



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: August 29, 2013

SUBJECT: Multipart Text Amendment to the Urbana Zoning Ordinance (Plan Case 2208-T-13)

Introduction

The Zoning Administrator is requesting approval of a multipart amendment to the Zoning Ordinance. The amendment includes such changes as updating definitions, reorganizing sections, revising allowed uses and parking requirements, and a variety of other minor changes. The changes are requested to assist the daily administration of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices. This set of changes is also proposed to correct typographical errors and inconsistencies that have been identified since the ordinance was last updated. On their own, many of these changes would not otherwise warrant a separate text amendment, and are therefore combined into an “omnibus” amendment. In addition to these text changes, staff is proposing to add graphic illustrations to Article VI to better communicate allowed encroachments into required yards.

Background

The latest series of omnibus Zoning Ordinance amendments were approved in 2011 and the Zoning Ordinance was last republished in April, 2012. Since then there have been three text amendments to the ordinance, which should be incorporated into a republished document. Republishing the Zoning Ordinance creates an opportunity for staff to make several needed minor updates in the form of an omnibus text amendment. Current professional practice and revisions to the City’s adopted plans and policies suggest additional revisions to the Ordinance. Some changes have been previously discussed, while others are in response to new development patterns, professional practices, City policies, or specific requests by policy makers. Many of the adopted amendments are directly related to Goals and Objectives or Implementation Strategies from the 2005 Urbana Comprehensive Plan. In addition, some minor typographical errors need to be corrected.

Future and pending amendments to the Zoning Ordinance in addition to those proposed as part of this case include changes to historic landmark nomination procedures as requested by City Council, development of new downtown design guidelines and creation of a University District distinct from the existing CRE – Conservation-Recreation-Education District.

Discussion

This memorandum discusses the more significant Zoning Ordinance changes, and summarizes all of the minor changes. The attached Zoning Ordinance Changes (see Exhibit A) outlines all of the proposed changes using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted~~ language, while an underline is used to indicate added language. Staff is suggesting a limited number of grammatical corrections and organizational changes. The Urbana Plan Commission held a public hearing to discuss the proposed changes on August 22, 2013. At that meeting Plan Commission made minor specific language recommendations, which staff has incorporated into the proposed amendment. Plan Commission voted four ayes to zero nays to forward the case to City Council with a recommendation to approve the proposed text amendment with the changes as noted.

Upon adoption of this multipart amendment, staff will republish the Zoning Ordinance, including three text amendments adopted over the past year. These adopted amendments will be summarized in the table which precedes the text of the Zoning Ordinance upon republishing. The following is a list of text amendments that have been adopted since the last Zoning Ordinance publication in 2012, followed by plan case number and adopting ordinance number:

- Creation of IN-1, Light Industrial/Office and IN-2, Heavy Industrial Districts (2167-T-12, 2012-05-049);
- Gun Sales and Shooting Range Regulations (2181-T-12, 2012-08-084); and
- Allow Pawn or Consignment Shop in B-3 District (2192-T-12, 2012-11-106).

The following summarizes the miscellaneous proposed changes organized by Zoning Ordinance article. Changes are listed in bullet points, followed by a brief explanation in italics.

Text Changes

Article I. General Provisions

- Add paragraph I-1.R.

Add that a policy to be implemented by the Zoning Ordinance is to provide procedures for appeals from zoning regulations in conformance with state law.

Article II. Definitions

- Add definitions for “Assisted Living Facility”, “Carport”, “Farmer’s Market”, and “Roadside Produce Sales Stand”.

The term “Assisted Living Facility” is replacing “Home for the Aged” in Table V-1, Table of Uses. “Assisted Living Facility” is a more modern and specific term. “Carport” is a term that was referenced in the ordinance but never defined. “Farmer’s Market” is a new principle use proposed to be added to Table V-1. Farmer’s Markets are a gathering of multiple farmers or artisans and involve sales of produce, other foods, and crafts. “Roadside Produce Sales Stand” was previously listed in Table V-1, but had not been defined. This use differs from “Farmer’s Market” in that it is operated by an individual farmer and only involves the sale of produce.

- Amend definitions for “Gross Floor Area” and “Open Space”.

The definitions for Gross Floor Area and Open Space are being amended to remove regulations from the definition section. Those regulations are being moved to Article VI.

- Revise Figure 2. Open Space Ratio.

This graphic is being revised for improved clarity and accuracy.

Article V. Use Regulations

- Amend V-2.D.7.c to allow sheds to be up to 120 square feet rather than 100 square feet.

This change will make the Zoning Ordinance standards consistent with the City’s adopted building code (International Building Code series).

- Amend V-9 to remove references to BOCA Building Codes.

The City has adopted the International Building Code series, which has superseded BOCA. This change eliminates a distinction between BOCA codes that the City no longer uses.

- Amend V-12 to add intent to Home Occupation regulations.

This change will clarify the intent of home occupations and what kinds of retail uses are allowed. The proposed change will explicitly prohibit uses similar to retail stores, which are allowed only in business districts. The proposed changes also clarify the limit of deliveries allowed to a home occupation per day.

Table V-1. Table of Uses

- Add use category for “All Other Retail Stores” to be permitted by right in the B-3, B-3U, B-4, B-4E districts, with a Conditional Use Permit in the R-6B, B-2, MOR, and IN-1 districts, and with a Special Use Permit in the B-1 district.

Because the current Table of Uses does not include an “All Other Retail Stores” category, those retail uses not specifically listed are not clearly allowed. Adding a catch-all category for retail uses would mean that the Table of Uses would not have to be amended each time a new retail type wants to open in Urbana. The Zoning Ordinance already contains a similar catch-all category for industrial uses.

- Require a Special Use Permit for establishment of “Hospital or Clinic” in the R-6, B-3, B-3U, B-4, B-4E, and IN-1 Districts.

Hospitals are currently allowed by right in these districts and the MIC District, and with a Special Use Permit in the R-5 District. This could potentially allow a high impact use, with high volumes of traffic (including ambulances) without any review in the City’s commercial and multi-family areas. Requiring a Special Use Permit will allow for review to ensure neighborhood impacts are mitigated. This change will not affect the existing MIC district.

- Allow “Church, Temple, or Mosque” by right in the B-3 district and with a Conditional Use Permit in the IN-1 district.

Currently “Church, Temple, or Mosque” requires a Special Use Permit in the B-3 district. Staff is proposing this change in order to recognize that religious institutions can fit well in a business district as such uses should not cause major impacts in the B-3 district and peak hours for churches, temples and mosques are typically not during the normal business workday. This change will also allow for continued use of an existing church building in the IN-1 district.

- Add use category for “Farmer’s Market” to be permitted by right in the B-3, B-4, B-4E districts, and with a Special Use Permit in the CRE district.

This proposed change recognizes the growing popularity of Farmers Markets which is proposed to be allowed by right in higher business zoning districts. It also allows for farmer’s markets in the CRE district, which includes parks, schools, and University properties.

- Add use category for “Movers” and “Truck Rental” to be permitted by right in the B-3, IN-1, and IN-2 districts.

This proposed change will allow for services such as movers and truck rentals to locate in the City without the need for the Zoning Administrator to make a special determination of where they are allowed. These businesses are found in the B-3, IN-1 and IN-2 districts currently. They are not compatible with districts of lower intensity due to frequent truck traffic.

- Allow “Dwelling, Single-Family (Extended Occupancy)” by right in the R-7 district.

The category “Single-Family Dwelling (Extended Group Occupancy)” addresses a legal distinction that State-approved foster family households might otherwise technically exceed the maximum number of unrelated individuals. Single-Family Dwellings are allowed by right in the R-7 Zoning District, and staff recommends that Extended Occupancy Dwellings should also be allowed by right.

- Replace the term “Home for the Aged” with “Assisted Living Facility”.

This proposed change will update the name of this use category to a more modern term. There are no proposed changes for the associated use permissions.

Article VI. Development Regulations

- Edit and expand Section VI-4. Edit VI-4.A for improved clarity.
- Add Section VI-4.D, Open Space.

Open Space regulations which are now imbedded in the Definitions Section will be moved to Article VI, and wording changes are proposed to clarify the language.

- Add illustrations to Section VI-5.B to show where structures are allowed to encroach into required yards.
- Modify language for clarity in Paragraph VI-5.B.3, 5 and 9.
- Move language from Paragraph VI-5.B.5 to Paragraph VI-5.B.15.

The primary change is that Paragraph 5 is being expanded to allow for reconstruction of existing porch stairs into a required yard, or expansion of those stairs when necessary to bring them into conformance with the building code. This change will eliminate the need for homeowners to seek a variance when replacing or repairing porches with stairs that are now legally non-conforming.

- Amend Table VI-3, footnote #3.

This amendment will correct footnote references to Section VI-5.F.3 and VI-5.G.1.

Article VIII. Parking and Access

- Amend Section VIII-3.F for improved clarity.

The proposed amendment would specify that trees planted must be shade trees. The amendment would also improve the wording of the section.

- Revise Section VIII-3.H to address trailers and recreational vehicles.

This clarification allows trailers to be stored as well as recreational vehicles, watercraft, and off-road vehicles. To aid in enforcement, staff is also proposing to amend paragraph VIII-3.H.4 to clarify that recreational vehicles may not be occupied for any purpose while stored at a residence.

- Add Paragraph VIII-5.L.

This paragraph is proposed to incorporate a new incentive related to the Legacy Tree program. The Legacy Tree program aims to preserve unique, notable and old trees. The incentive would allow for a reduction in parking requirements of up to 30 percent when required parking would impact the root zone of a Legacy Tree. The incentive would not apply to single-family and duplex residences which must still provide two off-street parking spaces per unit.

- Amend Table VIII-7, Parking Requirements by Use.

Minor changes to the titles of some uses, including Public Utility Plants, Building Material/Garden Sales Stores, Hospital or Clinic, Church or Temple, and Gasoline Station are proposed. Staff is also proposing to eliminate outdoor seating for restaurants from the calculation of “floor area” for the purposes of calculating minimum parking requirements. The reasoning for this is that outdoor seating is only used for a portion of the year, and even during times when outdoor seating is used, customers often simply shift from sitting indoors to outdoors and no additional parking demand is created. Changing this requirement will no longer discourage outdoor seating.

Staff is also proposing to specify a parking requirement for Senior High Schools. This requirement adds one parking space per every 50 classroom seats in the 11th and 12th grade.

Finally, staff is proposing to add a parking requirement for College or University Facility. The required amount of parking is to be determined by the individual uses for which the lot serves. This is consistent with current practices and with the City of Champaign regulations.

Article IX. Sign and OASS Regulations

- Amend Section IX-3.D to correct a typographical error.
- Amend Section IX-4.I.3 to clarify temporary sign allowances.

The proposed amendment would clarify that vertical feather banners (see illustration to right) are allowed with a temporary sign permit with limitations on the number and maximum number of days permitted per year.



- Add a missing footnote to title of Table IX-9, Freestanding Shopping Center Signs.

- Clarify that height limits in Table IX-10, Standards for Multifamily Residential Identification Signs, only apply to freestanding signs.

Article XI. Administration, Enforcement, Amendments and Fees

- Add Paragraph XI-1.B.12 to authorize the Zoning Administrator to issue Home Occupation Permits.
- Amend Paragraph XI-3.C.2.c to remove redundant variance criteria language.

This paragraph requires the Zoning Board of Appeals to initially make a finding that special circumstances or practical difficulties exist regarding a property prior to addressing the main criteria. The next six criteria address whether or not there are special circumstances or practical difficulties. The initial determination is made redundant by the next six criteria; therefore staff proposes to remove the requirement for the initial finding.

- Amend Paragraph XI-12.D, E and G regarding the MOR Development Review Board.

This board only meets as required and may hold meetings less often than once per year. Therefore the board should elect a chair as needed and should not be required to meet annually to elect a chair.

Article XII. Historic Preservation Ordinance

- Amend Paragraph XII-3.C to remove the one year term limit on Chair and Vice Chair.

Administration of this commission would be made easier if the Chair and Vice Chair are elected as needed, and not after a one-year term.

Article XIII. Special Development Provisions

- Amend Section XIII-3.C to correct numbering errors.
- Amend Section XIII-4 regarding the Boneyard Creek District.

The proposed amendment would update the Zoning Ordinance to reference the 2008 Boneyard Creek Plan. It would also allow for location of facilities based on future amendments to the Boneyard Creek Plan. The proposed amendment would also clarify procedures for Creekway permit applications.

Summary of Findings

1. The proposed amendment will assist the daily administration and enforcement of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices.
2. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
3. The proposed amendment will update the Zoning Ordinance to ensure that the regulatory environment more closely matches the goals and policies of the City, including recent text amendments to the Zoning Ordinance.
4. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Urbana City Council has the following options regarding Plan Case 2208-T-13:

- a. Approve the proposed text amendment as presented herein;
- b. Approve the proposed text amendment as modified by specific suggested changes; or
- c. Deny the proposed text amendment.

Recommendation

At their August 22, 2013 meeting, the Urbana Plan Commission voted four ayes to zero nays to forward the proposed text amendment to City Council with a recommendation for **APPROVAL**, including changes incorporated in this memo.

Attachments:

Exhibit A: Zoning Ordinance Proposed Changes

Exhibit B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Exhibit C: Draft Minutes from the August 22, 2013 Plan Commission Public Hearing

ORDINANCE NO. 2013-09-078

An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois
(Multipart Zoning Ordinance Text Amendment - Plan Case No. 2208-T-13)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Urbana Zoning Ordinance has periodically been recodified and republished by the City of Urbana to incorporate the numerous amendments that have been made since Ordinance #9293-124 was adopted on June 21, 1993; and,

WHEREAS, the Urbana Zoning Administrator proposes to enact an omnibus Zoning Ordinance amendment as part of the process of editing the Ordinance to recodify and republish it; and,

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

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2208-T-13; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on August 22, 2013; and,

WHEREAS, the Urbana Plan Commission voted four ayes to zero nays on August 22, 2013 to forward Plan Case #2208-T-13 to the Urbana City Council with a recommendation for approval of the proposed amendment; and,

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Paragraph I-1.R is hereby added as follows:

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 2. Section II-3, Definitions, is hereby amended to include the following terms and their definitions:

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.

Building Area: See "Floor Area, Gross."

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

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:

1. A household as defined herein; and
2. 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.

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.

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.

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.

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.

Section 3. Article II, Figure 2 is hereby amended as shown in Attachment A.

Section 4. Paragraph V-2.D.7.C is hereby amended as follows:

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

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

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 6. Paragraph V-12.A is hereby amended as follows:

The intent of this section is to allow for and regulate Home Occupations in such a manner as to prevent such uses from detracting from the residential character of the neighborhood in which they occur. Home

Occupations shall be limited to accessory uses that take place entirely within a principal dwelling (or garage for vehicle repair). Home Occupations may accept customers/clients by appointment only, and are limited in the number of deliveries that may occur. No retail sales or stock in trade, other than sales incidental to a professional or service use shall be allowed. Limited mail-order and internet sales shipped to customers may be allowed.

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 immediate family 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 or deliveries may occur 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.

Section 7. Table V-1, Table of Uses, is hereby amended to change the uses listed in the following table as follows:

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
All Other Retail Stores							C			S	C	P	P	P	P			C	C	
Farmer's Market												P		P	P		S			
Church, Temple, or Mosque	S	S	S	P	P	P	P	S	S	P	P	P	P	P	P		S	P	C	
Hospital or Clinic					S	S						S	S	S	S				S	
Movers												P							P	P
Automobile/Truck Repair												P		C					P	P
Truck Rental												P							P	P
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P	P	P	C	P		P					P		
Assisted Living Facility				C	P	P	P				P	C	P	C	C			P		

Section 8. Section VI-4 is hereby amended as follows:

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.

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.

- g) 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 9. Paragraph VI-5.B is hereby amended to include the illustrations in Attachment B and to read as follows:

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, ~~or~~ 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.

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.

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.

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.

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.

10. Flagpoles, decorative lights, lattices, bird baths, bird houses, 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.

Section 10. Footnote 3 of Table VI-3 is hereby amended as follows:

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 S 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.

Section 11. Paragraphs VIII-3.F.1 and VIII-3.F.2 are hereby amended as follows:

1. One shade 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.

Section 12. Paragraph VIII-4.H is hereby amended as follows:

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;
 - (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.

Section 13. Paragraph VIII-5.L is hereby added as follows:

- L. 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 14. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
Public Utility Plants or Storage Building (not including offices)	None
Building Material, Hardware and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, excluding outdoor seating areas
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)
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)
Public or Private Parochial Elementary or 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 11 th and 12 th grade, whichever is greater
Gasoline Station/Convenience Store	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
College or University Facility	Based on the individual uses housed within the subject building.

Section 15. Paragraph IX-3.D is hereby amended as follows:

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)

Section 16. Paragraph IX-4.I.3 is hereby amended as follows:

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.

Section 17. Table IX-9, Freestanding Shopping Center Signs is hereby amended to add a reference to footnote 4 in the title.

Section 18. Table IX-10, Standards for Property Sale and Rental Signs is hereby amended so that the cell under the fourth column, "Maximum Height of Freestanding Sign" reads "5 feet for freestanding signs ".

Section 19. Paragraph XI-1.B.12 is hereby added as follows:

12. Issue all home occupation permits where authorized by this ordinance, and keep permanent and accurate records thereof;

Section 20. Paragraph XI-3.C.2.c.3 is hereby amended as follows:

In determining whether or not a variance should be granted, the body considering the variance shall consider the following criteria:

- (a) The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district;
- (b) The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner;
- (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.

Section 21. Paragraph XI-12.D.1 is hereby amended as follows:

1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board.

Section 22. Paragraph XI-12.E.1 is hereby amended as follows:

1. Meetings of the MOR Development Review Board shall be called as needed.

Section 23. Section XI-12.G is hereby amended as follows:

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.

Section 24. The first Paragraph of Section XII-3.C is hereby amended as follows:

Officers. There shall be a Chair and a Vice-Chair elected by the Preservation Commission.

Section 25. Paragraph XIII-3.C is hereby amended as follows:

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.

Section 26. Paragraph XIII-4.C.1 is hereby amended as follows:

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.

Section 27. Paragraph XIII-4.E.3 is hereby amended as follows:

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 line and the Boneyard Creek corridor limit line.

Section 28. Paragraph XIII-4.E.4 is hereby amended as follows:

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.

Section 29. Paragraph XIII-4.G.2 is hereby amended as follows:

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.

Section 30. Paragraph XIII-4.H is hereby amended as follows:

- H. When the Zoning Administrator approves a permit, a notice of intent to grant a Creekway permit and

a copy of the permit application shall be transmitted to the Plan Commission prior to their next regular meeting. If no objection is received from the Plan Commission, or any aggrieved party or public official within ten days from its date of transmittal, the Zoning Administrator shall grant such permit. During such ten-day period, any aggrieved party or any public official or entity may appeal the Administrator's proposed grant of the Creekway permit to the City Council.

Section 31. The first paragraph of Section XIII-4.J is hereby amended as follows:

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:

Section 32. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2013.

PASSED by the City Council this _____ day of _____, 2013.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2013.

Laurel Lunt Prussing, Mayor

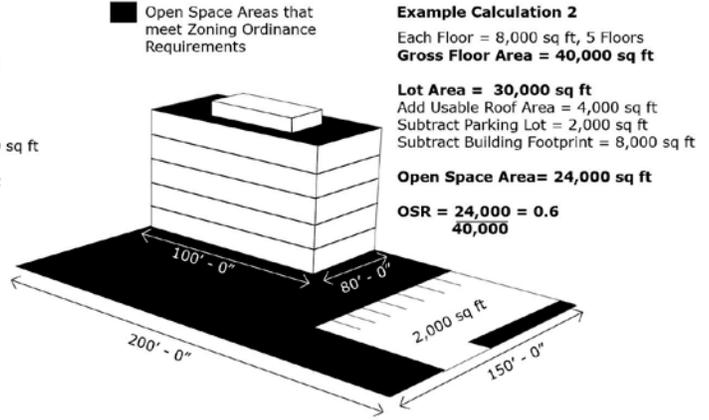
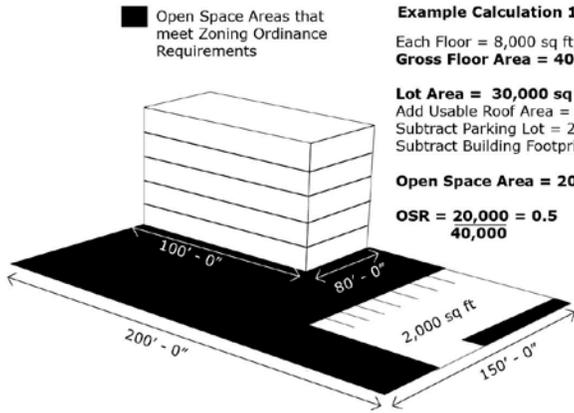
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2013, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2208-T-13)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2013, 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 _____ day of _____, 2013.

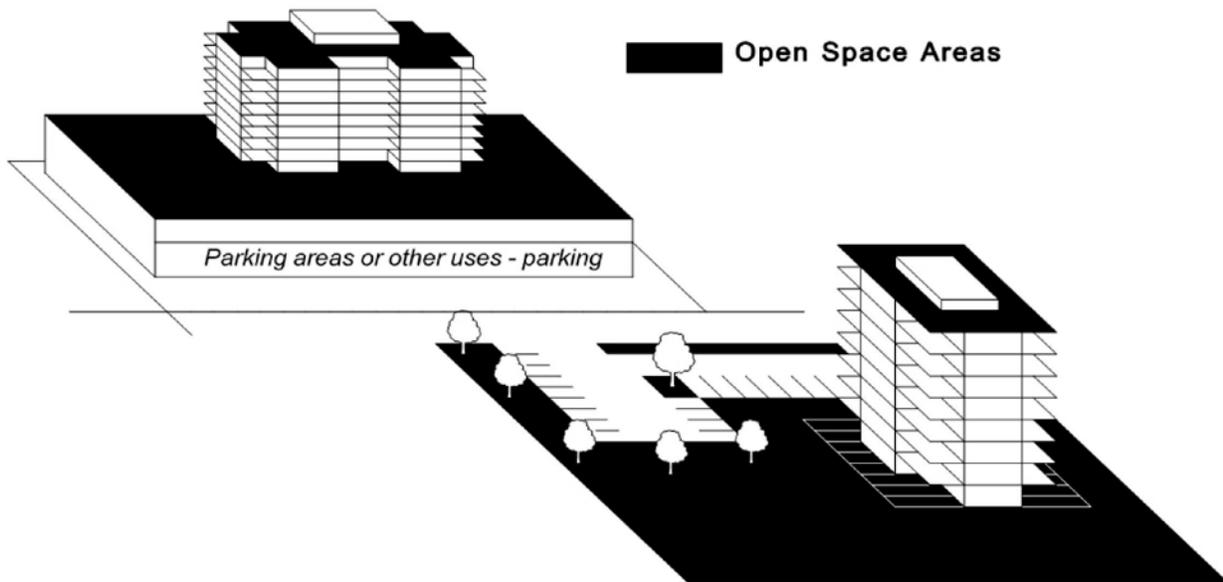
Attachment A Open Space Ratio

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



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

Open Space



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

Attachment B

Exhibit A: Proposed Zoning Ordinance Changes

Section I-1

I-1.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 II-3

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.

Building Area: See “Floor Area, Building Gross.”

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

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:

1. A household as defined herein; and
2. 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.

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.

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.

~~Gross Floor Area includes public egress/ingress balconies, stairs, and stairwells.~~

~~Gross Floor Area excludes:~~

- ~~1. Areas used for parking facilities within the principal building.~~
- ~~2. Areas used as private balconies.~~
- ~~3. Areas used for basements in single-family dwellings.~~
- ~~4. Areas used for and solely dedicated to the housing of mechanical systems.~~
- ~~5. Areas used as unfinished attics.~~

- ~~6. Areas used for detached accessory structures to single and two family dwellings and which are used for storage or parking. Said accessory structure must conform to Section V-2.D.7.~~

Open Space: The portion of ground level area of a lot which is unobstructed from the ground level upwards and which meets the following criteria listed in Section VI-4.D., except as provided in point 5 below:

- ~~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:

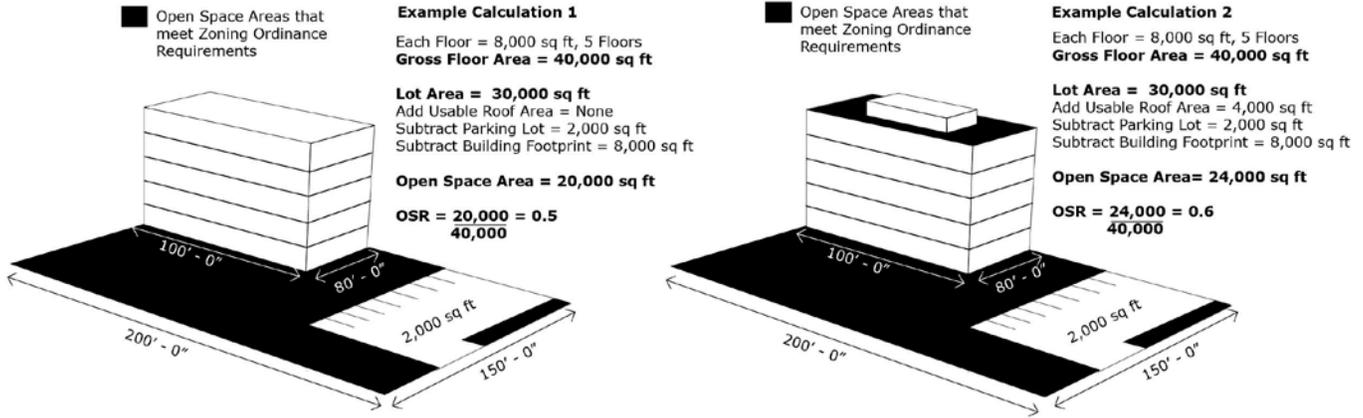
- ~~1. Roof areas free of all obstructions and available for safe and convenient use for leisure and recreation, and with minimum dimensions of 15 feet by 15 feet;~~
- ~~2. Private balconies having a minimum dimension of four feet, six inches by four feet, six inches if there is a minimum clearance of 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.~~

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.

Figure 2. Open Space Ratio

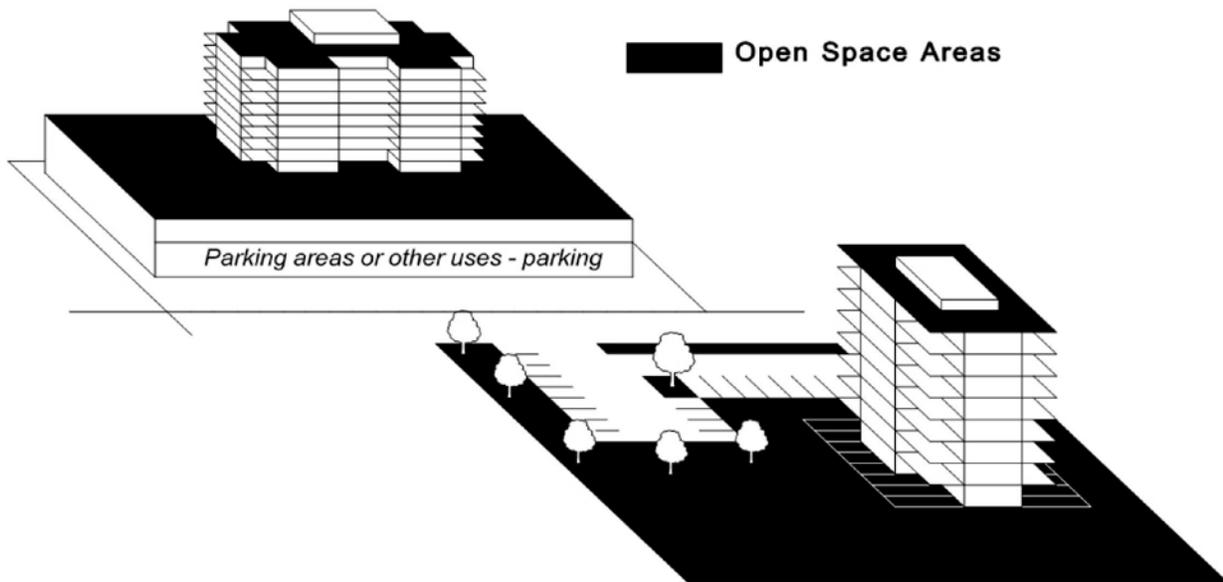
Open Space Ratio

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



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

Open Space



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

Section V-2.D.7.c

c) The gross floor area of a shed, as defined herein, shall not exceed 400 120 square feet.

Section V-9

B. General Provisions

~~1. The provisions of the BOCA National Building Code, as adopted by the City of Urbana, shall apply to common-lot-line dwelling units rather than the provisions of the BOCA National Existing Structures Code, even if a structure exists at the time the subdivision is recorded.~~

~~2.~~

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.

~~3.~~

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-12. Regulation of Home Occupation.

The intent of this section is to allow for and regulate Home Occupations in such a manner as to prevent such uses from detracting from the residential character of the neighborhood in which they occur. Home Occupations shall be limited to accessory uses that take place entirely within a principal dwelling (or garage for vehicle repair). Home Occupations may accept customers/clients by appointment only, and are limited in the number of deliveries that may occur. No retail sales or stock in trade, other than sales incidental to a professional or service use shall be allowed. Limited mail-order and internet sales shipped to customers may be allowed.

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 immediate family 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 or deliveries may occur 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.

Table V-1

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
<u>All Other Retail Stores</u>							C			S	C	P	P	P	P			C	C	
<u>Farmer's Market</u>												P		P	P		S			
Church, Temple, or Mosque	S	S	S	P	P	P	P	S	S	P	P	S	P	P	P		S	P	C	
Hospital or Clinic					S	P						P	P	P	P				P	
<u>Movers</u>												P							P	P
Automobile/Truck Repair												P		C					P	P
<u>Truck Rental</u>												P							P	P
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P	P	P	C	P		P					P		
<u>Home for the Aged Assisted Living Facility</u>				C	P	P	P				P	C	P	C	C			P		

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.

1. Gross Floor Area includes stairs, stairwells and public egress/ingress balconies, stairs, and stairwells.

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.

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.B

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, or 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.

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.

~~3. Uncovered stairways and necessary landings, to a distance of not more than four feet, six inches, provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet in height, when the main structure was built prior to November 6, 1950. This encroachment or projection shall not be permitted on new construction.~~

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. Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, to an encroachment of five feet into a minimum required yard outlined in Table VI-3, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by the Building Code, shall not be construed as a violation of this requirement. In addition, ramps or other structures for handicapped accessibility may encroach into required yards.~~

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.

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.

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.

10. Flagpoles, decorative lights, lattices, bird baths, bird houses, 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.

Table VI-3 Footnote 3

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.~~GE~~.3 and S VI-5.~~HG~~.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.

Section VIII-3 F

1. One shade tree, as listed in Table VIII-5, shall be provided 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 ~~from~~ of the ends of adjoining parking rows.

Section VIII-4

H. In residential zoning districts the following shall regulate the parking of commercial vehicles, recreational vehicles, watercraft, trailers, and off-road vehicles: ...

3. For any single or two-family residential use, the parking surface of accessory off-street parking for ~~passenger~~, recreational vehicles, watercraft and off-road vehicles or trailers 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. 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 ~~used for living, sleeping, or housekeeping purposes~~ while stored.

Section VIII-5.

L. 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.

Table VIII-7. Parking Requirements by Use

Use	Number of Spaces Required
Public Utility Plants <u>or Storage Building</u> (not including offices)	None
Building Material, <u>Hardware</u> and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, including <u>excluding</u> outdoor seating areas
Hospital or Clinic	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)
Church, Temple <u>or Mosque</u>	1 for every 5 seats in the principal assembly area, <u>or 25% of the capacity in persons of an open assembly area (per VIII-5.H)</u>
Public or Private Parochial Elementary <u>or</u> Junior High School, or Senior High School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats <u>plus 1 for every 50 classroom seats in the 11th and 12th grade, whichever is greater</u>
Gasoline Station/ <u>Convenience Store</u>	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
<u>College or University Facility</u>	<u>Based on the individual uses housed within the subject building.</u>

Section IX-3

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. 84585-73, § 2, 4-15-85)

Section IX-4.1.3

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four separate 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. ~~The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.~~

- a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, ~~and~~ 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.

Table IX-9 (Title)

TABLE IX-9 FREESTANDING SHOPPING CENTER SIGNS⁴

TABLE IX-10

Maximum Height of Sign
5 feet <u>for freestanding signs</u>

Section XI-1.B.12

12. Issue all home occupation permits where authorized by this ordinance, and keep permanent and accurate records thereof;

Section XI-3.C.2.c

In determining whether or not a variance should be granted, the body considering the variance shall: ~~first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties, with reference to the parcel concerned, in carrying out the strict application of the ordinance; and consider the following additional guiding factors~~ criteria:

Section XI-12

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board, ~~who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.~~

E. *Meetings.*

1. ~~Meetings of~~ The MOR Development Review Board shall hold at least one meeting per year. ~~Meetings shall~~ be called as needed.

G. *Application and Site Development Plan Submittal Requirements*

1. A request for site 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 ~~Site~~ Development Plans must contain the following information: ...

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

Article XII

XII-3.C *Officers.* There shall be a Chair and a Vice-Chair elected by the Preservation Commission, ~~each of whom shall serve a term of one year and shall be eligible for re-election. Elections shall be held annually.~~

Article XIII

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.

Section XIII-4. Special Procedures in 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.

E.

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 engineering drawings that are hereto attached and incorporated herein. 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 line and the Boneyard Creek corridor limit line.

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.

G.

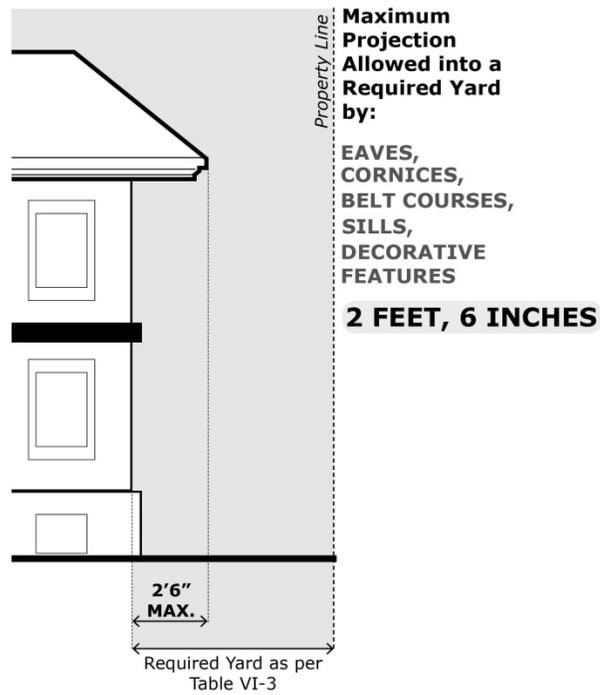
2. *Application Requirements.* After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the reasons 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.

H. When the Zoning Administrator approves a permit, a notice of intent to grant a Creekway permit and a copy of the ~~proposed permit application~~ application shall be transmitted to the Plan Commission ~~and the Boneyard Creek Commissioner~~ prior to their next regular meeting. If no objection is received from ~~either~~ the Plan Commission, or ~~the Boneyard Creek Commissioner~~ any aggrieved party or public official within ten days from its date of transmittal, the Zoning Administrator shall grant such permit. During such ten-day period, any aggrieved party or any public official or entity may appeal the Administrator's proposed grant of the Creekway permit to the City Council.

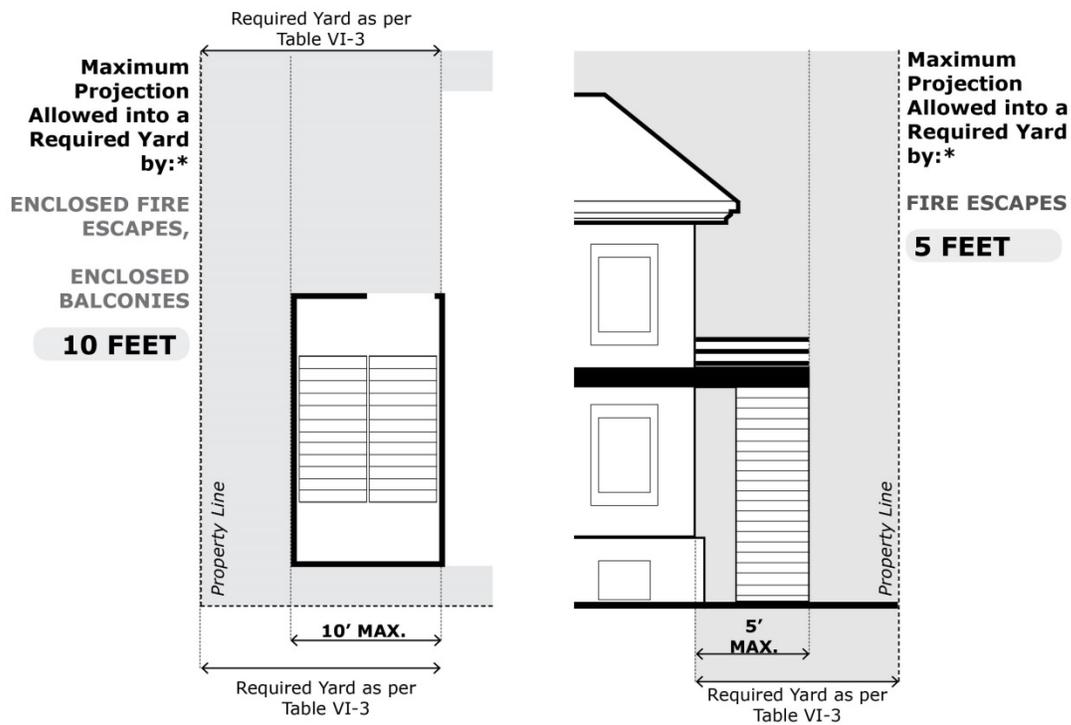
J. *Plan Commission Determinations.* The Plan Commission shall determine whether the reasons set forth in the application justify the granting of the Creekway permit based upon the criteria specified in Section XIII-4.C. Notice of hearing for Plan Commission determinations shall be given in the manner required by Section XIII-M of the Urbana Zoning Ordinance. The Plan Commission shall have the following options: ...

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.1



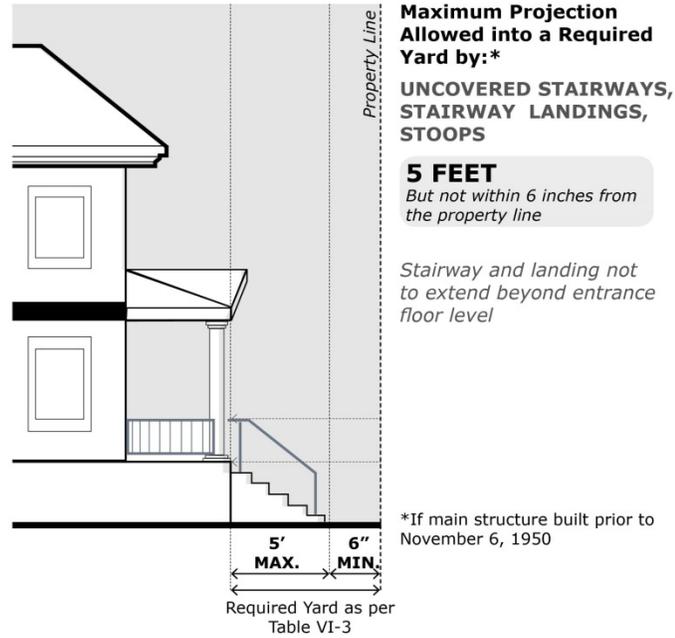
Section VI-5 Yards B.2



*If main structure built prior to November 6, 1950

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.3



Section VI-5 Yards B.4

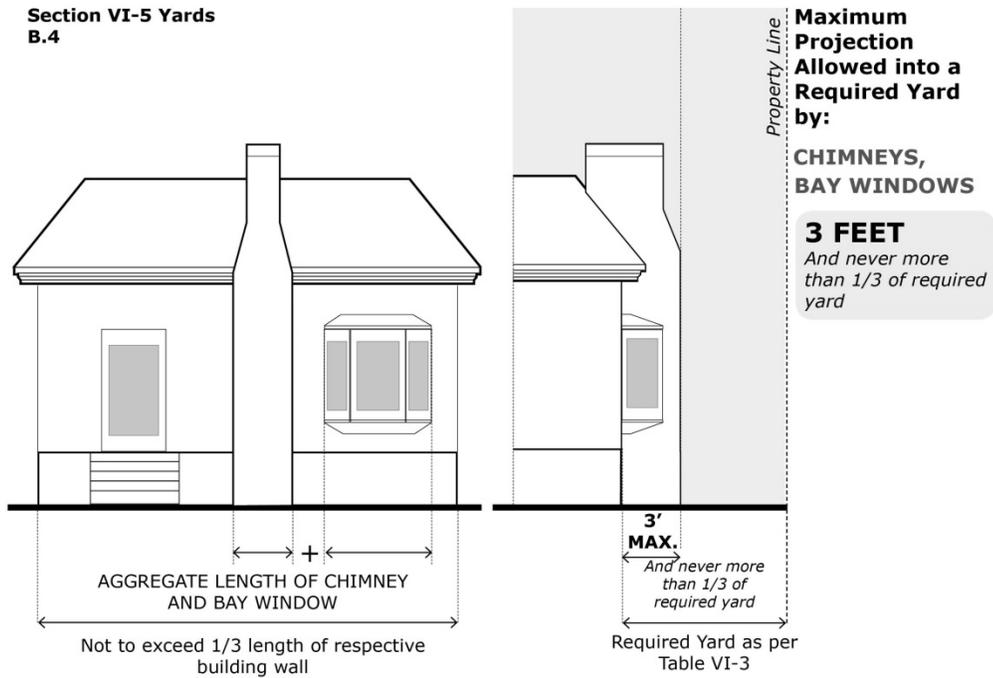
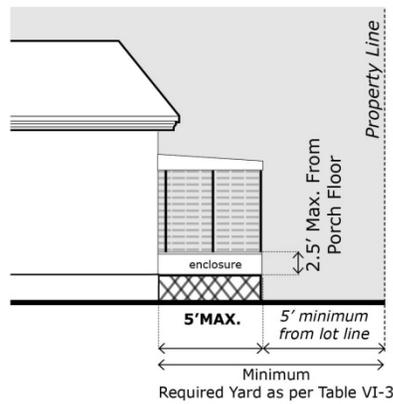


EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B. 5



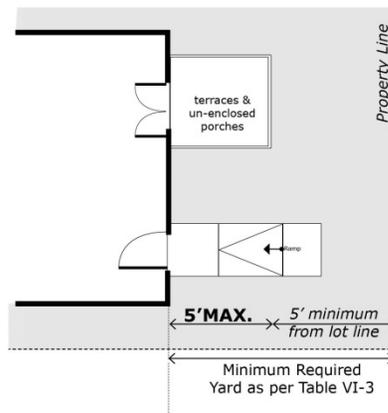
Maximum Projection Allowed into a Required Yard by:

Terraces & Open Un-enclosed Porches

which may have roofs and mesh screening but which are not glassed in or enclosed above 2.5 feet from porch floor

5 FEET

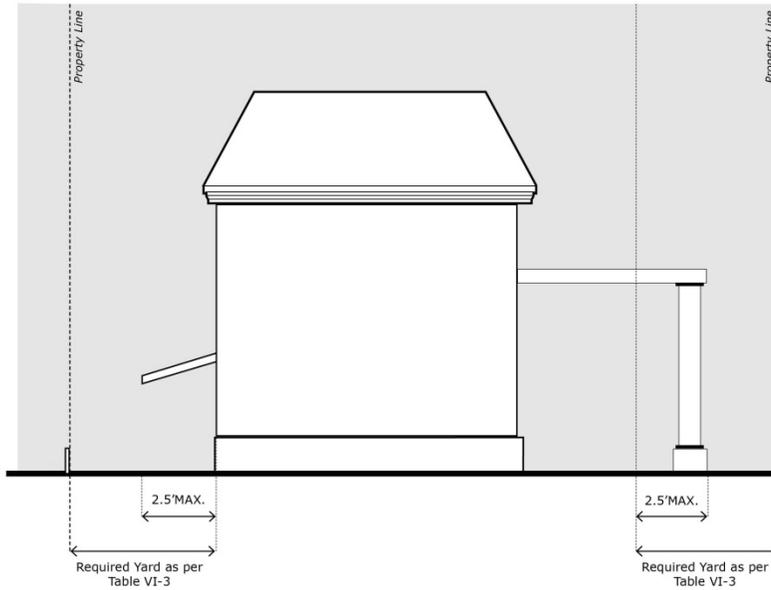
Regardless of average setback, but not within 5 feet of lot line



Exception:

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

Section VI-5 Yards B. 6



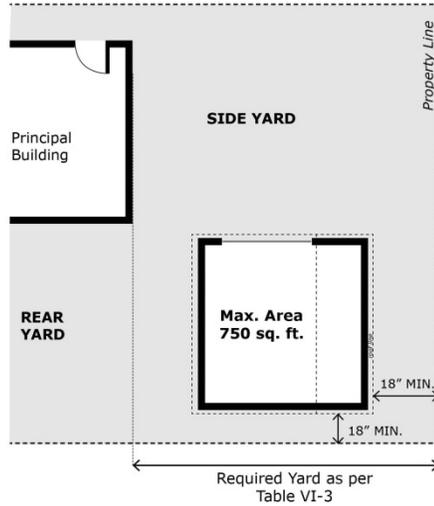
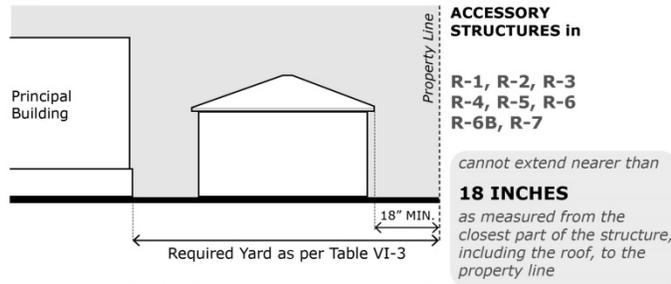
Maximum Projection Allowed into a Required Yard by:

PORT-COCHERES, CANOPIES

2.5 FEET

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9



Section VI-5 Yards B.9 a)

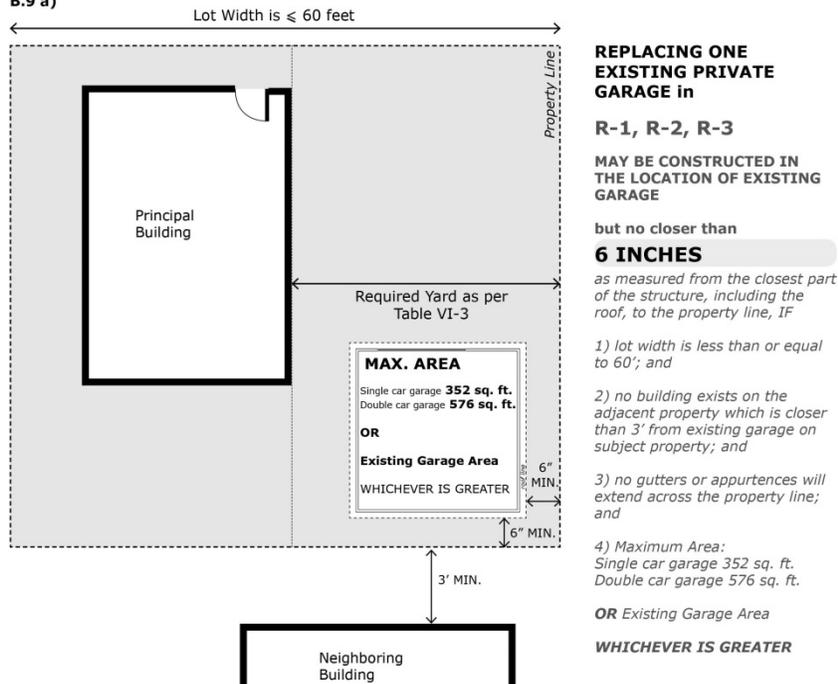
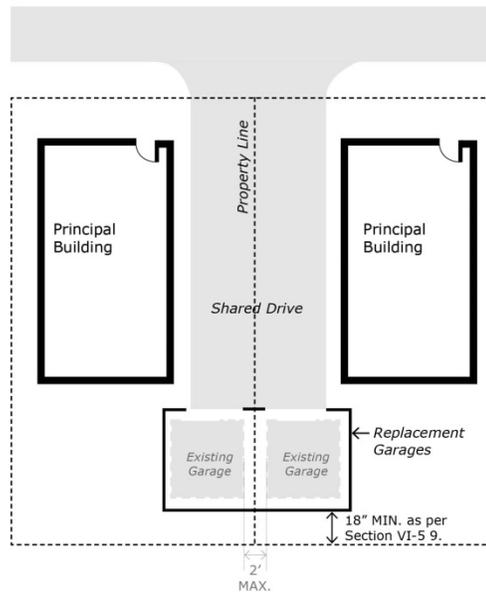


EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9 b)



**REPLACING
AN EXISTING SHARED
PRIVATE GARAGE**

**OR
TWO EXISTING PRIVATE
GARAGES ON ADJACENT
LOTS SEPARATED BY A
DISTANCE OF 2 FEET OR
LESS in**

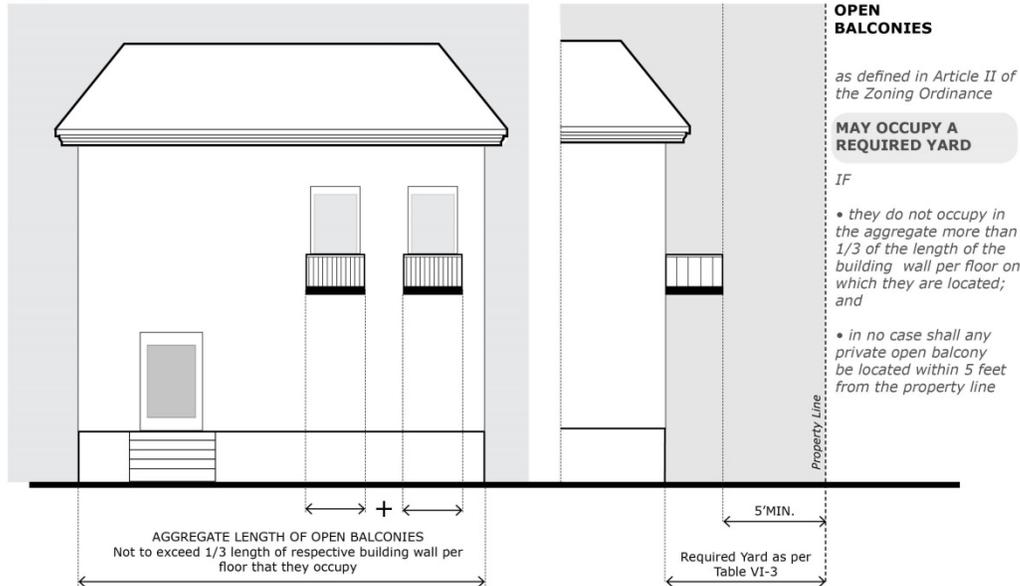
R-1, R-2, R-3

**MAY BE CONSTRUCTED AS
COMMON-LOT-LINE GARAGES**

IF

- 1) the subject lots share a common driveway and access drive; and
- 2) the owner of subject properties execute and record a required maintenance agreement; and
- 3) replacement garages meet all applicable building codes

Section VI-5 Yards B.11



MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 22, 2013

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBER PRESENT: Tyler Fitch, Lew Hopkins, Dannie Otto, Bernadine Stake

MEMBERS EXCUSED: Carey Hawkins-Ash, Andrew Fell, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Carol McKusick

COMMUNICATIONS

Regarding Plan Case No. 2208-T-13

- Revision to the Proposed Text Amendment
- Email from Carol McKusick

NEW PUBLIC HEARINGS

Plan Case No. 2208-T-13 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article I (General Provisions), Article II (Definitions), Article V (Use Regulations), Article VI (Development Regulations), Article VIII (Parking and Access), Article IX (Signs), Article XI (Administration), Article XII (Historic Preservation) and Article XIII (Special Development Provisions).

Chair Fitch opened the public hearing for this case.

Jeff Engstrom, Planner II, distributed two communications concerning this case. One communication from City staff requesting that the Plan Commission consider as part of this text amendment an additional amendment to the Table of Uses to change “hospital or clinic” uses in the R-6 (High Density Multiple-Family Residential), B-3 (General Business), B-3U (General Business – University), B-4 (Central Business), B-4E (Central Business – Expanded) and IN-1 (Light Industrial/Office) Zoning Districts from “P” (permitted by right) to “S” (Special Use

Permit). The second communication was an email submitted to City staff by Carol McKusick concerning the frequency and method of republishing the Urbana Zoning Ordinance.

Mr. Engstrom summarized the proposed changes in Plan Case No. 2208-T-13. He briefly discussed the background of the Urbana Zoning Ordinance by stating that the proposed case is the first multipart text amendment since 2011. City staff republished the Zoning Ordinance in 2012 incorporating any text amendments that had been approved during that year. Since the republishing of the Urbana Zoning Ordinance there have three additional text amendments that were approved, which were the creation of the IN-1 and the IN-2 Zoning Districts, the gun sales and shooting range regulations and the pawn or consignment shop regulations. These will be incorporated into an upcoming republishing of the Urbana Zoning Ordinance along with and upon approval of the proposed multipart text amendment. Next, he reviewed the major changes being proposed in the multipart text amendment, which were as follows:

Article II. Definitions

1. Add definition for “Assisted Living Facility”, which will be used in place of the term “Home for the Aged”.
2. Add definition for “Farmer’s Market”.
3. Amend definitions for “Gross Floor Area” and “Open Space”.
4. Revise Figure 2. Open Space Ratio.

Article V. Use Regulations

1. Amend V-12 to add intent to Home Occupation regulations.
2. Amend Table V-1. Table of Uses by adding a use category for “All Other Retail Uses”.
3. Amend Table V-1. Table of Uses by allowing “Church, Temple, or Mosque” by right in the B-3 district and with a Conditional Use Permit in the IN-1 district.
4. Amend Table V-1. Table of Uses by adding use categories for “Movers” and “Truck Rental” to be permitted by right in the B-3, IN-1, and IN-2 districts.
5. Amend Table V-1. Table of Uses by allowing “Hospital or Clinic” with a Special use Permit in the R-6, B-3, B-3U, B-4, B-4E and IN-1 districts.
6. Amend Table V-1. Table of Uses by replacing the term “Home for the Aged” with “Assisted Living Facility”.

Article VI. Development Regulations

1. Modify language in Section VI-4. Floor Area and Open Space to clarify that areas for home maintenance are not part of the “Gross Floor Area” in a single or two family use.
2. Add D. Open Space in Section VI-4. Floor Area and Open Space and move language from the definition for “Open Space” to this new section. It is bad practice to have regulations mentioned in the definitions section.
3. Amend Section VI-5.B to include the graphics illustrated in Exhibit B of the written staff memo.
4. Amend Section VI-5.B by adding language regarding the replacement of porches, terraces and decks.

Article VIII. Parking and Access

1. Add Paragraph VIII-5.L to allow for off-street parking reductions to accommodate designated legacy trees.
2. Amend Table VIII-7. Parking Requirements by Use

Article XI. Administration, Enforcement, Amendments and Fees and

Article XII. Historic Preservation Ordinance

1. Amend Paragraph XI-12.D, E and G and Paragraph XII-3.C to remove the one year term limit on Chair and Vice Chair positions.

Article XIII. Special Development Provisions

1. Amend Section XIII-4 to reference the current Boneyard Creek Plan.

Mr. Engstrom read the options of the Plan Commission and presented City staff's recommendation.

Mr. Fitch asked how many current businesses would be affected by the proposed change to Article V-12, Home Occupations, and which may have been approved for retail sales out of their home. Mr. Engstrom replied that it would not affect many businesses. Robert Myers, Planning Manager, added that he had reviewed the home occupation permits, and some years ago, two home occupation businesses with limited retail sales were permitted, but he does not know if they are still in business. One was a rare book dealer, and the second was an antique furniture dealer. Both were limited in that the clients called in advance to come to the dealers' homes. Some service home businesses like a beauty shop or barber shop may have incidental retail sales like shampoo and similar products, but they are selling to customers already in their homes.

Mr. Fitch recalled a home occupation permit that involved the selling of guns out of a person's home. How would this business be affected? Mr. Myers replied that the gun sale business had a limited clientele and did most of their business over the internet. A client would come to the home would be to sign paperwork and to pick up a purchased weapon after being approved by the State. He personally inspected that home business. He explained the term "stock and trade".

Mr. Hopkins asked if we currently have a definition for "retail use", and if not, he suggested that City staff add a definition. Mr. Engstrom said no, but that he could add a definition for this before taking this case to the Urbana City Council.

Mr. Fitch stated that there were two paragraphs in Section VI.5.B allowing stairs and porch stairs to encroach in different distances within minimum required yards. Paragraph 5 on Page 7 of the written staff report says that porches, terraces and decks may encroach up to five feet into a minimum required yard but not within five feet of a property line. The next paragraph on Page 8 says that porches may be constructed in the location of the existing porch/and or porch stairs but no closer than six inches from any property line. Mr. Engstrom replied that the second paragraph only applies to replacing or upgrading existing porches. He could revise the language to make it clearer.

Mr. Fitch asked for clarification on Section VIII-4.H.4. Does this paragraph mean that if relatives drive a motor home to come visit that they could not sleep in the motor home while visiting? Mr. Engstrom responded that is basically correct.

Ms. Stake questioned why the reduction in parking to accommodate legacy trees would not apply to single-family and duplex residences. Mr. Engstrom stated that the parking requirements for single-family and duplex uses are very low. In addition, they already have driveways and garages for the most part.

Mr. Fitch asked if there is a definition for “Shade Tree”. Mr. Engstrom replied no, but there is a list of approved shade trees. Mr. Hopkins stated that they need to cross reference the list in Section VIII-3.F.

With regards to Section XI-12, Mr. Hopkins suggested changing “site” to “development” in G (title), G1 and G3 as well as G.2. Mr. Engstrom added the change to his list.

With regards to Section XIII-4, Special Procedures in the Boneyard Creek District, Ms. Stake asked what kind of applications would the City receive regarding the Boneyard Creek District. Mr. Engstrom replied that development or redevelopment of any parcel adjacent to or within a certain distance from the Boneyard Creek requires a Creekway permit. The proposed change to the Zoning Ordinance would require that a notice of intent to grant a Creekway permit and a copy of the permit application shall be sent to the Plan Commission prior to their next scheduled meeting. Any aggrieved party or public official may appeal the decision of the Zoning Administrator to grant a Creekway permit to the City Council.

Mr. Otto asked why eaves and cornices are only allowed a two foot, six inch maximum when stairways, balconies and fire escapes are allowed up to five feet. Some eaves have a substantial overhang, especially Prairie Style homes. Mr. Engstrom responded that two feet, six inches is a common encroachment for an eave or cornice. Balconies are a little wider. The proposed standards are intended to apply to new construction. If something has a home in a historic area, there are variance procedures to aid in replacing an eave or cornice. Mr. Hopkins added that you can have 4 foot eaves, but that two feet, six inches could extend into the required side-yard setback. In a five –foot required side-yard setback, if an eave extends two feet, six inches, then it only leaves two feet six inches for a ladder. Mr. Myers added that he believes that allowing stairs to extend further into the minimum side yards is to recognize older fire escapes on the sides of houses.

With no further questions for City staff, Mr. Fitch asked if anyone in the audience wished to address the Plan Commission on this case.

Carol McKusick, 1907 North Cunningham Avenue, addressed the Plan Commission. She talked about republishing of the Urbana Zoning Ordinance and when ordinances approving text amendments become effective. She recited a cause in a recent Zoning Ordinance amendment that *“The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).”* From this she understands it to mean that the Zoning Ordinance would need to be republished in order for the approved ordinance mentioned above to become effective.

Mr. Fitch replied that an ordinance is in effect as soon as it is approved by City Council unless otherwise directed in the ordinance. It does not have to be incorporated into the Zoning Ordinance for it to become effective. The state and Federal governments publish their laws of each session as separate documents, which are in full force immediately after they are passed or whatever effective date that is set. Then every two years, they will weave them into the compiled Illinois Statutes or other corpus of laws and regulations.

Ms. McKusick suggested that publication decisions should be made for sustainability, cost, the authority of the documents and accessibility of them. However, she suggested that City staff update the online version of the Zoning Ordinance upon the approval and effective date of each text amendment and to provide paper copies available to the Urbana Free Library for the public to view.

Mr. Otto stated that the publication of the Zoning Ordinance is an issue for the City Council to review and decide.

Mr. Fitch suggested that Ms. McKusick bring her idea to the City Council.

Ms. McKusick stated that the written staff memo refers to a change to the home occupation permit section in the ordinance in Section V-12; however, Section V-12 refers to the additional requirements in the OP District. Section V-13 is about Regulations of Home Occupations. She talked about the email that she submitted to City staff as a communication to the Plan Commission. She referred to Article VI.17 of the Plan Commission Bylaws, which states as follows: *“The petitioners and opponents should present all evidence they possess concerning the request at the initial phase of the public hearing. Written material from the petitioner or opponents will be accepted by the Secretary for distribution to the Commission until the close of the public hearing.”* She understood this to mean that she would present her email to the Plan Commission during the public hearing rather than the Planning Secretary handing out copies prior to the start of the meeting as was done with her email. She did not feel that City staff had followed the bylaws. Mr. Fitch responded that he did not agree because the email was received by the Plan Commission at the initial phase of the public hearing as soon as the Plan Commission members arrived. It was made known to the Plan Commission members that they had the communication by City staff. City staff then presented a summary of the case and immediately following Ms. McKusick was allowed to give her testimony. Therefore, he believes that the Plan Commission and City staff did follow the bylaws.

With no one else in the audience, Chair Fitch asked if staff had any further comments.

Mr. Myers stated that it is required by state law for the City to publish an ordinance in “pamphlet form” if there is any kind of fine or penalty attached to it. As a result, the City Clerk’s office prints out an ordinance once it is approved by the City Council, has the ordinance signed and provides a copy in their lobby for anyone to view for the specified period of days. On the other hand, City staff typically republishes the Urbana Zoning Ordinance once a year. One reason is because reprinting it after every text amendment would create multiple versions each year for public distribution which would be confusing for those who use it frequently, like architects and engineers. The same applies to the Official Zoning Map. Rather than creating a new zoning map every time a rezoning request is approved, City staff folds all of the changes to the map in one annual reprinting. Each year, an official zoning map is created which reflects all the changes which occurred in the past year.

Chair Fitch closed the public hearing and asked for any Plan Commission comments or motions.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2208-T-13 to the Urbana City Council with a recommendation for approval based on the editorial changes that were

discussed during this meeting. Mr. Otto seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Ms. Stake	-	Yes	Mr. Fitch	-	Yes

The motion passed by unanimous vote.

Mr. Myers stated that this case would be forwarded to City Council on Tuesday, September 3, 2013.