; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held a public hearing on the petition on August 9, 2018; and

WHEREAS, the Plan Commission voted six ayes to zero nays on August 9, 2018, to forward Plan Case No. 2346-T-18 to the City Council with a recommendation for approval of the proposed amendment; and

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

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

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

Section 1.

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

- A. Article V, "Use Regulations," Table of Contents and Section V-8, "Additional Use Regulations in the MOR District."
- B. Article VIII, "Parking and Access," Section VIII-4, "Location of Parking Facilities."
- C. Article XI, "Administration, Enforcement, Amendments and Fees," Table of Contents and Section XI-12, "MOR Development Review Board."

Section 2.

Urbana Zoning Ordinance Article XI, "Administration, Enforcement, Amendments and Fees," Section XI-15, "Design Review Board," is hereby repealed upon the effective date of this Ordinance.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the

effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

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

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

PASSED BY THE CITY COUNCIL this 20th day of August, 2018.

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

NAYS:

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 22nd day of August, 2018.



Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



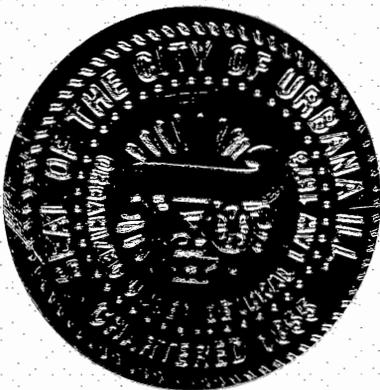
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 20th day of August 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-08-055, entitled:

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE (REVISING ARTICLES V, VIII, AND XI TO COMBINE THE MOR DEVELOPMENT REVIEW BOARD AND THE DESIGN REVIEW BOARD – PLAN CASE NO. 2346-T-18)

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

The pamphlet form of Ordinance No. 2018-08-055 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 22nd day of August 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 22nd day of August, 2018.





Charles A. Smyth, City Clerk

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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 is prohibited in a required front, rear, or side yard, in a required open space area, or on an unapproved parking surface.
- 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 be located 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 the Design Review Board determines that a combination of fencing and/or vegetation has been installed and maintained to meet the requirements of Section VIII-3.F and 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 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 is permitted 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, IN-1, and IN-2 Zoning Districts may 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 shall be maintained from the nearest edge of the parking lot to the property line 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 shall be stored only in the following manner:
 - a) Inside a carport or garage in conformance with Section V-2.D.7;
 - b) Outside behind the face of the principal building; or
 - c) Outside in the front yard at least five feet from the front lot line provided:
 - 1) Said parking is for loading and unloading operations completed within a 24 hour period; or
 - 2) Space is not available in the side yard, or there is no reasonable access to either the side yard or rear yard. A lot will 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 will 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 that 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 to Section VIII-3.A. Accessory parking surfaces on the site of single or two-family residences shall meet the requirements of Section VIII-4.J. No recreational vehicle shall be occupied while stored.
 4. No more than two commercial vehicles shall be parked on the zoning lot 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.
- 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.
 - 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.

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 XI-12. Design Review Board

A. Creation and Purpose

1. The Design Review Board shall to administer the design review procedures in the MOR, Mixed-Office Residential Zoning District, Lincoln-Busey Corridor Overlay District, and East Urbana Design Review Overlay District in conformance with the requirements of this section.
2. The Board has the following objectives for reviewing site plan proposals in the MOR District:
 - a) Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;
 - 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.I.
3. The Board has the following objectives for reviewing applications in the Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District:
 - 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 Board shall have the following powers:

1. To 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 review applications for development within the MOR District, Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District as specified in this section. The 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 this section.
3. To 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. However, in rendering a decision on an application, the Board is not otherwise authorized to prohibit or deny a land use that is permitted by right in the applicable zoning district.
4. 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 Board shall consist of seven regular members and two alternate members. Four members shall constitute a quorum. The Mayor shall appoint the members, subject to City Council approval. Membership shall consist of the following individuals so that the Board can offer a diverse perspective and expertise in reviewing proposals.
 - a) A member of the Plan Commission;
 - b) A member of the Historic Preservation Commission;
 - c) A licensed architect;
 - d) A local developer;
 - e) Three individuals, from any three of the following distinct categories:
 - i) A resident living inside or within 250' of the MOR District
 - ii) A resident living inside or within 250' of the Lincoln-Busey Corridor Design Review Overlay District
 - iii) A resident living inside or within 250' of the East Urbana Design Review Overlay District
 - iv) An owner of a local business with fewer than 40 employees;
 - f) Two alternate members from different categories in subparagraph "e" of this paragraph. Alternate members may participate, vote, and contribute to establishing a quorum only in the absence of or due to the recusal of any regular member.
2. Board members shall serve three-year terms, without compensation, and may be reappointed at the conclusion of their terms. The Mayor may appoint members for terms of fewer than three years during the initial appointment to achieve staggered term expirations.
3. The Mayor shall declare vacant the seat of any Board member who fails to attend three consecutive meetings without prior notice to the Secretary, of the Board_or who fails to attend at least one-half of all meetings held during any 12 consecutive months. In such cases, and in cases in which a vacancy occurs by reason of resignation, incapacity, death, or any other reason, the Mayor shall appoint a successor, subject to City Council approval.

D. *Officers; Secretary.*

1. The Board annually shall elect from its regular members, a Chair and Vice-Chair, each of whom shall serve a one-year term and shall be eligible for re-election.
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 Board shall be a representative of the Community Development Services Department. The Secretary shall:
 - a) Take minutes of each Board meeting, an original of which shall be kept on file in the Community Development Services Department;

- b) Provide administrative and technical support to the Board to assist it in making the decisions and findings as provided herein;
- c) Publish and distribute to the Board copies of the minutes, reports and decisions of the Board;
- d) Give notice as provided herein or by law of all public hearings conducted by the Board;
- e) Advise the Mayor of vacancies on the Board and expiring terms of Board members;
- f) Prepare and submit to the Zoning Board of Appeals and City Council a complete record of the proceedings before the Board on all appeals from decisions of the Board and any other matters requiring Zoning Board of Appeals or City Council consideration; and
- g) Have no vote.

E. *Meetings.* All meetings shall conform to the requirements of the Open Meetings Act. All meetings shall be held in a public place designated by the Chair, and be open to the public, except as allowed by law. Any interested person may appear at any open meeting 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 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 simple majority vote and be calculated on the basis of those voting members present and not abstaining.

G. *Application Submittal Requirements*

- 1. An applicant for any proposed project located within the MOR District, Lincoln-Busey Corridor Overlay District, or East Urbana Design Review Overlay District, shall submit a Design Review Board application to the Secretary of the Board unless the project is exempt from design review.
- 2. A project is exempt from design review if:
 - a) The City does not require a building permit for the project;
 - b) The project does not include exterior construction or alteration; or
 - c) The project involves property located within the East Urbana Design Review Overlay District and any of the following applies: the project involves a single-family dwelling, the property is a local historic landmark, or the property is within a local historic district.
- 3. Only the following persons may submit an application to the City: the owner of more than 50% of the subject property, a contract purchaser of the subject property, or a person with evidence of written consent from the owner.

4. Applications shall be filed with the Secretary of the Board on forms provided by the City and accompanied by the following:

a) Scaled drawings showing:

- 1) Size and dimensions of the parcel to be developed;
- 2) Locations and widths of adjacent rights-of-way, sidewalks and street pavement;
- 3) Neighboring property owners identified on the site plan;
- 4) Locations of all existing structures on the parcel;
- 5) Locations of adjacent parcels and structures;
- 6) Locations and sizes of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
- 7) Locations and layouts of any proposed access drives, parking areas and walkways;
- 8) Floor plans indicating the interior layout of the proposed structure or addition;
- 9) Locations of existing trees and shrubs;
- 10) Locations of proposed landscaping;
- 11) Relevant site details, including lighting, dumpster locations, signage, and other features;

b) Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;

c) Elevations or perspectives of adjacent existing structures;

d) Detail view drawings as necessary to show key design elements;

e) 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).

f) The fee as required by Section XI-8.

5. Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

6. The Board may require additional information necessary to consider applications.

H. The Zoning Administrator, in consultation with the Chair, shall determine whether an application requires review by Board or if it is subject to administrative review. Determinations that the application is to be reviewed administratively shall be made in writing and signed by both the Zoning Administrator and the Chair.

1. *Design Review Board Review.* The Board shall review applications required by Section XI-12.G.1 to:
 - a) Construct a new principal structure;
 - b) Increase the building footprint of an existing principal structure by more than 15%;
 - c) Increase the floor area ratio of an existing principal structure by more than 15%;
 - d) Install or enlarge a parking lot; or
 - e) Substantially change the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Chair.

2. *Administrative Review.* The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by the Board per this section. 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 accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively reviewed applications by listing them on the subsequent Board agenda.

- I. Within the MOR District, Lincoln-Busey Corridor Design Review Overlay District, and East Urbana Design Review Overlay District, applications requiring either Design Review Board or administrative review shall comply with the Zoning Ordinance requirements and applicable design guidelines. Wherever this Ordinance imposes greater restrictions on properties in the MOR District, Lincoln-Busey Corridor Design Review Overlay District, or East Urbana Design Review Overlay District than in other zoning districts, the greater restrictions shall govern.

- J. *Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects in the MOR District.* For applications incorporating the adaptive re-use of existing structures in the MOR District, the Board may 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:
 1. Section VIII-3, Design and Specifications of Off-Street Parking;
 2. Section VIII-4, Location of Parking Facilities;
 3. 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;
 4. Section VIII-6, Off-Street Loading Regulations;
 5. Article VI, Development Regulations; and
 6. Urbana City Code Chapter 7, Fences.

K. *Review Procedures*

1. Once a complete application has been submitted for any project that requires review by the Board, the Secretary shall schedule a meeting of the Board to consider and act on the application request. The meeting shall be convened no later than 45 working days after the completed application has been received. Notification shall be given per Section XI-10.
2. At the Board meeting during which an application is to be considered, the Board will hold a public hearing. The Secretary shall provide notification of the public hearing per Section XI-10. After the public hearing, the Board will review the application a) according to the applicable criteria in this section; b) using the applicable adopted design guidelines; and c) considering testimony given at the public hearing, if any. The Board shall then vote on whether to approve the proposed application, according to the voting requirements as outlined in this section.
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 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 are punishable under the provisions of this Ordinance.
 - c) Continue the public hearing in a manner that complies with the Open Meetings Act and invite the applicant to resubmit. If the application does not conform to the requirements of this Ordinance or to the adopted design guidelines, the Board may invite the applicant to resubmit the application, giving recommendations to the applicant 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 deny 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 help the applicant bring the proposal into compliance with the design guidelines.
4. No more than five working days after 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.
5. If the application is denied, the applicant shall have the opportunity to submit a new application to the Secretary to address the Board's recommendations. The new application shall meet the requirements of this section and be processed as specified in this section.
6. Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.
7. When a proposed use is permitted in the MOR District, Lincoln-Busey Corridor Design Review District or East Urbana Design Review Overlay District as a conditional or special Use according

to Table V-1, application approval by the Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII. The 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 application.

8. 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.
9. The procedure for amending an application already approved by the Board or requesting changes to conditions attached to the approval of an application shall be the same-as a new application request.
10. Approval of an application pursuant to this section shall become null and void unless a building permit or Certificate of Occupancy is issued no more than one year after the date on which the Board approves the site plan. The Zoning Administrator may grant a one-year extension when a written request is submitted prior to the expiration of the one-year term.
11. The City may revoke any building permit or Certificate of Occupancy issued pursuant to an approved application for failure to comply with the conditions of approval.

L. *Application Review Criteria within the MOR District.* Applications for new construction not incorporating the adaptive re-use of existing structures within the MOR District must demonstrate conformance with the land use and development standards of this Ordinance. In addition, the Board shall review applications (including, elevations, and floor plans) according to the criteria listed below.

1. *Compatibility with Surrounding Neighborhood.* Proposals shall demonstrate consistency with the intent of the MOR District as stated in Section IV-2.I. The 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 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 disabled persons and that the location and design of disabled persons 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 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 this Ordinance. The 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 Board shall determine if the site details conform to 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 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 District as specified in this section.

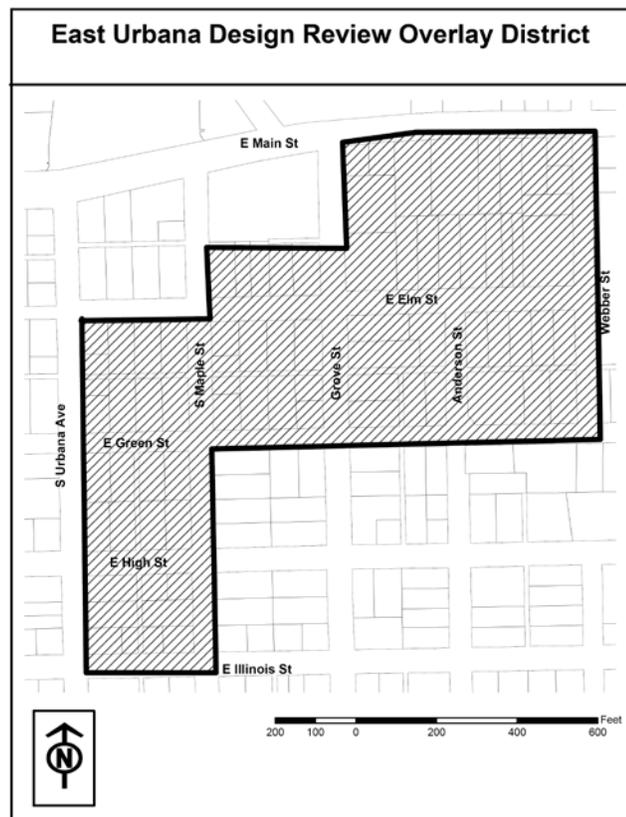
M. *Design Guidelines Review within the MOR District.*

1. In reviewing development proposals in the MOR District, the Board shall determine conformance with all of the guidelines contained in the adopted design guidelines for the MOR District, 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 this section and compatibility with the residential character of the district, the following design items shall be required:
 - a) 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;
 - b) Facades with street frontage shall contain window openings and not be blank;
 - c) Parking shall be located behind the principal structure and not in the façade zone.
2. The Plan Commission meeting at which it considers any proposed amendments to adopted design guidelines shall include a public hearing. The Plan Commission shall forward its recommendation on any proposed amendments to the City Council for final action. The City Council shall consider the proposed amendments and the recommendation of the Plan Commission. If the City Council's decision on the proposed amendments is favorable, it shall approve the amendments by ordinance.

N. *Design Review within Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District.*

1. Applications must demonstrate conformance with the land use and development standards of this Ordinance.
2. The Board shall review and consider applications according to the criteria listed in the design guidelines enacted by the City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the 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.
3. "Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.
4. The following design overlay districts in the City of Urbana 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.



- 5. The Plan Commission meeting at which it considers any new design guidelines or proposed amendments to adopted design guidelines shall include a public hearing. The Plan Commission shall forward its recommendation on any new design guidelines or proposed amendments to adopted design guidelines to the City Council for final action.
- O. *Compliance with Regulations.* Except in compliance with the provisions of this section, no person shall construct upon or alter the exterior of any real property subject to this section prior to obtaining a valid design review permit from the Zoning Administrator. Violations of this section are subject to penalties and fines as provided in Article XI.
- P. *Appeals.* Any person aggrieved by an order, requirement, decision, or condition of approval

made by the Design Review Board may file an appeal with the Zoning Board of Appeals in accordance with the procedures contained in Section XI-3D. Upon filing of an appeal, the Secretary shall submit a complete record of the Design Review Boards' minutes, findings, and decision to the Zoning Board of Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove an application.