



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, City Planner, Director

**DATE:** March 10, 2006

**SUBJECT:** Discussion: Omnibus Text Amendment to the Urbana Zoning Ordinance (Plan Case No. 1979-T-06)

---

The Zoning Administrator is requesting a wide variety of text amendments to the Zoning Ordinance. These include such changes as adding/deleting definitions, reorganizing sections, creating a new Article, revising allowed uses and parking requirements, and a wide variety of minor changes. The majority of the changes are requested to assist the daily administration of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices. Other changes update the Zoning Ordinance to more closely match recently adopted plans and policies. On their own, many of these changes would not warrant a separate text amendment. The omnibus approach allows staff to incorporate these smaller changes without the need to completely revise the Zoning Ordinance. However, the changes will assist in preparing the Zoning Ordinance for the comprehensive revision requested by the City Council.

On February 23, 2006, staff presented the omnibus text amendment to the Urbana Plan Commission. The public hearing was continued to the March 9, 2006 meeting. In the meantime, the February 23, 2006 Plan Commission packet (and attached update) should be used as a reference. Additional copies of the Plan Commission memo can be provided if needed. The full text of the proposed changes can be accessed online at the following address:

[http://www.city.urbana.il.us?URL=/urbana/community\\_development/planning/zoning/main.html](http://www.city.urbana.il.us?URL=/urbana/community_development/planning/zoning/main.html)

At the Committee of the Whole meeting, staff will review the proposed amendment and answer any questions, and encourages further discussion by Council members. Although there will likely be questions and discussion, final action on the amendment must wait until after the Plan Commission has forwarded the case to the City Council. Staff anticipates that this may occur as soon as the March 20, 2006 City Council meeting, but may be delayed depending if additional Plan Commission meetings are required.

# Zoning Ordinance

of the  
City of Urbana, Illinois



Adopted  
July 1, 1993

Updated and Republished  
April 2006

## ARTICLE I. GENERAL PROVISIONS

### Section I-1. Purpose

### Section I-2. Relationship to State Zoning Act

### Section I-3. Title

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

### Section I-5. Publication in Pamphlet Form

### Section I-6. Severability

### Section I-1. Purpose

The purpose of this Zoning Ordinance, applicable in the City of Urbana, Illinois, is to implement the policies of the City of Urbana as expressed in the ~~1982~~ 2005 Comprehensive Plan adopted by the City Council on ~~April 11, 2005~~ September 7, 1982, and as it may be further amended from time to time, in accordance with the objectives of Division 13, Article 11, Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/11-13-1), and under the Home Rule Authority granted to the City of Urbana pursuant to Article VII, Section 6(a) of the Illinois Constitution of 1970.

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

- A. To provide adequate light, pure air, and safety from fire and other dangers;
- B. To conserve the value of land, buildings, and structures;
- C. To reduce and avoid congestion in the public streets;
- D. To promote the public health, safety, comfort, morals, and general welfare in accordance with a well-considered and comprehensive plan for the use and development of property;
- E. To regulate the height and bulk of buildings and structures hereafter to be erected;
- F. To establish and regulate the building setback lines on or along any street, traffic-way, drive, or parkway;
- G. To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces within and surrounding buildings and structures;
- H. To classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specific residential, commercial, industrial, and other land uses;
- I. To preserve the character of Urbana neighborhoods in a manner consistent with the other stated policies of this Ordinance, with reasonable allowances for existing uses, and thus provide a range of residential densities for the citizens of Urbana;
- J. To divide the city into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures; intensity of the use of the lot area; area of open space; and other classification as may be deemed best suited to carry out the purposes of this Ordinance;
- K. To fix regulations and standards to which buildings, structures, or uses therein shall conform;

- L. To prohibit uses, buildings, or structures incompatible with the character of such districts;
- M. To prevent additions to and alterations or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance;
- N. To protect natural features such as forested areas and water and drainage courses and to minimize the hazards to persons and damage to property resulting from the accumulation or runoff of storm and flood waters;
- O. To ensure and facilitate the preservation of sites, areas, and structures of historical, architectural, or aesthetic importance;
- P. To encourage the compact development of urban areas in order to conserve energy and minimize the cost of development of public utilities and public transportation facilities;
- Q. To provide for the enforcement of its provisions, for the operation of a Plan Commission and a Board of Appeals, and for penalties for the violation of its provisions. (Ord. No. 8485-51, § 1,2, 1-21-85)

## **Section I-2. Relationship to State Zoning Act**

This Ordinance is enacted by the corporate authorities of the City of Urbana, Illinois, pursuant to its home rule powers as provided for in Article VII, Section 6 of the Constitution of the State of Illinois, 1970. Except where the provisions of this Ordinance are inconsistent with that portion of the Illinois Municipal Code (65 ILCS 5/11-13-14) dealing with zoning, hereafter sometimes referred to as the State Zoning Act, the provisions of this Ordinance are not intended to override the State Zoning Act and should be interpreted consistent with the State Zoning Act. Where, however, provisions of this Ordinance provide differently from the State Zoning Act, or where such provisions cannot reasonably be interpreted to be consistent with the State Zoning Act, then the provisions of this Ordinance shall control and prevail.

## **Section I-3. Title**

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

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

The provisions of this codification of the Urbana Zoning Ordinance shall be construed as a continuation of prior Zoning Ordinances in effect at the time this codification ordinance was enacted, notwithstanding the repeal of said prior Zoning Ordinances. The repeal of said prior Zoning Ordinances by this codification ordinance shall not abrogate or affect any act committed, or any penalty incurred, or any pending litigation under such repealed Ordinance. If, in any other ordinance, reference is made to an ordinance, which is continued in this codification ordinance, such reference shall be held to refer to this codification ordinance. The effective date of this codification ordinance shall be deemed to be ten days after its publication in accordance with law as to those sections of the prior Zoning Ordinance actually changed

herein The effective date of those provisions of prior Zoning Ordinances not affected by this codification ordinance, shall remain unchanged. (Ord. No. 8567-87, § 3, 5-19-86)

### **Section I-5. Publication in Pamphlet Form**

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

### **Section I-6. Severability**

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

## ARTICLE II. DEFINITIONS

### Section II-1. General Provisions

### Section II-2. Interpretive Provisions

### Section II-3. Definitions

#### Section II-1. General Provisions

For the purposes of this Ordinance, the following words and phrases shall have the meaning specified herein. Any word or phrase not a part of this listing shall be construed to have its usual definition.

Definitions relating to telecommunication facilities, mobile home parks, and planned unit developments are located in Article XIII and definitions relating to historic preservation are located in Article XII.

Comment [MHW1]: These definitions are crossed out below

#### Section II-2. Interpretive Provisions

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

- A. The present tense shall include the future tense;
- B. The singular number shall include the plural and vice versa;
- C. The word "structure" shall include the word "building;"
- D. The word "person," where it is used in the context of occupancy of a residential dwelling, shall mean a natural person; in all other contexts, the word "person" shall include not only natural persons but partnership, association, firm, trust, club, company, or corporation.
- E. The word "shall" is mandatory and not directory or permissive.

#### Section II-3. Definitions

~~*Abandonment* (as applied to Section V-11. Telecommunications Facilities, Towers, and Antennas) (1) to cease operation for a period of 60 or more consecutive days; or (2) to reduce the effective radiated power of an antenna by 75% for 60 or more consecutive days; or (3) to relocate an antenna at a point less than 80% of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by 75% for 60 or more consecutive days. (Ord. No. 9798-44, 9-15-97)~~

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

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

Comment [MHW2]: See memo

- A. Private Garage: A detached structure intended primarily for the parking and storage of vehicles
- B. Shed: A structure intended primarily for non-vehicular storage purposes that is not designed to be served by heat, electricity or plumbing and does not need to be placed on a permanent foundation.
- C. Miscellaneous: Any accessory structure that does not match the definitions of private garage or shed.

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

**Comment [MHW3]:** Expanded to include use of land and/or building

Adjoining: Bordering, touching, contiguous, or adjacent. If two lots are separated by a public right-of-way greater than 28 feet wide, they shall not be deemed adjoining.

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

- A. Adult Entertainment Activity. An establishment having as a substantial or significant portion of its business involving the sale, rental, display, exhibition, or viewing of books, magazines, films, photographs, sexual paraphernalia; or other materials distinguished by or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct and specified anatomical areas and which excludes minors by virtue of age.
- B. Adult Entertainment Cabaret. A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, “go-go” dancers, exotic dancers, strippers, or similar entertainers where such performances are distinguished by or characterized by an emphasis on sexual conduct or specified anatomical areas.
- C. Model Studios. Any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any activity sponsored by an educational institution recognized by the State of Illinois in the course of its educational activities.
- D. Sexual Encounter Center. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purposes of engaging in sexual conduct or exposing specified anatomical areas.
- E. Adult Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment and manipulation or service thereto exposes specified anatomical areas.
- F. Adult Motion Picture Arcade. Any place to which the public is permitted or invited where coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images so displayed are distinguished or characterized by an emphasis on matters depicting,

describing, or relating to sexual conduct or specified anatomical areas and which excludes minors by virtue of age.

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

H. *Further definitions:*

1. *Sexual conduct:*

- a) The fondling or other touching of human genitals, pubic region, buttocks or female breasts;
- b) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy;
- c) Masturbation; and
- d) Excretory functions as part of or in connection with any of the activities set forth in a) through c) above.

2. *Specified anatomical areas:*

- a) Less than completely or opaquely covered:
  - (1) Human genitals;
  - (2) Pubic region;
  - (3) Buttocks;
  - (4) Female breasts below a point immediately above the top of the areola; and
- b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. No. 8384-14, § 1A, 4-16-84)

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

Comment [MHW4]: Regulation; moved to Table VI-1

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



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

~~*Alternative Tower Structure:* Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. (Ord. No. 9798-44, 9-15-97)~~

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

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

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

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

~~*Antenna Height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Ord. No. 9798-44, 9-15-97)~~

~~*Antenna Support Structure:* Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio, telephonic, or television signals. (Ord. No. 9798-44, 9-15-97)~~

~~*Applicant* (as it applies to telecommunications structure): Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City. (Ord. No. 9798-44, 9-15-97) (Ord. No. 1999-06-045, 06-11-99)~~

*Area, Building:* The total area, taken on a horizontal plane at the largest floor level, and measured to the outside face of the outside walls, of the main or principal building and all accessory buildings on the same lot, exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent canopies and planters.

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

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

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

*Athletic Training Facility, Residential:* An athletic training facility (see definition above) that also includes apartment and/or dormitory/dining facilities for the short-term, pre-arranged use of resident athletes, teams, and trainers. This use requires a conditional use permit in the residential zones in which it is permitted. Such a permit shall include consideration of potential effects on surrounding and nearby residences and may involve size limitations, operational limits, and specific design requirements to promote facility compatibility with the neighborhood. (Ord. No. 2000-07-074, 08-07-00)

~~*Attendance Center:* A school that is used for education or instruction purposes where students of any branch of knowledge regularly attend. (Ord. No. 8485-80, § 3, 5-6-85)~~

**Comment [MHW5]:** An outdated term that is part of the definition of school

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

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

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

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

~~*Backhaul Network:* Lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network. (Ord. No. 9798-44, 9-15-97)~~

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

**Comment [MHW6]:** Later regulations only make a distinction between public and private balconies, regardless of whether they are open or surrounded. This change was suggested by Building Safety.

~~A. *Open Balcony:* A balcony, open on three sides, with open guardrails meeting minimum building code specifications for height and rail spacing. Open balconies may have roofs and may be stacked one above another to afford protection from the weather. An open balcony can be either private or public depending on the ingress/egress provided by such balcony.~~

- B. *Private Balcony*: A balcony exclusively for the use of and accessible from only an individual single dwelling unit. If such balcony has ingress/egress other than to the dwelling unit it serves, it is a public balcony.
- C. ~~*Private Open Balcony*: A balcony meeting all criteria of both open balcony and private balcony as defined herein above.~~
- D. *Public Balcony*: A balcony primarily for the use of ingress and egress, and accessible from two or more dwelling units and one or more vertical exitways. Public balconies shall meet minimum corridor width requirements of the building code and shall be limited in their use to that providing exit access.
- E. ~~*Surrounded Balcony*: A balcony enclosed on more than 50% of the entire perimeter by either the face of the building; or wing wall construction. The open side(s) shall be protected with open guardrails meeting minimum building code specifications for height and rail spacing. (Ord. No. 8788-28§1, 10-5-87)~~

**Comment [MHW7]:** Regulation; moved to Article VI

*Basement*: That portion of a structure building which is partly below and partly above grade, and having at least one-half its height below above grade.

**Comment [MHW8]:** Clarification requested by Building Safety, deleted definition of cellar

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

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

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

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



The block face shall be considered to run from one cross street to the next cross street. A block face opposite of the cross street in adjacent to an intersection that forms a "T" intersection shall be considered to be a single block face and not two separate block faces. In the case of corner lots, the block face shall

be measured using each individual frontage. ~~the block face shall be measured using the longest frontage only, and the lot is a part of two separate block faces.~~ In the case of a cul-de-sac, the block face shall be said to begin at the entrance to the cul-de-sac and continue along the same side of the street to the end of the cul-de-sac. (Ord. No. 9697-154, 6-16-97)

**Comment [MHW9]:** Clarification and new simplified illustrations

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

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

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

**Building Area:** See “Area, Building.”

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

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

**Comment [MHW10]:** Clarification requested by Building Safety

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

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

~~**Business/Commerce:** Activities concerned with the supplying and distribution of commodities and services that may occur in other than residential zones, except as allowed by conditional use and special use procedures and the definition of home occupation. (Ord. No. 8586-20, 8-19-85)~~

**Comment [MHW11]:** This definition is not used anywhere in the ordinance

~~**Business Development and Redevelopment District:** An overlay district of the zoning map within which certain goals and objectives shall be implemented to encourage the growth of downtown Urbana (See Section VII-9 of this Ordinance).~~

**Comment [MHW12]:** The definitions of zoning districts are in Article IV

**COW:** “Cell on Wheels.” (Ord. No. 9798-44, 9-15-97)

~~**Camouflaged:** A personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, new structure, tower, or mount within trees so as to be significantly screened from view. (Ord. No. 9798-44, 9-15-97)~~

**Café:** See “Food Service Establishments”

**Camp:** A tract of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes, which may include a structure, used for any assembly of persons for what is commonly called “day camp” or overnight camping purposes, whether or not operated for profit and whether occupied by adults or children, either as individuals, families, or groups, but not including a

hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution, or mobile home park.

~~Cell Site or Site: A tract or parcel of land that contains telecommunications service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications services. (Ord. No. 9798-44, 9-15-97)~~

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

~~Cellar: That portion of a building which is partly or completely below grade and having at least one-half its height below grade.~~

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

**Comment [MHW13]:** Common name, as opposed to Occupancy, Certificate of

~~Certificate of Occupancy: See "Occupancy, Certificate."~~

~~City Arborist:~~ The City Arborist of the City of Urbana, Champaign County, Illinois or the City Arborist's designee. (Ord. No. 8990-68, § 3, 2-5-90)

**Comment [MHW14]:** Same as City Engineer and Zoning Administrator

*City Engineer:* The City Engineer of the City of Urbana, Illinois or the City Engineer's designee. (Ord. No. 8990-68, § 2, 2-5-90)

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

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

~~Colocation: The use of a personal wireless service facility or cell site by more than one personal wireless service provider. (Ord. No. 9798-44, 9-15-97)~~

~~Shopping Center or Commercial Planned Unit Development:~~ A complex of three or more business and commercial establishments, ~~the whole~~ planned, developed, and managed as a unit, sharing common parking facilities. See Article XIII for additional planned unit development definitions.

**Comment [MHW15]:** Simplified name and definition

~~Shopping Center or Commercial, Non-Planned Unit Development:~~ A complex of three or more business and commercial establishments which does not meet the minimum standards of a commercial planned unit development ~~the whole~~ planned, developed, and managed as a unit, sharing common parking facilities.

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

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

**Comment [MHW16]:** This change is made many times. The ZBA is known as the Zoning Board of Appeals, not the reverse.

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

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

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

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

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

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

1. That are likely to continue for a significant amount of time or indefinitely; and
2. That result in functional limitations in three or more of the following areas of major life activities:
  - a) Self-care;
  - b) Receptive or expressive language;
  - c) Learning;
  - d) Mobility;
  - e) Self-direction;
  - f) Capacity for independent living;
  - g) Economic self-sufficiency; and
3. Reflects the disabled person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. No. 9091-120, § 2, 4-15-91)

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

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

**Comment [MHW17]:** Formally recognizes the City's registry program. In tandem with occupancy regulations in Article V, this includes domestic partners as part of a household

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

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

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

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

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

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

1. A basic group of members of a service dependent population; and
2. Additional staff persons providing supervision of service to the basic group.

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

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

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

~~*Dwelling, Duplex:* A building containing two dwelling units, each of which is occupied at any given time by a group of persons, consisting of one or more persons related by direct lineal descent related by blood, adoption, or marriage, or a *loco parentis* relationship, living and cooking together as a single housekeeping unit, together with not more than three additional persons not related by direct lineal descent related by blood, adoption, or marriage, or a *loco parentis* relationship. (Ord. No. 2005-01-010, 01-28-05)~~

**Comment [MHW18]:** For all of these, staff revised the definitions of single family dwelling, duplex dwelling, multiple family dwelling, and extended group occupancy dwellings to remove the definition of family and other occupancy regulations. New definitions for household and domestic partnership were created, and in tandem with new language in Section V-11, will serve to regulate over-occupancy.

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

- ~~1. A household as defined herein basic group of persons consisting of one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, together with not more than three additional persons not related by blood, adoption or marriage; and~~
- ~~2. Such additional persons who are permanent members of the housekeeping unit, ordinarily in a *loco parentis* relationship with one or more members of the basic group such as foster children or persons in a group home licensed by the State of Illinois.~~

~~(Ord. No. 2005-01-010, 01-28-05)~~

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

- ~~1. A dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency; and~~
- ~~2. A dwelling to provide emergency shelter. (Ord. No. 8889-44, § 1, 1-3-89)~~

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

**Comment [MHW19]:** Also added to Table V-1. Tables of Uses. Allows 1-2 dwelling units above ground level.

~~*Dwelling, Multiple-Family:* A building containing three or more dwelling units, each of which is occupied at any given time by a single household as defined herein, each of which is occupied at any given time by a group of persons consisting of one or more persons related by blood, adoption, or marriage, together with not more than three additional persons not related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit.~~

~~*Dwelling, Single-Family:* A building containing one dwelling unit and occupied at any given time by a single household as defined herein, and occupied at any given time by a group of persons consisting of one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, together with not more than three additional persons not related by blood, adoption, or marriage. (Ord. No. 2005-01-010, 01/28/05)~~

~~*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 basic group of one or more persons related by blood, adoption or marriage. Living and cooking together as a single housekeeping unit, together with not more than three additional persons not related by blood, adoption or marriage; 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 home licensed by the State of Illinois.~~



(Ord. No. 2005-01-010, 01-28-05)

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

Comment [MHW20]: Consistency with other changes

~~*Dwelling, Upper story (Commercial).* One or more dwelling units at least one floor above grade in a commercial structure in a business zoning district. (Ord. No. 8485-51, § 3(c), 1-21-85)~~

Comment [MHW21]: Replaced by loft dwelling definition

~~*EIA: The Electronics Industry Association.* (Ord. No. 9798-44, 9-15-97)~~

Comment [MHW22]: Acronym no longer used in text

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

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

~~*Equipment Enclosure:* A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless or other communication signals. Associated equipment includes, electrical equipment including, but not limited to, air conditioning units, backup power supplies, metering equipment and emergency generators. (Ord. No. 9798-44, 9-15-97)~~

~~*FAA:* The Federal Aviation Administration. (Ord. No. 9798-44, 9-15-97)~~

Comment [MHW23]: Acronym no longer used in text; deleted

~~*FCC:* The Federal Communications Commission. (Ord. No. 9798-44, 9-15-97)~~

Comment [MHW24]: Acronym no longer used in text; deleted

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

~~*Filling Station:* See “Automobile service station.”~~

Comment [MHW25]: Outdated term; deleted

*Flood Hazard Zone Permit:* Definition of this permit

*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 includes public egress/ingress balconies, stairs, and stairwells.

Comment [MHW26]: Several clarifications requested by Building Safety for consistency with the building code

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 cellars 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.

*Floor Area Ratio (abbreviated FAR):* The quotient of gross floor area of all buildings on the lot divided by the lot area. See Figure 1. When an encroachment over a right-of-way has been approved by the City for a habitable structure, the gross floor area of the structure shall be increased by the gross floor area of the encroachment. (Ord. No. 8485-51, § 4(c), 1-21-85)

*Food Service Establishments:* All establishments ~~where~~ the principal business of which is the ~~retail sale, at retail,~~ of ready-to-consume servings of food and/or beverages, are to be considered as being in one of the following three categories as defined herein. These categories are ~~to be considered~~ mutually exclusive. ~~The classification of a particular food sales and service business by the Urbana Zoning Administrator shall be an appealable zoning interpretation.~~

Comment [MHW27]: Simplification

1. *Café:* Any establishment ~~where food consumption takes place on-premise, which has a maximum seating capacity of 50 people, and which does not include drive-in or drive-through facilities, or curb service, other than a restaurant or fast food restaurant as defined herein, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which has a maximum seating capacity of 50 people; and which does not include a drive-in or drive-through service facility or offer curb service.~~
2. *Restaurant:* Any establishment, ~~other than a café or fast food restaurant as defined herein,~~ whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which does not include a drive-in or drive-through service facility or offer curb service. (Ord. No. 9192-59, § 1,2,3,4, 12-2-91)
3. *Restaurant, Fast-food:* Any establishment, ~~other than a café or restaurant as defined herein,~~ whose principal business is the sale, at retail, of ready-to-consume servings of packaged foods and/or beverages, including frozen desserts, for consumption within the building, or at tables on the premises, or for carry-out; or any establishment which includes a drive-in or drive-through service facility or offers curb service.

*Frontage:* That portion of a lot abutting a public street or alley or, in a Planned Unit Development abutting a private street. ~~For every frontage there is a required front yard except in the B-4 Central Business District.~~ (Ord. No. 8485-51, § 4(d), 1-21-85)

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

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

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

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

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

**Height of Building:** See “Building height.”

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

**Home for the Aged:** Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms.

**Comment [MHW28]:** Added to support Table of Uses; APA definition

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

**Hotel or Motel:** A building in which lodging, or lodging and meals, is regularly provided and offered to the public for a period of less than 30 consecutive days for compensation, and which is customarily open to transient guests. An establishment that is subject to state hotel/motel tax and is required to have a Certificate of Registration from the Department of Revenue shall be considered a hotel or motel. (Ord. No. 1999-06-045, 06-11-99)

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

**Comment [MHW29]:** Limits family to direct lineal decent and adds adopted/foster children. Direct lineal decent would include myself, my parents, brothers/sisters, and grandparents from both sides. It would not include uncles, aunts or cousins.

**Intermediate Care Facility:** See “Nursing home.”

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

**Comment [MHW30]:** Added to support Table of Uses; APA definition

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

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

**Landfill:** See “Sanitary landfill.”

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

**Lot:** A parcel of land occupied or intended to be occupied by a principal building and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Ordinance, and which piece of parcel either has frontage of 20 feet or more on an

improved public street, is a previously recorded lot of record, or is part of an approved Planned Unit Development.

~~*Lot, Adjoining:* Two lots that share a common lot line, or are separated by a public right-of-way less than 28 feet wide. Bordering, touching, contiguous, or adjacent. If two lots are separated by a public right-of-way greater than 28 feet wide, they shall not be deemed adjoining.~~

**Comment [MHW31]:** Clarify what is meant by adjoining related to a lot.

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

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

*Lot Lines:* The property lines bounding a lot.

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

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

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

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

**Comment [MHW32]:** Clarification of proper terms

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

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

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

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

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

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

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

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

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

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

Comment [MHW33]: Moved to "Disability, Mental or Physical"

- ~~1. That are likely to continue for a significant amount of time or indefinitely; and~~
- ~~2. That result in functional limitations in three or more of the following areas of major life activities:
  - ~~h) Self care;~~
  - ~~i) Receptive or expressive language;~~
  - ~~j) Learning;~~
  - ~~k) Mobility;~~
  - ~~l) Self direction;~~
  - ~~m) Capacity for independent living;~~
  - ~~n) Economic self-sufficiency; and~~~~
- ~~3. Reflects the disabled person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life long or extended duration. (Ord. No. 9091-120, § 2, 4-15-91)~~

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

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

~~*Mobile Home Park:* A contiguous parcel of land planned and improved for the placement of five or more mobile homes.~~

~~—————*Mobile Home Park Service Building:* A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for use by mobile home park occupants.~~

~~—————*Mobile Home Site:* A parcel of land clearly delineated on the mobile home park site plan, intended for the placement of an individual mobile home and for the exclusive use of its occupants.~~

~~—————*Mobile Home Stand:* That part of an individual mobile home site that has been constructed for the placement of a mobile home.~~

~~*Modification:* The significant changing of any portion of personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design or height or placement of antenna on an antenna support structure. (Ord. No. 9798-44, 9-15-97)~~

~~—————*Mount:* The structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts: (i) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building. (ii) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower. (iii) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges. (Ord. No. 9798-44, 9-15-97)~~

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

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

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

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

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

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

1. *Sheltered Care Facility.* A care facility used for boarding and care of not less than three persons, where the residents are not in need of nursing care, but are in need of assistance, supervision, and/or oversight in meeting their daily personal needs. This definition does not include community living facilities, as defined herein.
2. *Intermediate Care Facility.* A care facility used for boarding and care of not less than three persons, which provides basic nursing care and other restorative services under periodic medical direction. Patients are generally in need of nursing care but not skilled nursing care.
3. *Skilled Care Facility.* A care facility for the boarding and care of not less than three persons, to provide skilled nursing care, continuous skilled nursing observation, restorative nursing, and other services under professional direction with frequent medical supervision. (Ord. No. 8889-44, § 2, 1-3-89)

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

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

*Off-the-Road Vehicles:* Vehicles designed for use off the public right-of-way. These vehicles include, but are not limited to, snowmobiles, motorcycles, and all-terrain vehicles. (Ord. No. 8990-68, § 3, 2-5-90)

*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, 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, ~~whether open or surrounded (as defined elsewhere in this Ordinance)~~ 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 ~~whether open or surrounded balcony (as defined elsewhere in the Ordinance)~~ if there is a minimum clearance of seven feet six inches between the ground level and the underside of the balcony immediately next above.

Comment [MHW34]: No longer have this distinction

All measurements are to be made in a horizontal plane, unless in the context it is obvious that the appropriate measurement is to be made in a vertical plane. (Ord. No. 8788-28, § 3, 10-5-87)

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

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

*Parking Lot, Accessory Use:* A parking lot meeting the requirements of Article VIII that is primarily an accessory use to a particular principal use. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section VIII-4.L. If an off-site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use. (Ord. No. 2005-02-017, 02-18-05)

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

*Parking Space:* A temporary storage area, either indoors or outdoors, used, or intended to be used, for the parking of a motor vehicle, provided with but not including an access driveway or other means of access, and constructed in compliance with the design regulations and specifications of Section VIII-2. A parking space not within a public street right-of-way is an off-street parking space. The following are types of parking spaces.

1. *Standard* – Standard parking spaces are designed to accommodate common sizes of licensed passenger motor vehicles.
2. *Compact* – Compact car parking spaces are designed to accommodate compact cars only. Compact cars are defined as those cars with dimensions smaller than or equal to five feet nine inches in width and 14 feet 11 inches in length.



3. *Parallel* – Parallel parking spaces are those spaces where the length of the space is parallel to the curb or edge of street surface.
4. *Stacked* – Spaces reserved for cars waiting to use a drive-in facility or spaces in which cars are parked behind one another in a private driveway. Individual stacked spaces are not required to have direct access to a driveway or aisle. (Ord. No. 8990-68, § 3, 2-5-90)

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

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

~~*Personal Wireless Service, Personal Wireless Service Facilities, and Facilities* used in this Title, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services. (Ord. No. 9798-44, 9-15-97)~~

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

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

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

~~*Pre-Existing Towers and Pre-Existing Antennas*: Any tower or antenna for which a building permit or special use permit has been properly issued or is considered legally nonconforming prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. (Ord. No. 9798-44, 9-15-97)~~

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

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

Comment [MHW35]: Added to support Tables of Uses; APA definition

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

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

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

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

~~*Residential Zoning Districts:* The AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, MOR, B-1 and B-2 Zoning Districts for the purposes of enforcing Section V-11 entitled “Telecommunications Facilities, Towers and Antennas.” (Ord. No. 9798-44, 9-15-97)~~

*Restaurant:* See “Food Service Establishments”

*Restaurant, Fast Food:* See “Food Service Establishments”

*Retail Store:* A commercial enterprise that provides goods, except food services, directly to the ultimate consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. ~~A food service establishment shall not be considered a retail store.~~ (Ord. No. 2000-12-149, 12-18-00)

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

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

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

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

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

~~*Security Barrier:* A wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass. (Ord. No. 9798-44, 9-15-97)~~

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

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

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

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

~~*Self-Service Storage Facility:* A structure containing separate storage spaces of varying sizes leased, rented or sold as individual units. (Ord. No. 8990-68, § 3, 2-5-90)~~

Comment [MHW36]: Duplicate definition; see "Warehouse, Self-Storage"

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

*Service Station:* "Automobile service station."

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

~~*Shopping Center or Commercial Planned Unit Development:* A complex of three or more business and commercial establishments, the whole planned, developed, and managed as a unit, sharing common parking facilities. See Article XIII for additional planned unit development definitions.~~

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

- ~~1. *General Shopping Center:* A shopping center located on a minimum of four acres and having a combined building area of 50,000 square feet or more.~~
- ~~2. *Convenience Shopping Center:* A shopping center located on a site of more than one acre, but less than four acres, and having between 12,000 and 50,000 square feet of combined building area.~~

~~*Notes:*~~

- ~~1. *A General or Convenience Shopping Center/Commercial PUD must be designed and developed according to the procedures and standards specified in Section VII-5.*~~
- ~~2. *Planning. Project conceived as a package, carrying out a specific theme and marketing strategy.*~~
- ~~3. *Development. Project built as a unit with all parties bound together by a cross easement agreement. Project may be phased but all construction conforms to overall approved plan.*~~

4. ~~Management. Project managed and maintained as a unit and presented to the public as such. (Ord. No. 8283-43, § 1, 1-17-83)~~

~~Shopping Center or Commercial, Non-Planned Unit Development: A complex of three or more business and commercial establishments which does not meet the definition of a planned unit development the whole planned, developed, and managed as a unit, sharing common parking facilities.~~

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

1. ~~Freestanding Sign and Freestanding Outdoor Advertising Sign Structure: Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.~~
2. ~~Wall or Wall-Mounted Sign and Wall Mounted Outdoor Advertising Sign Structure: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.~~
3. ~~Roof Sign: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.~~
4. ~~Permanent Sign: A sign that is permanently affixed or anchored to the ground, building, or other structure.~~
5. ~~Projecting Sign: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.~~
6. ~~Portable Sign: A freestanding sign not permanently anchored or secured to either a building or structure.~~
7. ~~Shopping Center/Commercial PUD Sign: A sign designed for the purpose of advertising an entire shopping center. Individual businesses may list but an individual listing may not exceed 50% of the area of any face of the sign.~~
8. ~~Temporary Sign: A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign.~~
9. ~~Outdoor Advertising Sign Structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two standardized structures.~~

- a. ~~The “30 sheet poster panel” or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately 12 feet by 25 feet, containing 300 square feet of total display area;~~
  - b. ~~The “Junior panel” whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.~~
  - c. ~~For the purpose of defining the height and width of an OASS, The term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%. (Ord. No. 2001-05-044, 06-04-01)~~
10. ~~Outdoor Advertising Sign Company: A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.~~
11. ~~Commercial Sign: A sign which directs attention to or identifies a commodity, service, or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a commercial sign.~~
12. ~~Noncommercial Sign: Any sign not defined as a commercial sign.~~
13. ~~Community Event Sign: A sign advertising or announcing a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)~~
14. ~~Grand opening Sign: A temporary sign used to announce the opening of a new business or the change of ownership of a business. (Ord. No. 9495-81, 3-6-95)~~

*Skilled Care Facility:* See “Nursing home.”

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

*Store:* See “Retail Store” or “Wholesale Store.”

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

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

*Structure:* Any building, or anything constructed, which requires attachment to the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

*Structural Alteration:* See “Alteration, Structural.”

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

Comment [MHW37]: Added to support Table of Uses; APA definition

*Temple:* See “Church or Temple”

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

~~*Tower Height:* When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. (Ord. No. 9798-44, 9-15-97)~~

*Townhouse:* See “Rowhouse”

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

~~*Unapproved Parking Areas:* An area used for off-street parking that has not been approved by the Zoning Administrator for off-street parking, except as otherwise provided herein, due to the following:~~

- ~~1. The parking area is in a required front yard, required side yard, or on a required open space area; or~~
- ~~2. The parking area is unapproved due to its surfacing, size, location, configuration, or construction (excluding legally nonconforming parking areas); or~~
- ~~3. The parking area was illegally established. (Ord. No. 8182-12, § 1, 8-17-81)~~

Comment [MHW38]: Regulation in definition; moved to Article VIII

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

~~*Unlicensed Wireless Services:* Commercial mobile services that operate on public frequencies and do not need a FCC license. (Ord. No. 9798-44, 9-15-97)~~

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

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

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

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

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

*Warehouse, Self-Storage:* ~~A building or group of buildings consisting of individual, self-contained units used for the storage of personal property where individual owners lease individual storage units. A structure or structures containing separate storage spaces of varying sizes leased or rented as individual leases.~~

Comment [MHW39]: Updated; APA definition

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

~~*Wholesale Store Establishment:*~~ An establishment involved in the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and consumer. (Ord. No. 2000-12-149, 12-18-00)

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

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

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

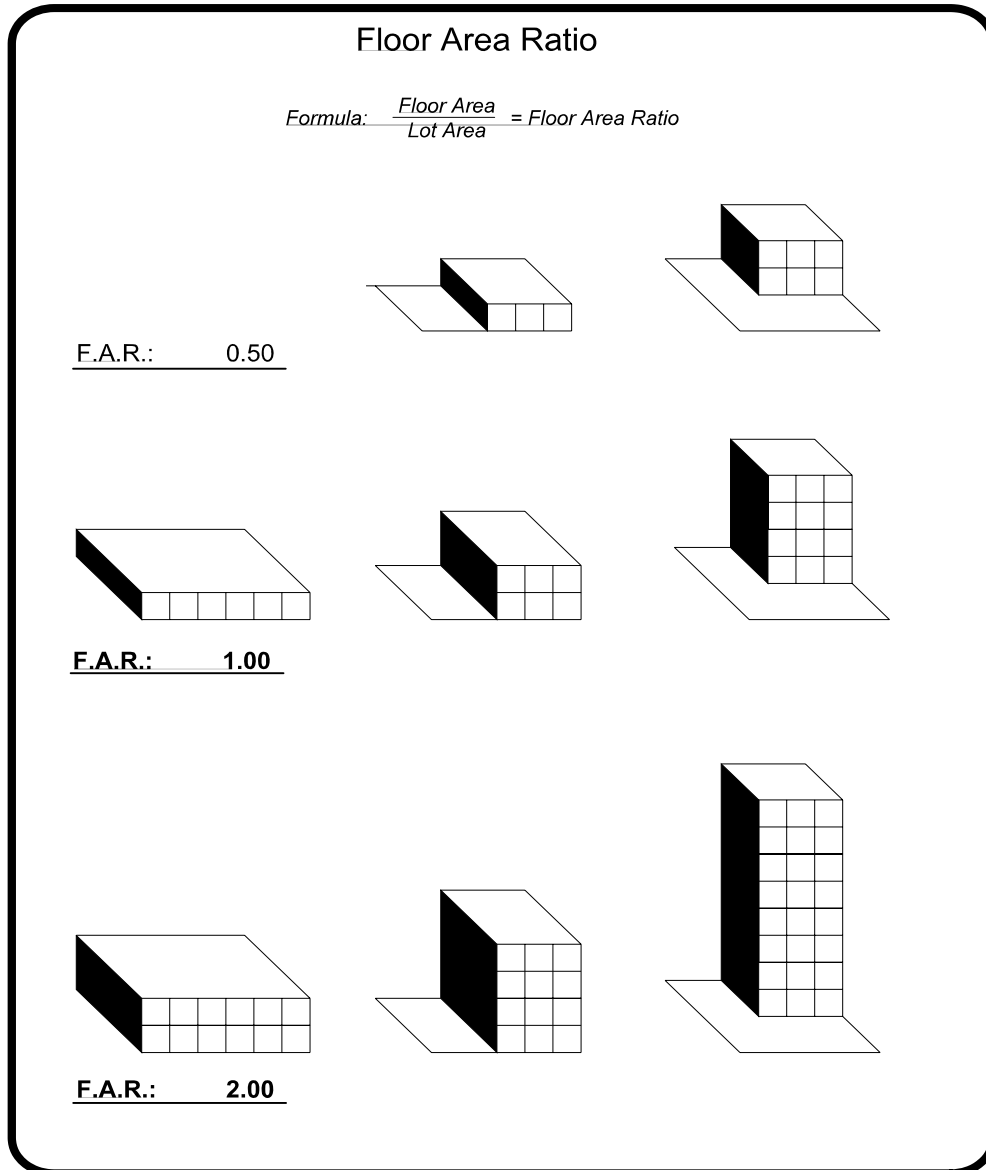
*Yard, Rear:* A yard extending across the full width of a lot, measured between the side lot lines from the rear lot line to the nearest line of the principal building located on the lot.

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

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

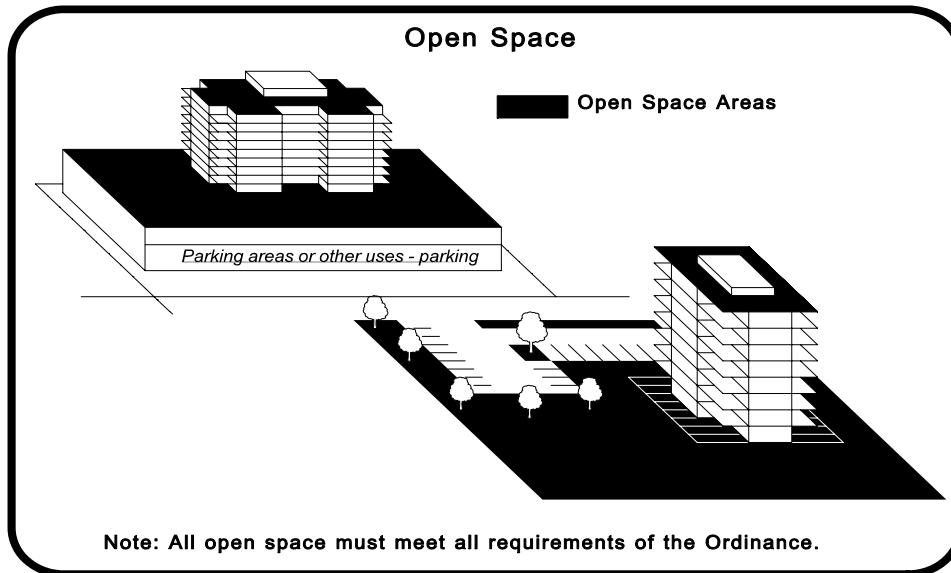
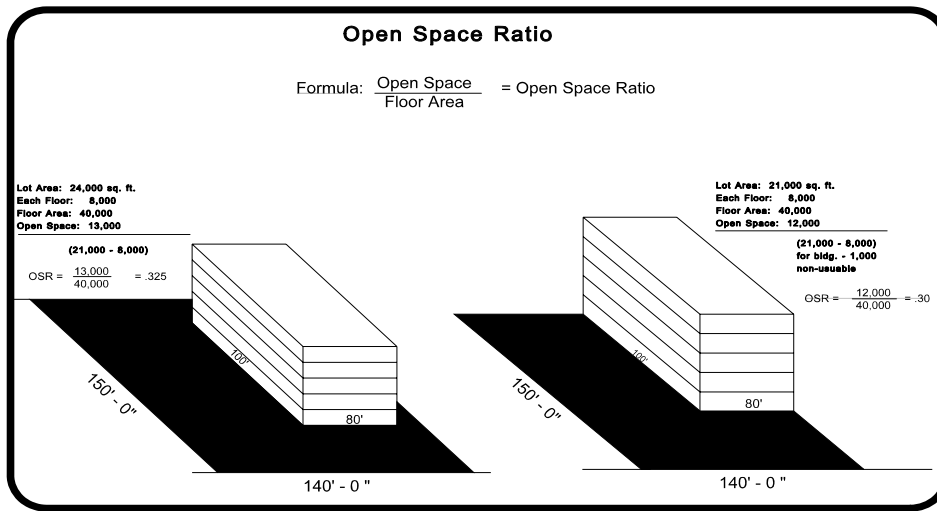
*Zoning Lot:* See “*Lot, Zoning.*”

**Figure 1. Floor Area Ratio**





**Figure 2. Open Space Ratio**



## ARTICLE III. SCOPE OF REGULATIONS

### Section III-1. Compliance with Regulations

### Section III-2. Evasion of Development Regulations

#### Section III-1. Compliance with Regulations

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

- A. Erect a new building or structure, or portion thereof;
- B. Establish, expand, enlarge, reconstruct, relocate, alter structurally, demolish or change any use of a building, structure, land, parking lot or portion thereof;
- C. Excavate for, or build, any foundation;
- D. Establish, expand, enlarge, relocate, re-establish, or change any nonconforming use, building, or structure;
- E. Erect or establish more than one main ~~building or~~ structure, or more than one principal use, on one lot; or
- F. Erect, alter structurally, add to, enlarge, or relocate any sign or part thereof.

#### Section III-2. Evasion of Development Regulations

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

- A. To reduce the area of the lot below the minimum required by this Ordinance;
- B. To exceed the maximum floor area ratio or building height permitted by this Ordinance;
- C. To provide less than the usable open space ratio required by this Ordinance;
- D. To reduce any dimension of a lot below the minimum or average required by this Ordinance;
- E. To provide less than the minimum yards required by this Ordinance;
- F. To provide less than the minimum number of parking spaces required by this Ordinance;
- G. To occupy or permit occupancy or use beyond the limits of this Ordinance, or, in the case of an offer to lease, if the offer, if accepted, would have permitted or caused occupancy or use beyond the limits of this Ordinance.
- H. To exceed the maximum sign area and height limits permitted by this Ordinance; or

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

Comment [MHW1]: Clarification

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

(Ord. No. 2005-01-010, 01-28-05)

## ARTICLE IV. DISTRICTS AND BOUNDARIES THEREOF

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

### Section IV-1. Number and Designation of Districts

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into ~~22~~ 23 zoning districts, which are hereby established as follows:

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

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

## Section IV-2. Purpose of Districts

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

- A. The *AG, Agriculture District* is intended to retain in agricultural and other compatible low intensity uses, areas where soil and topographic conditions are suitable for these uses, and into which the intrusion of urban uses would be inappropriate or untimely due to a lack of urban services and facilities.
- B. The Business districts generally are intended to provide areas for commercial uses in districts accommodating the range of types, intensity, and physical forms of trade, commercial services, and offices.
  1. The *B-1, Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.
  2. The *B-2, Neighborhood Business-Arterial District* is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated by the City's adopted Comprehensive Plan and related amendments.
  3. The *B-3, General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.
  4. The *B-3U, General Business-University District* is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow buildings which are compatible with the size and scale of the University's buildings.
  5. The *B-4, Central Business District* is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.
  6. The *B-4E, Central Business Expansion District* is to provide areas in proximity to Downtown Urbana for a wide range of retail business, office, and service uses. This District is also intended to allow high density residential uses to insure an adequate supply of housing for persons who desire to reside near Downtown. The development regulations in this District are designed to encourage the construction of new buildings which are comparable with the size and scale of the buildings allowed in the B-4 Central Business District and which are also sensitive to nearby residential neighborhoods. The B-4E District is not intended to replace the existing B-4 zoning in Downtown Urbana but is to supplement it by encouraging the expansion of Downtown Urbana with new, attractive, and well-landscaped buildings and off-street parking lots. The purpose of this District is to accommodate the growth of Downtown Urbana with new developments that

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

- C. The *BYC, Boneyard Creek District* is a special district which is superimposed over other districts which lie along the Boneyard Creek through the City of Urbana. This special district is intended to allow appropriate use of the property, according to the district in which it is located, while also protecting and enhancing the drainage ways as a means of watershed management, and as a recreational and open space resource.
- D. The *CCD, Campus Commercial District* is intended to create a district to provide opportunities for development of a commercial center to serve the ~~east-central~~ University of Illinois campus and neighboring residential areas. The focus of this area of campus as the “gateway” to the University, the presence of public functions such as the Office of Admissions and Records, the Spurlock Museum, the Krannert Center for Performing Arts, the increased academic presence and adjacent strong residential neighborhoods all contribute to the area’s demand for commercial services. Because, however, this area of campus must be designed to be compatible with other development in the area, a Special Use Permit is required for the establishment of a campus commercial district. (Ord. No. 2002-01-001, 01-07-02)
- E. The *CRE, Conservation-Recreation-Education District* is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district.
- F. The *IN, Industrial District* is intended to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize obtrusion on or by adjoining uses and districts. Light industrial uses, which are unlikely to cause undesirable effects, are permitted by right; more intensive industrial uses which may have wider-reaching environmental effects are permitted as special uses, which provide the Urbana Plan Commission and City Council the opportunity to review the uses and impose needed conditions. In order to minimize conflict among incompatible uses, most non-industrial uses are not allowed in the IN Industrial District.
- G. The *MIC, Medical Institutional Campus District* is intended as a conversion overlay district to assist and encourage the development of the medical institutional and complementary land uses in a campus setting by creating special zoning approaches. These new zoning approaches are applicable to institutions which have multi-block common ownership of lands, have developed a long-range master site plan, and thereby have developed a campus support system of parking, loading and materials handling, decentralized support facilities reducing campus congestion, and interconnecting system of above and below ground corridors. At present, the Carle Foundation is the only medical institution land owner with these qualities which define a campus style and development approach and therefore a campus style zoning approach is reasonable.

**Comment [MHW1]:** This district could be expanded to serve the University area in general

It is the intent that the lands within the boundaries of the area described herein will constitute the Special District. All special regulations created by this Special District will only be applicable and in force on properties which are or will be developed as a hospital or related medical use and their support uses. To the extent properties within this Special District are not, or will not, be developed with a Medical Related Use, the special regulations created by this Special District shall not apply and

the use of such property shall be regulated by the property's underlying zoning district, unless the property is rezoned to MIC per Article XI of the Urbana Zoning Ordinance.

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

~~Beginning at the intersection of the east Right-of-Way line of Lincoln Avenue with the centerline of the Consolidated Rail Corporation mainline track; thence, northerly, along said east Right-of-Way line, 684.6 feet to the north Right-of-Way line of Church Street; thence, easterly, along said north Right-of-Way line, 627.0 feet to the west Right-of-Way line of Busey Avenue; thence, northerly, along said west Right-of-Way line, 20.00 feet to the westerly extension of the north Right-of-Way line of Church Street; thence, easterly, along said north Right-of-Way line and the extensions thereof, 762.96 feet to the east Right-of-Way line of Orchard Street, said point also being 60.00 feet northerly of the northwest corner of a tract conveyed to The Carle Foundation by a Deed dated June 26, 1958 and recorded on June 27, 1958 in Book 599 at Page 172, as Document No. 612079 in the Office of the Recorder, Champaign County, Illinois; thence, easterly, along the extension of said north Right-of-Way line of Church Street, 466.33 feet, to the northerly extension of the east Right-of-Way line of McCullough Street; thence southerly, along said east Right-of-Way line and the extensions thereof, 749.60 feet to the south Right-of-Way line of University Avenue; thence westerly, along the south right-of-way line of University Avenue, 10.45 Feet, to the northeast corner of a tract conveyed to The Carle Foundation by a deed dated May 19, 1982 and recorded March 10, 1983 in Book 1314 at Page 794 as Document No. 83R3466 in the Office of the Recorder, Champaign County, Illinois; thence, southerly, along the east line of said tract, and the southerly extension thereof, 273.61 feet to a point on a north line of a tract conveyed to The Carle Foundation by a deed dated January 27, 1982 and recorded February 1, 1982 as Document No. 82R1375 in the Office of the Recorder, Champaign County, Illinois; thence, easterly, along said north line, 15.73 feet, to a northeast corner of said tract; thence, southerly along the east line of said tract, and the southerly extension thereof, 159.00 feet to the centerline of the Consolidated Railway Company mainline track; thence northwesterly, along said centerline, to the Point of Beginning. And in addition, two properties north of Church Street on the west side of Orchard Street, commonly known as 701 and 703 North Orchard, legally described as follows: Lots 1 and 2 in M.W. & G.W. Busey's Subdivision of Lot B, City of Urbana, Champaign County, Illinois. The properties at 701 and 703 N. Orchard Street will be developed for patient families/support members. A guest house is an overnight residence to provide respite for family and support members to patients in serious conditions at Carle Hospital. (Ord. No. 2001-10-117, 07-16-01)~~

Comment [MHW2]: Included a map, easier to read



*Applicability:* The ~~Special~~ MIC District established by this ordinance shall be an overlay zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus as depicted on the map above. ~~which are these properties lying within the area described above.~~ For such properties the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning Map until such time as the City of Urbana issues a building permit to the property's owner of record for the development of said property for a medical related use, as that term is defined in Section V-10, this Ordinance. Upon the owner's receipt of such a building permit, the subject property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. Additional regulations for the MIC District are located in Section V-10 of this Ordinance. (Ord. No. 9596-48, § 1, 12-4-95)

**Comment [MHW3]:** Clarification and cross-reference

- H. The MOR, *Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the



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

- I. The *OP, Office Park District* is intended to provide areas for office complexes and office parks along or in proximity to arterial streets. These areas are intended to serve as employment centers for adjacent or nearby residential neighborhoods, and as buffers between those neighborhoods and arterial street traffic. The development regulations in the district are designed to encourage quality development with a “campus-like” appearance. In addition to office uses, some low intensity commercial uses are permitted by right to provide convenient goods and services for employees and patrons of the office uses. Higher intensity commercial uses are generally prohibited to prevent the traffic congestion associated with such uses. A few higher intensity commercial uses that may provide convenient goods and services to those workers and patrons of the office uses are permitted if they meet conditional or special use criteria designed to insure compatibility with the district. Low intensity manufacturing uses that can be compatible with and often have important linkages to office uses are permitted by right or as a special use, depending on the scale of the proposed development.
  
- J. The *Residential Districts* generally are intended to provide desirable settings for residential uses ~~development~~ within several density ranges described in Urbana’s Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses. Basic urban services and utilities, including adequate access and utilities, are necessary for these districts.
  - 1. The *R-1, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at low density.
  - 2. The *R-2, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings.
  - 3. The *R-3, Single- and Two-Family Residential District* is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings.
  - 4. The *R-4, Medium Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at low and medium densities.
  - 5. The *R-5, Medium High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.
  - 6. The *R-6, High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to high.
  - 7. The *R-6B, High Density Multiple-Family Residential – Restricted Business District* is intended to provide areas for a compatible mixture of limited business uses and residential development at densities ranging up to high. Both the uses permitted and the regulations on physical development make this district suitable as a buffer between more intensive commercial districts and lower density residential districts.

8. The *R-7, University Residential District* is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments. (Ord. No. 8384-25, § 3, 10-17-83, Ord. No. 9091-62, § 2, 11-19-90)
- K. ~~The *BDR, Business Development and Redevelopment District* pertains to downtown Urbana and surrounding area, and is intended to support implementation of the goals and policies of the Downtown Strategic Plan. These efforts are guided by the Urbana Business District Development and Redevelopment Commission. is a special district superimposed over the downtown area and is intended to promote high density residential development.~~

### Section IV-3. Official Zoning Map

- A. The boundaries of the districts established in Section IV-1 of this Ordinance are hereby established as shown on a map designated as the “Official Zoning Map of Urbana, Illinois.” This map and all notations, colors, references, legends, symbols, and text thereon pertaining to said districts shall be as much a part of this Ordinance as if fully described herein. This map, or reproductions thereof, certified as showing the districts created and approved, shall be available for public reference in the office of the City Clerk of Urbana, Illinois, and in the office of the Zoning Administrator of Urbana, Illinois.
- B. At least once annually, no later than March 31 of each year, or more frequently as may be necessary, the City Clerk shall prepare an Official Zoning Map, which shall include any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the preceding last calendar year. However, any change affecting the boundaries of districts or the classification of land shall be in full force and effect ten days after the publication of the Amending Ordinance effectuating it, regardless of whether such a change has yet been incorporated into the Official Zoning Map. If no changes in the Official Zoning Map were made in the preceding year, a new map need not be prepared. year, a new map need not be prepared. Copies of all Amending Ordinances and of the Official Zoning map shall be available for public reference in the office of the City Clerk.

### Section IV-4. Interpretation of Map and District Boundaries

- A. Except as herein provided, the boundaries of the districts as shown on the map accompanying and made a part of this Ordinance are generally intended to coincide with the center lines of streets and alleys, or with lot lines. If, on the map, the boundary line of a district:
  1. Approximates the line of a street or alley, the boundary line shall be considered to be the center line of the street or alley;
  2. Approximates the boundary line of a platted lot, the district boundary lines shall be considered to be the lot line; and
  3. Divides a platted lot, or unplatted or unsplit property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.
- B. ~~In the case of the district boundary line between the CRE, Conservation Recreation Education District and any other district, the district boundary lines shown on the map shall be determined by the Zoning Administrator, according to the scale appearing on the map.~~

**Comment [MHW4]:** Alludes to the University. The Campus Master Plan indicates the approximate district boundary line, but the City Council must rezone properties or the University must acquire properties and request they be rezoned to CRE, not the Zoning Administrator.

C. The Boneyard Creek District and corridor limit lines as indicated on the Zoning Map and Boneyard Creek Master Plan engineering drawings which are attached and incorporated herein shall be determined by the Zoning Administrator, according to the scale appearing on the map.

**Comment [MHW5]:** They aren't attached to the Zoning Ordinance

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

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

**TABLE IV-1. COUNTY TO CITY ZONING CONVERSION**

<i>Former Zoning District Champaign County</i>	<i>New Zoning District City of Urbana</i>
<i>C-R</i>	<i>CRE</i>
<i>AG-1</i>	<i>AG</i>
<i>AG-2</i>	<i>AG</i>
<i>R-1</i>	<i>R-1</i>
<i>R-2</i>	<i>R-2</i>
<i>R-3</i>	<i>R-3</i>
<i>R-4</i>	<i>R-4</i>
<i>R-5</i>	<i>AG</i>
<i>B-1</i>	<i>B-1</i>
<i>B-2</i>	<i>B-1</i>
<i>B-3</i>	<i>B-3</i>
<i>B-4</i>	<i>B-3</i>
<i>B-5</i>	<i>B-4</i>
<i>I-1</i>	<i>IN</i>
<i>I-2</i>	<i>IN</i>

**Comment [MHW6]:** B-3 in the County is Highway Business, which is more suited for City B-3, General Business than City B-2, Neighborhood Business – Arterial.

## ARTICLE V. USE REGULATIONS

- Section V-1. Uses Permitted by Right, Conditional Uses, and Special Uses**
- Section V-2. Principal and Accessory Uses**
- Section V-3. Table of Permitted Uses, by District**
- Section V-4. Regulation of Adult Entertainment Uses**
- Section V-5. Additional Use Regulations in the R-6B District**
- Section V-6. Regulation of Community Living Facilities**
- Section V-7. Additional Use Regulations in the B-2 District**
- Section V-8. Additional Use Regulations in the MOR District**
- Section V-9. Regulations for Common-Lot-Line Dwelling Units**
- Section V-10. Additional Regulations in the MIC District**
- Section V-11. Residential Occupancy Limits**
- ~~**Section V-11. Telecommunications Facilities, Towers and Antennas**~~
- Section V-12. Additional Regulations in the OP District**
- Section V-13. Regulation of Home Occupation**
- ~~**Section V-14. Use and Parking Regulations in the CCD District**~~
- ~~**Section V-15. Additional Regulations in the B-1, Neighborhood Business District**~~

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

- A. In any district, no land or structure shall be used, and no structure or building shall hereafter be erected or structurally altered, except for:
  - 1. One or more of the uses listed as permitted by right in that district in Table V-1;
  - 2. One or more of the conditional uses listed for that district in Table V-1, provided that a conditional use permit therefore has been issued, according to the procedures specified in Article VII;
  - 3. One or more of the special uses listed for that district in Table V-1, provided that a special use permit therefore has been issued, according to the procedures specified in Article VII.
- B. In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. He/she may determine that such a use is either permitted by right, permitted as a conditional use, permitted as a special use, or not permitted in any particular district. He/she shall keep a written record of all determinations, which may be consulted in the future.

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

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

Comment [MHW1]: Clarification

- C. Except as otherwise provided, an accessory use, ~~building~~, or structure is permitted to accompany the principal use to which it is subordinate, where such principal use is either permitted by right or authorized by either a conditional or a special use permit.
- D. A structure or use may be erected or established as an accessory structure or use to a permitted principal structure or use, provided that:
  - 1. It is located on the lot occupied by or intended for the principal use or building established or existing, or on another lot under the provisions of Section V-3.E.
  - 2. It is compatible in character and extent with the principal use and district where located;
  - 3. It conforms with such other regulations as apply;
  - 4. It is not prohibited by other City Ordinances;
  - 5. It shall not be erected or established prior to the establishment or construction of the principal use or building, except as authorized by the Zoning Administrator;
  - 6. It is customarily incidental to the principal structure or use.
  - 7. If such accessory structures or buildings are to be located on a lot containing a single- or two-family dwelling, the maximum permitted building area of the accessory building, regardless of the zoning district, shall be determined as follows:
    - a) If the building area of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures building area of the accessory building shall not exceed seven hundred fifty (750) square feet.
    - b) If the building area of the single- or two-family dwelling on the lot is greater than 1500 square feet, the building area of the accessory building shall not exceed fifty percent (50%) of the building area of that single- or two-family dwelling, or 1000 square feet, whichever is less.
    - c) The gross floor area of a shed, as defined herein, shall not exceed 100 square feet.
  - 8. It is not a principal use parking lot as defined in Article II of the Urbana Zoning Ordinance.

**Comment [MHW2]:** Requested by Building Safety as part of the effort to clarify types and sizes of permitted accessory structures.

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

- A. In Table V-1, the use listed in a horizontal row with the letter “P” is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter “P” appears, except as provided in paragraph B. below; similarly, the letter “C” indicates that the use is permitted as a conditional use in that district, and the letter “S” indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance.
- B. The use of right-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, water mains, sanitary sewers, and storm drains, whether belonging to a

governmental body or a public utility, shall be considered to be permitted, conforming uses in each district.

- C. Unless as exempted below, in any zoning district, more than one principal structure or building per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:
1. The uses are permitted by right or as a conditional use in the district in which the lot or parcel of land is located.
  2. The lot or parcel of land does not qualify as a residential, commercial, or industrial PUD.
  3. In zoning districts which permit multiple family residential uses, no conditional use permit shall be required to allow multiple buildings on a single lot.
- D. In the R-6B, B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MOR, and OP Zoning Districts, more than one principal use ~~is~~ may be allowed in a single building without Zoning Board of Appeals Approval if the uses are permitted by right within the district in which the lot or parcel of land is located.
- E. Properties within the Boneyard Creek District and Business Development and Redevelopment District are subject to special rules and procedures as set forth in Section VII-8 and Section VII-9 respectively.
- F. See Section VIII-4.L for regulations associated with accessory off-street parking.
- G. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use. See Section VIII-4.L for regulations associated with accessory off-street parking.
1. ~~If the principal use or lot and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.~~
  2. ~~If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:~~
    - a) ~~The off-site parking shall be permitted by right if either the principal use or a "principal use parking lot," or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.~~
    - b) ~~The off-site parking shall require a special use permit if a) above is not applicable.~~
  3. ~~If the off-site parking is located within 600 feet of property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VIII-2.~~
  4. ~~If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.~~

**Comment [MHW3]:** If multiple buildings can be constructed on a lot and still conform to setbacks, FAR, OSR and other regulations, then the property has already met the criteria for allowing multiple buildings on a single lot.

5. ~~In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site. If the parking is maintained off-site, the petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained on-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.~~

Comment [MHW4]: Moved to Article VIII. Parking and Access

- H. ~~Accessory use parking located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and which is within 600 feet of property zoned R-1, R-2, R-3 shall be permitted by special use only, subject to the provisions of Section VII-10. Special use approval would not be necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval would also not be necessary for one and two family residential accessory parking expansions allowed under Section VIII-3.1.~~

(Ord. No. 2005-02-017, 02-18-05)

Comment [MHW5]: Moved to Section VIII-2 for clarity.

#### Section V-4. Regulation of Adult Entertainment Uses

- A. Adult entertainment uses listed as permitted in Table V-1 shall only be permitted as provided herein so that these uses will not unduly interfere with or adversely affect the public health, safety, comfort, morals, adjacent land uses, property values, or general welfare of the community.
  1. No adult entertainment use shall be located or established within one thousand feet of another adult entertainment use, the distance being measured between the nearest lot lines.
  2. No adult entertainment use shall be located or established on any lot that is within two hundred feet of any AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, B-2, B-3U, CCD, or MOR Zoning District.
  3. No adult entertainment use shall be located or established within two hundred feet of any lot within which the principal use is a hospital. (Ord. No. 8384-46, § 2, 4-16-84; Ord. No. 9091-59, § 4, 11-19-90; Ord. No. 9091-60, § 4, 11-19-90; Ord. No. 9091-61, § 4, 11-19-90)

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

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

Comment [MHW6]: The Zoning Administrator doesn't authorize occupancy

- B. The requirements of Section V-3.C shall apply in the R-6B District except that the restriction requiring a conditional use permit for more than one principal use per building shall not apply.
- C. Section VIII-4.C, regarding collective off-street parking, shall not apply to residential uses in the R-6B District. (Ord. No. 8687, § 1, 2-16-87)

### **Section V-6. Regulation of Community Living Facilities**

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

- A. No community living facility shall be located or established within 1,500 feet of another community living facility when located in the AG, R-1, R-2, and R-3 zoning districts, except by special use permit. (Ord. No. 8889-44, § 5, 1-3-89; Ord. No. 9091-59, §5, 11-19-90; Ord. No. 9091-60, § 5, 11-19-90; Ord. No. 9091-61, § 5, 11-19-90; Ord. No. 9091-62, § 4, 11-19-90; Ord. No. 9091-120, § 5, 4-15-91; Ord. No. 9293-72, § 4, 2-1-93)
- B. No community living facility shall be located or established within 1,000 feet of another community living facility when located in the R-4, R-5, R-6, R-6B, R-7, B-1, B-2, B-3U, B-4E, and MOR zoning districts, except by special use permit.

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

- A. In the B-2 District, if the floor area of a principal structure is intended or designed to be occupied by a residential use of more than 3,000 square feet, a business use shall also be established on the zoning lot. When a business use is required, the floor area devoted to the business use shall be equal to or greater than 25% of the total floor area that is occupied by the residential use on the zoning lot. When a business use is required, the use shall conform to the list of uses permitted in the B-2 District as designated in Table V-1.
- B. With reference to Section VIII-5.D, in one structure, ~~regarding~~ collective off-street parking for mixed uses in principal structures shall not apply to residential uses in the B-2 District. In the case of mixed uses involving residential uses in this district, there shall be no reduction in the parking as required in Section VIII-~~5~~4.

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

- A. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of existing principal structures in the MOR District, any proposals for a change of use, building addition, or exterior remodeling that incorporates the adaptive re-use of an existing structure within the district shall not require review by the Design Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" specified in Section XI-12.J as



determined by the Zoning Administrator. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D.

C. Proposals not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12 and must demonstrate consistency with the “M.O.R., Mixed-Office Residential Design Guidelines” as specified in Section XI-12.J.

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

1. ~~As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, The Zoning Administrator or Development Review Board may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code for adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District. The Zoning Administrator or Development Review Board may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principal structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. Adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects may shall be authorized:~~

Comment [MHW7]: Deleted some commentary to clarify the regulations

- a. Section VIII-2, Design and Specifications of Off-Street Parking;
- b. Section VIII-3, Location of Parking Facilities;
- c. Section VIII-4, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-5, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; except that the Zoning Administrator shall only be authorized to approve only the site plan adjustments listed in Section XI-3-C.2.b (i.e., for minor variations) and no others; and
- f. Chapter 7 of the City Code, Fences.

~~Commentary: The intent of Section V-8.D is to allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape~~

~~or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures.~~

(Ord. No. 2003-11-120, 11-25-03)

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

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

#### A. Subdivision of Land

1. The fee simple transfer of ownership of a portion of a lot improved with a ~~rowhouse or townhouse or duplex~~ for the purpose of establishing separate ownership of common-lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this Ordinance and to the provisions of Section 21-19 in Chapter 21 of the Urbana City Code. Each lot shall contain no more than one common-lot-line dwelling unit.
2. After a common-lot-line subdivision has been recorded, the lots shall be developed exclusively for common-lot-line dwelling units and for no other type of development. Any change in the type of development on said platted lot(s) may require approval of a new subdivision plat.

#### B. General Provisions

1. 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. All common-lot-line dwelling units shall have an Owner's Certificate recorded with the Champaign County Recorder's Office providing for a form of maintenance agreement 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. 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.

Comment [MHW8]: Clarification of the appropriate terms

#### C. ~~Development Regulations~~

1. ~~Platted lots which contain common lot line dwelling units shall be subject to and comply with the standards set forth in Article VI and Table VI-1 of this Ordinance, except as provided in this section. Each lot which contains a common lot line dwelling unit shall be considered separately and independently from adjoining common lot line dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), front yards, and rear yards.~~
2. ~~The standards for minimum lot area and lot width for common lot line dwelling units shall be as follows:~~

Comment [MHW9]: Moved to Article VI. Development Regulations

- a) ~~For a common lot line building which contains three (3) or more dwelling units: Each lot shall have a minimum lot area of two thousand (2,000) square feet and a minimum street frontage of twenty (20) feet.~~
  - b) ~~For lots that are zoned R-2 or R-3 and were originally platted before December 21, 1970, of which a resubdivision is proposed for a two-unit common lot line dwelling: Each lot shall have a minimum lot area of three thousand (3,000) square feet and a minimum street frontage of thirty (30) feet.~~
  - c) ~~For lots that are zoned R-2 or R-3 and were originally platted after December 21, 1970, of which a resubdivision is proposed for a two-unit common lot line dwelling: Each lot shall have a minimum lot area of four thousand five hundred (4,500) square feet and a minimum street frontage of forty (40) feet.~~
  - d) ~~For lots that are zoned R-4, R-5, R-6, R-6B, B-2 or MOR, of which a resubdivision is proposed for a two-unit common lot line dwelling: Each lot shall have a minimum lot area of three thousand (3,000) square feet and a minimum street frontage of thirty (30) feet.~~
3. ~~For the purpose of calculating side yards, a dwelling unit on the end of a common lot line building shall have a single side yard which conforms to the standards for side yards for the zoning district in which the building is located as set forth in Table VI-1 and Section VI-5 of this Ordinance. No side yards shall be required for interior lots in a common lot line subdivision. (Ord. No. 9293-109, § V-9, 5-17-93)~~

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

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

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

**Comment [MHW10]:** Clarification requested by Building Safety. Projects in the MIC district are reviewed to the standards of B-4E, with some exemptions, instead of the underlying zoning districts.

1. If the structure is 0 to 20,000 square feet, the health care-related or professional medical office use must exceed 60% of the building's net floor area.
  2. If the structure is 20,001 square feet to 50,000 square feet, the health care-related or professional medical office use must exceed 70% of the building's net floor area.
  3. If the structure is 50,001 square feet or more, the health care-related or professional medical office use must exceed 80% of the building's net floor area.
- C. Uses in this overlay district must provide 100% of the required off-street parking per Table VIII-6 "Parking Requirements by Use."
- D. The maximum floor area ratio (FAR) for the MIC district is 9.0. (Ord. No. 9596-48, § 4, 12-4-95).

### **Section V-11. Residential Occupancy Limits**

- A. These regulations are intended to prevent over-occupancy of dwelling units in order to protect the character and intent of each residential zoning district. The occupancy limits defined herein are in addition to regulations in the building and fire codes adopted by the City. In any case where there are conflicting occupancy limits, the stricter regulation shall apply. Definitions related to occupancy are located in Article II of this Ordinance.
- B. Such actions that permit occupancy or use beyond the limits of this Ordinance, or, in the case of an offer to lease, if the offer, if accepted, would have permitted or caused occupancy or use beyond the limits of this Ordinance shall be prohibited as set forth in Section III-2.G.
- C. The following classes of uses shall be occupied at any given time by no more than one household, as defined herein, and no more than three additional persons not related to said household: single-family, duplex, common lot line, multiple-family, mobile home or loft dwelling unit.
- D. The following classes of uses shall be occupied at any given time by no more than the maximum occupancy limit specified on the Certificate of Occupancy:
1. Single-family extended group occupancy, duplex extended group occupancy, community living facility, dormitory, home for adjustment, hotel or motel, nursing home, home for the aged, or bed and breakfast.
- E. Boarding/Rooming House. A boarding house or rooming house shall be occupied at any given time by no more than 15 persons, related or unrelated, as specified in the Certificate of Occupancy.

### **Section V-11. Telecommunications Facilities, Towers, and Antennas**

Comment [MHW11]: Entire Section moved to Article XIII

#### **A. Purpose.**

~~The purpose of this ordinance is to establish general guidelines for the siting of wireless communications, radio and television towers, and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location~~

of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety with respect to communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Urbana shall give due consideration to the City of Urbana's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**B. Applicability.**

1. ~~New Towers and Antennas.~~ All new towers or antennas in the City of Urbana will be subject to these regulations, except as provided in this Article.
2. ~~Pre-existing Towers or Antennas.~~ Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than those which specifically apply to pre-existing towers or antennas.

**C. Exemptions**

The following are considered exempt telecommunications facilities and are not governed by this Section:

1. ~~A single ground or building mounted receive only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five (25) feet;~~
2. ~~A ground or building mounted citizens band radio antenna including any mast, if the permanent height (post and antenna) does not exceed thirty-five (35) feet;~~
3. ~~A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed fifty (50) feet;~~
4. ~~All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance;~~
5. ~~Mobile services providing public information coverage of news events of a temporary nature;~~
6. ~~Hand held devices such as walkie-talkies, garage door openers, and similar devices as determined by the Zoning Administrator;~~
7. ~~City government owned and operated receive and/or transmit telemetry station antennas for supervisor control and data acquisition (SCADA) systems for water, flood alert, traffic control~~

~~devices and signals, storm water, pump stations, and/or irrigation systems with heights not exceeding thirty-five (35) feet;~~

- ~~8. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission;~~
- ~~9. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale;~~
- ~~10. Radar systems for military and civilian communication;~~
- ~~11. Wireless radio utilized for temporary emergency communications in the event of disaster;~~
- ~~12. Licensed amateur (ham) radio facilities as provided herein;~~
- ~~13. Satellite dish antennas less than one meter in diameter for residential uses and less than two meters in diameter for commercial or industrial uses, including direct to home satellite services, when used as an accessory use of the property;~~
- ~~14. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennas, towers, or buildings) provided that compliance with the standards of this ordinance are maintained;~~
- ~~15. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until thirty (30) days after the completion of such emergency activity;~~
- ~~16. A "Cell on Wheels" (COW) or other temporary Personal Wireless Telecommunications Facility shall be permitted for a maximum of thirty (30) days or during an emergency declared by the City.~~

~~D. General Requirements.~~

- ~~1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Subdivision regulations will not apply. The lease shall be created by a plat of survey to accompany permit applications.~~
- ~~2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot unless there are unusual geographic or public health, safety, and welfare or other public policy considerations. A plat of survey shall accompany any permit application.~~
- ~~3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator or his or her designee an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Urbana or within one and one half (1 ½) mile of the boundary thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator or his or her designee may share such information with other applicants applying for administrative~~

~~approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Urbana, provided, however, that the Zoning Administrator or his or her designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

- ~~4. Recognition of Industry Site Selection Criteria: In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. The City recognizes that specific locations within that general area are evaluated by the industry providers using the following criteria which are not listed in order of priority:
  - ~~a. Topography as it relates to line of sight transmissions for optimum efficiency.~~
  - ~~b. Availability of road access.~~
  - ~~c. Availability of electric power.~~
  - ~~d. Availability of land-based telephone lines or microwave link capability.~~
  - ~~e. Leasable lands, and landlords who desire facilities to be located on their properties consistent with zoning regulations.~~
  - ~~f. Screening potential of existing vegetation, structures, and topographic features.~~
  - ~~g. Zoning that will allow low power mobile radio service facilities.~~
  - ~~h. Compatibility with adjacent land uses.~~
  - ~~i. The minimum number of sites to cover the desired area.~~
  - ~~j. The greatest amount of coverage, consistent with physical requirements.~~
  - ~~k. Opportunities to mitigate possible visual impact.~~
  - ~~l. Availability of suitable existing structures for antenna mounting.~~~~
- ~~5. Setbacks. The following setback requirements shall apply to all towers, provided, however, that the Zoning Administrator (in the case of administrative approval) or the City Council (in the case of a special use approval) may approve a reduction of the standard setback if the goals of this Ordinance would be better served thereby. Setback distance requirements will include right-of-way widths, if applicable.
  - ~~a. Guys Guide wires and accessory buildings in all zoning districts must satisfy the minimum zoning district setback requirements for principal buildings, including average front yard setbacks, for the entire parcel, even if a portion of the parcel is being leased for the tower, unless there are unusual geographic or public health, safety and welfare or other public policy considerations.~~~~

- b. ~~Towers in residential districts must be set back a distance equal to at least two hundred percent (200%) of the height of the tower from any residential lot front, side and rear yard setback line unless here are unusual geographic or public health, safety, and welfare or other public policy considerations.~~
  - c. ~~Towers in the IN district must satisfy the setback requirements of the IN zoning district for principal buildings except that a tower shall not be placed closer than one hundred percent (100%) of its height from any residential zoned land or land use building set back line.~~
  - d. ~~Towers in the B-3, B-3U, or MIC districts shall satisfy the setback requirements of that district for principal buildings except that no tower shall be placed closer than one hundred fifty percent (150%) of its height from any residential zoned lot or land use building set back line.~~
6. ~~Height Limitations. Towers in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, or MOR districts shall be restricted to fifty (50) feet in height unless said height limitation is varied by the Zoning Administrator (in the case of an administratively approved permit) or the City Council (in the case of an approved special use permit) to allow co-location or if the goals of this Ordinance would be better served thereby.~~
7. ~~Separation Distances Between Towers. If an applicant requests a permit for a new tower within 1,500 feet of an existing tower, the applicant must provide evidence that the existing tower cannot accommodate the new antenna requested.~~

~~E. Location Preference.~~

~~The order of preference for locating new personal wireless service facilities shall be as follows:~~

- 1. ~~First Preference. Use of such facilities by the City of Urbana and placement of antennas and towers on property owned by the City of Urbana and which comply with the requirements of this Article including:~~
  - a. ~~The facilities will not interfere with the purpose for which the City-owned property is intended;~~
  - b. ~~The facilities will have no significant adverse impact on surrounding private property;~~
  - c. ~~The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;~~
  - d. ~~The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of removing the facilities;~~
  - e. ~~The antennas or tower will not interfere with other users who have a higher priority as discussed in this Article;~~
  - f. ~~Unless otherwise agreed, the applicant must agree that upon the occurrence of issues affecting public health, safety, or welfare, and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;~~



- ~~g. The applicant must reimburse the City for any related costs, such as attorney expenses, which the City incurs because of the presence of the applicant's facilities;~~
  - ~~h. The applicant must obtain all necessary land use approvals; and~~
  - ~~i. The applicant must cooperate with the City's objective to promote collocations and thus limit the number of cell sites requested, or camouflage the site.~~
- ~~2. Second Preference Location – Other Public Agencies. The order of preference after City usage shall be as follows:~~
- ~~a. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the City and private entities with a public safety agreement with the City;~~
  - ~~b. Other governmental agencies, for uses which are not related to public safety except parks and schools;~~
  - ~~c. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), radio and television services, specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.~~
- ~~3. Other Preference Locations. The order of preference after placement on publicly owned property shall be as follows:~~
- ~~a. Place antennas on appropriate rights of ways and existing structures, such as buildings, towers, water towers, and smokestacks;~~
  - ~~b. Place antennas and towers in districts zoned IN Industrial, if towers are greater than 250 feet from residential land use or zoning;~~
  - ~~c. Place antennas and towers in districts zoned OP Office Park or B-3 General Business which do not adjoin or adversely impact residential neighborhoods and are greater than 250 feet from residential land use or zoning;~~
  - ~~d. Place antennas and towers on other non residential property;~~
  - ~~e. Place antenna and towers in B-4 Central Business District or the Medical Institutional Campus MIC zoned areas if on existing structures or buildings greater than thirty-five feet (35') in height;~~
  - ~~f. Place antennas on multi family residential structures which exceed thirty five feet (35') in height and are located in the R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, R-7 University Residential, B-3 General Business, or B-4 Central Business zoning districts;~~
  - ~~g. Place antennas and towers in R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Medium Density Multiple Family, R-5 Medium~~

High Density Multiple Family, R-6 High Density Multiple Family, and R-7 University Residential zones only if (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, utility facilities, or other appropriate public facilities, excluding medians in the right-of-ways.

4. ~~Application Requirements. The following requirements shall also apply for all applications:~~

- a. ~~An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.~~
- b. ~~Applicants are required to demonstrate by providing proof of certified mailings or other reasonable means: (i) that they have contacted the owners of reasonably suitable structures which are ten feet less than the design height of the tower within a one-quarter (1/4) mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.~~
- c. ~~The information submitted by the applicant shall include: (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty-five feet (35') within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.~~

F. ~~Site Selection Criteria.~~

- 1. ~~Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate by engineering certification that the height requested is the minimum height necessary to fulfill the site's function so that sufficient height will be included for collocation of one other provider.~~
- 2. ~~Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.~~
- 3. ~~Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.~~
- 4. ~~In all zoning districts, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district. In all zoning districts, towers shall be significantly screened by placing them among existing trees to the extent that it does not result in significant signal degradation.~~

~~G. Aesthetics.~~

~~Towers and antennas shall meet the following requirements:~~

- ~~1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color or such shades as are appropriate and compatible with the surrounding environment, so as to reduce visual obtrusiveness.~~
- ~~2. At a tower site, the design of the buildings and related structures shall, to the extent possible, be screened with live plantings and include evergreen vegetation with a minimum height of six feet, at the time of planting, placed densely as to form a screen, subject to the City Arborist's approval and sufficient to reduce the visual obtrusiveness of said structures. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.~~
- ~~3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~
- ~~4. Fencing for equipment enclosures must be of residential quality such as wood privacy fencing or if chain link is used, must be screened with evergreen vegetation that will reach a height of six feet within one year of its planting.~~

~~H. Lighting.~~

~~Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.~~

~~I. State or Federal Requirements.~~

~~All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~J. Building Codes: Safety Standards.~~

~~To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Building Codes, as amended from time to time, whichever is more stringent. If, upon inspection, the City of Urbana concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have~~

~~thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~K. Measurement.~~

~~For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Urbana irrespective of municipal and county jurisdictional boundaries.~~

~~L. Essential Services.~~

~~Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be requested or permitted as essential services, public utilities, or private utilities.~~

~~M. Franchises.~~

~~Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Urbana have been obtained and shall file a copy of all required franchises with the Zoning Administrator or his or her designee.~~

~~N. Signs.~~

~~No signs shall be allowed on an antenna, tower, or equipment enclosures other than identification signs not exceeding one square foot in area.~~

~~O. Building and Support Equipment.~~

~~Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Article and applicable Building Codes.~~

~~P. Administratively Approved Uses.~~

~~1. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.~~

- ~~a) The Zoning Administrator or his or her designee may administratively approve the uses as provided in this Article.~~
- ~~b) Each applicant for administrative approval shall apply to the Zoning Administrator or his or her designee providing the information required in this Article and a nonrefundable fee as established by ordinance of City Council to reimburse the City of Urbana for the costs of reviewing the application.~~
- ~~c) The Zoning Administrator or his or her designee shall review the application for administrative approval and determine if the proposed use complies with the terms of this Article.~~
- ~~d) The Zoning Administrator or his or her designee shall respond to each such complete application within thirty (30) days after receiving it by either approving or denying the~~

~~application. If the Zoning Administrator or his or her designee fails to respond to the applicant within said thirty (30) days, then the application shall be deemed approved.~~

- ~~e) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances between towers by up to fifty percent (50%).~~
- ~~f) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.~~
- ~~g) If an administrative approval is denied, the applicant may file an appeal to the Zoning Board of Appeals as provided for in the Urbana Zoning Ordinance.~~

~~2. List of Administratively Approved Uses. The Zoning Administrator, or his or her designee, may approve the following uses after conducting an administrative review:~~

- ~~a) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Urbana, greater than two-hundred fifty feet (250') from residential zoning or land use, provided a license or lease authorizing such antenna or tower has been approved by the City of Urbana and provided there is compliance with this article.~~
- ~~b) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the IN, Industrial or B-3, General Business or OP, Office Park zoning districts and greater than two-hundred fifty feet (250') from any residential zoning district or land use.~~
- ~~c) Locating antennas on existing structures or towers consistent with the terms of subsection (1) below:~~

~~3. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator or his or her designee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, greater than thirty-five feet (35') provided:~~

- ~~a) The antenna does not extend more than thirty-five feet (35') above the highest point of the structure;~~
- ~~b) The antenna complies with all applicable Federal Communications Commission and Federal Aviation Administration regulations; and~~
- ~~c) The antenna complies with all applicable Building Codes.~~
- ~~d) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator or his or her designee and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:~~

~~(1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator or his or her designee allows reconstruction as a monopole.~~

~~(2) Height.~~

~~(A) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna.~~

~~(B) The height change referred to herein may only occur one time per communication tower.~~

~~(C) The additional height referred to herein shall not require an additional distance separation as set forth herein. The tower's pre-modification height shall be used to calculate such distance separations.~~

~~(3) On-site location.~~

~~(A) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.~~

~~(B) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.~~

~~(C) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers as provided herein. The relocation of a tower hereunder shall in no way be deemed to cause a separation distance.~~

~~(D) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned property shall only be permitted with approval by the Zoning Administrator or his or her designee.~~

~~e) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers with antennas which are no more than twenty-four (24) inches in height attached to poles, light standards, existing wireline systems, such as conventional cable or telephone systems, or similar technology that does not require the use of towers.~~

~~Q. Special Use Permits.~~

~~1. Uses Requiring Special Use Permit.~~

~~a) Antennas with towers on City-owned and controlled property if tower location is less than two-hundred fifty feet (250') from residential land use or zoning.~~

~~b) Antennas with towers in any Zoning District, except R-6B, B-3, B-3U, or IN, AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts.~~

- ~~c) Antennas with towers in the IN Industrial, B-3 General Business, and OP Office Park Zoning Districts if towers are less than two hundred fifty feet (250') from residential land use or zoning.~~
- ~~d) Equipment enclosures in any Zoning District, except R-6B, B-3, B-3U, or IN the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts which are not located on an existing structure as allowed herein and if the enclosure is less than one hundred feet (100') from residential zoning or land use. Special use permits may be granted for equipment enclosures as part of a special use permit allowing a tower.~~

~~2. General. The following provisions shall govern the recommendations of the Plan Commission and the issuance of special use permits for towers or antennas by the Urbana City Council:~~

- ~~a) If the tower or antenna is not a permitted use under this Article or permitted to be approved administratively pursuant to this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.~~
- ~~b) Applications for special use permits under this Article shall be subject to the procedures and requirements of Article VII of the Zoning Ordinance, except as modified in the Article.~~
- ~~c) In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.~~
- ~~d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a structural engineer licensed by the State of Illinois.~~
- ~~e) An applicant for a special use permit shall submit the information required herein and a non-refundable fee as established by ordinance of the City Council to reimburse the City of Urbana for the costs of reviewing the application.~~
- ~~f) Residential District Term Limitations: Every ordinance granting approval of a special use permit for a personal wireless services antenna or antenna support structure in a residential district may provide that:
  - ~~(1) Where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and~~
  - ~~(2) The Special Use shall be subject to review by the City Council, at five (5) year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the Special Use at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change.~~~~

~~3. Towers.~~

- a) ~~Required Submittals.~~ In addition to any information required for applications for special use permits pursuant to Article VII of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:
- ~~(1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in this Article, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or his or her designee to be necessary to assess compliance with this ordinance.~~
  - ~~(2) Legal description of the parent tract and leased parcel or subdivision or survey plat (if applicable).~~
  - ~~(3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.~~
  - ~~(4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to this Article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.~~
  - ~~(5) A landscape plan showing specific landscape materials.~~
  - ~~(6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.~~
  - ~~(7) A description of compliance with this Article and all applicable federal, state, or local laws.~~
  - ~~(8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.~~
  - ~~(9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.~~
  - ~~(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.~~
  - ~~(11) A description of the feasible location(s) of future towers or antennas within the City of Urbana based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.~~
4. ~~Factors Considered in Granting Special Use Permits for Towers.~~ In addition to any standards for consideration of special use permit applications pursuant to Article VII of the Zoning Ordinance, the Plan Commission and City Council shall consider the following factors when recommending



that the City Council waive or reduce the burden on the applicant of one or more of these criteria if the Plan Commission concludes that the goals of this ordinance are better served thereby:

- a) ~~Height of the proposed tower;~~
- b) ~~Proximity of the tower to residential structures and residential district boundaries;~~
- c) ~~Nature of uses on adjacent and nearby properties;~~
- d) ~~Surrounding topography;~~
- e) ~~Surrounding tree coverage and foliage;~~
- f) ~~Proposed ingress and egress; and~~
- g) ~~Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Article.~~

5. ~~Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission and City Council that no existing tower, structure, or alternative technology exists that does not require the use of towers or structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:~~

- a) ~~No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.~~
- b) ~~Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.~~
- c) ~~Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.~~
- d) ~~The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~
- e) ~~The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.~~
- f) ~~The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
- g) ~~The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.~~

- ~~6. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Plan Commission may recommend or the City Council may waive such requirements, as it deems appropriate.~~
- ~~7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided however, that the Plan Commission may recommend or the City Council may waive such requirements if the goals of this ordinance would be better served thereby.
  - ~~a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.~~
  - ~~b) In locations where the visual impact of the tower would be minimal, the Plan Commission may recommend and the City Council may waive the landscaping requirement.~~
  - ~~c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a be sufficient buffer.~~~~

~~R. Equipment Enclosures, Buildings, or Other Equipment Storage.~~

- ~~1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following unless there are public health, safety, and welfare or other public policy considerations:
  - ~~a) The cabinet or structure shall not contain more than two hundred forty (240) square feet of gross floor area or be more than twelve feet in height. In addition, for buildings and structures which are less than sixty five feet (65') in height, the related equipment structure, if over three hundred fifty (350) square feet of gross floor area or twelve feet (12') in height, shall be located on the ground and shall not be located on the roof of the structure.~~
  - ~~b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty five percent (25%) of the roof area and shall be architecturally compatible with the existing structure.~~
  - ~~c) Equipment storage buildings or cabinets shall comply with all applicable building codes.~~
  - ~~d) Providers will submit certification of a structural engineer licensed by the State of Illinois that the building can safely support the equipment cabinet.~~~~
- ~~2. Antennas Mounted on Utility Poles or Light Poles. Where antennas are greater than twenty four inches (24") in height and located in the public right of way or where towers will be located in the public right of way, the equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
  - ~~a) The equipment cabinet or structure must meet the setback requirements of a principal structure, except that the Zoning Administrator (for administratively approved locations) or the~~~~

City Council (for special use permits) may vary this requirement if it is deemed to be technically infeasible.

- b. ~~Antennas Located on Towers.~~ The related equipment enclosure shall not contain more than three hundred fifty (350) square feet of gross floor area or be more than fifteen feet (15') in height, and shall be located in accordance with the minimum requirements of the zoning district in which they are located. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36").
- c. ~~Modification of Building Size Requirements.~~ The requirements herein may also be modified by the Zoning Administrator or his or her designee in the case of administratively approved uses or recommended by the Plan Commission and approved by City Council in the case of uses permitted by special use to encourage collocation.

S. ~~Removal of Abandoned Antennas and Towers~~

- 1. ~~Removal of Abandoned Antennas and Towers.~~ Any antenna or tower that is abandoned as defined herein shall be removed within one hundred eighty (180) days of receipt of notice from the City of Urbana notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said one hundred eighty (180) days shall be grounds for the city to cause removal of remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- 2. ~~The Owner of any approved antenna or tower shall post a bond or other surety payable to the City of Urbana, equivalent to the cost of demolition or removal of the approved facility in the event said owner is unable or unwilling to remove an abandoned antenna or tower in conformance with the provisions hereof. The City of Urbana will have the right, at intervals no more often than every three (3) years, to require that the bond amount be increased to reflect changes in the Chicago Metropolitan Area Consumer Price Index (all consumers) during the prior three (3) year period.~~

T. ~~Nonconforming Uses:~~

- 1. ~~Not Expansion of Nonconforming Use.~~ Notwithstanding anything in this Article to the contrary, towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article, shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 2. ~~Pre-existing Towers.~~ Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.
- 3. ~~Rebuilding Damaged or Destroyed Nonconforming Towers of Antennas.~~ Notwithstanding anything in this Article to the contrary, bona fide nonconforming towers or antennas that are

~~damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in this Article. The type, height, and location of the on-site tower on-site and antennas thereon shall be of the same type and characteristics as the original facilities. Building permits to rebuild shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facilities are damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.~~

### Section V-12. Additional Regulations in the OP, Office Park District.

In addition to other regulations applicable to uses in the OP Office Park District, all uses shall comply with the following standards:

1. There shall be no outdoor storage of any goods, supplies, products, or other equipment associated with the business.
2. Accessory storage buildings must be constructed of materials similar to those used in the principal building.
3. All loading docks shall be limited to the rear yard. (Ord. No. 9798-43, 11-17-97)

### Section V-13. Regulation of Home Occupation.

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 immediate members of the immediate family residing in the dwelling unit, engaged in the home occupation therein;
2. There are no signs on the premises identifying the home occupation;
3. The occupation is wholly operated and contained within the dwelling;
4. No materials or equipment are stored outside the dwelling unit;
5. No more than two commercial or business vehicles used in conjunction with the home occupation may be on the premises at any one time and no more than five vehicle visits per day;
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 adjacent street;
7. No mechanical or electronic equipment is used ~~except equipment which is incidental to the occupation, and which does not or will not~~ creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises.

**Comment [MHW12]:** Clarification for zoning purposes

B. Any activity which exceeds any of the criteria set forth under Section V-13.A, above, shall require approval by the Zoning Administrator and require the issuance of a Certificate of Occupancy, and furthermore shall be limited to the following restrictions and conditions:

1. No more than one person, other than members of the immediate family residing in the dwelling unit, is engaged in the home occupation therein; and

**Comment [MHW13]:** Such equipment is implied to be necessary to the home occupation. The intent of this regulation is not to impact residential mechanical equipment not related to the home occupation.

2. Two off-street parking spaces must be provided on-premise as approved by the Zoning Administrator. Driveways may qualify in meeting this requirement; and
  3. No mechanical or electronic equipment is used ~~except equipment which is incidental to the occupation, and which does not or will not~~ creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises.
  4. There is no activity, construction, or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in Section V-13.A.5; and
  5. There are no other signs other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and
  6. Storage of materials and space for equipment use ~~use of equipment~~ in an accessory building is limited to 200 square feet. No outdoor storage is permitted; and
  7. ~~No storage outside the dwelling unit is permitted, except in accordance with Point 6 above; and~~
  8. The occupation does not or will not constitute a violation of any nuisance code; and
  9. No more than two customers or clients may be on the premises at any one time; and
  10. There is no exterior storage of vehicles other than those owned by members of the immediate family residing on the premises; and
  11. 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 adjacent ~~street~~.
- C. Any activity which exceeds the criteria under Section V-13.B paragraph B, above, shall be prohibited as a home occupation as herein defined. Furthermore, since it is the intent of this subsection to prohibit any activity as a home occupation which may use hazardous materials, any activity which the Zoning Administrator classifies as exterminator, lawn care (except lawn manicuring), dry cleaning, or medical diagnostic laboratory shall be prohibited as a home occupation as herein defined.
- D. A home occupation involving a landscaping business shall not be permitted to grow outdoor plant materials on the home premises for the purpose of later removing the material for sale or transplanting on another site.
- E. A home occupation involving vehicle repair shall be permitted as a home occupation only if subject vehicle(s) are repaired inside the garage and no inoperable vehicle is stored outside. Any vehicle to be repaired may not queue outside of the garage. Additionally, the garage must meet all applicable building codes, and any such work may not violate any of the City's nuisance codes and ordinances. Additionally, no major automobile repairs as defined in this Ordinance are permitted.
- F. Only one home occupation, as defined herein, is permitted per dwelling unit and/or accessory structure.
- G. Certificates of Occupancy for home occupations issued prior to the effective date of this amendment not meeting the conditions of Section V-13.B paragraph B, above, shall be considered legally nonconforming. (Ord. No. 1999-06-045, 06-11-99)

**Comment [MHW14]:** Such equipment is implied to be necessary to the home occupation. The intent of this regulation is not to impact residential mechanical equipment not related to the home occupation.

**Comment [MHW15]:** The corrections to these 11 points are clarifications for zoning enforcement purposes.

### Section V-14. Use and Parking Regulations in the CCD District

A. ~~The following uses are allowed by right or by Special Use Permit in the CCD:~~

**Comment [MHW16]:** Added all of these uses to Table V-1. Table of Uses

~~1. Uses Permitted by Right:~~

University or College related uses.

2. Uses permitted as part of a commercial center subject to approval of a Special Use Permit:

**Public Facilities**

~~Police Substation~~

**Business Uses**

~~Antique or Used Furniture Sales and Service  
Apparel Shop  
Art and Craft Stores and Studios  
Art Gallery  
Art Supply  
Bakery (less than 2,500 sq. ft.)  
Bank or Savings and Loan Association  
Barber Shop  
Beauty Shop  
Bicycle Sales and Service  
Billiard Room  
Bookstore  
Coffee Shop  
Computer Supply  
Confectionery  
Convenience Grocery and/or Dairy Store  
Copy & Printing Service  
Dancing School  
Delicatessen  
Drug Store  
Dry Cleaning Pick-up and/or Laundry  
Electronic Sales and Service  
Florist  
Health Club/Fitness  
Jewelry Store  
Meat and Fish Market  
Music Store  
Non-Profit or Governmental, Educational, and Research Agencies  
Package / Mailing Service  
Photographic Studio and Equipment Sales and Service  
Private Indoor Recreational Development  
Professional and Business Office  
Restaurant or Café  
Shoe Repair Shop  
Shoe Store  
Sporting Goods  
Stationery/Gift Shop/Art Supplies  
Tailor and Pressing Shop  
Technical Training and Test Preparation  
Variety Dry Goods Store  
Video Store~~

**Residential**  
*Multifamily Residential*

B. The following parking requirements shall be applied:

**Comment [MHW17]:** Added to Section VIII-5.K since all but three of these requirements are just one-half of what is typically required.

<u>Use</u>	<u># of Spaces Required</u>
<b>1. <u>Public and Quasi Public</u></b>	
<del>Art Gallery</del>	<del>1 for every 1000 sq. ft.</del>
<del>Police Station</del>	<del>1 per 2 employees on maximum shift</del>
<del>Technical Training and Test Preparation</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Non-Profit or Governmental, Educational, and Research Agencies</del>	<del>1 for every 600 sq. ft. of floor area</del>
<b>2. <u>Office and Related Uses</u></b>	
<del>Professional &amp; Business Office</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Bank, Savings and Loan Association, and other Financial Institutions</del>	<del>1 for every 500 sq. ft. of floor area</del>
<b>3. <u>Service Business Uses</u></b>	
<del>Dry Cleaning or Laundry Establishment</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Barber &amp; Beauty Shop, Shoe &amp; Hat Repair</del>	<del>1 for every 400 sq. ft. of floor area</del>
<del>Tailor and Pressing Shop</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Copy &amp; Printing Service</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Packaging / Mailing Service</del>	<del>1 for every 600 sq. ft. of floor area</del>
<b>4. <u>Retail Business Uses</u></b>	
<del>Restaurant or café or Coffee Shop (including outdoor area used for business)</del>	<del>1 for every 400sq. ft. of floor area</del>
<del>Bakery, Meat and Fish Market, Convenience Store</del>	<del>1 for every 500 sq. ft. of floor area</del>
<del>Bicycle Sales and Service</del>	<del>1 for every 600 sq. ft. of floor area</del>
<del>Variety &amp; Misc. Retail Sporting Goods</del>	<del>1 for every 500 sq. ft. of floor area</del>
<del>Art Supply, Book Store, Office Supply, Computer Supply or Electronic Sales And Service, Art and Craft Stores and Studios, Florist, Music Store, Stationery or Gift Shop, Video Store</del>	

- ~~Apparel & Accessory Stores~~ ~~1 for every 500 sq. ft. of floor area~~
- ~~Shoe Store or Shoe Repair, Jewelry Store~~
- ~~Drug Stores~~ ~~1 for every 500 sq. ft. of floor area~~
- ~~Photographic Studio and Equipment Sales and Service~~ ~~1 for every 500 sq. ft. of floor area~~
- ~~Antique or Used Furniture Sales and Service~~ ~~1 for every 800 sq. ft. of floor area~~

~~5. Commercial Recreation~~

- ~~Private Indoor Recreation Facilities:~~ ~~1 for every 800 sq. ft. of floor area~~
- ~~Health or Fitness Club, Dancing School, Billiard Room~~

~~6. Residential~~

- ~~Multiple Family Residential~~ ~~.75 per bedroom (but no dwelling unit shall have less than 1 parking space)~~

**Section V-15. Additional Regulations in the B-1, Neighborhood Business Zoning District.**

In addition to the other regulations applicable to the uses in the B-1, Neighborhood Business Zoning District, all uses shall comply with the additional standard:

Drive-through facilities for any use in the B-1, Neighborhood Business Zoning District shall be considered as accessory to the principal use and shall require the granting of a special use permit under the provisions of Article VII herein.

(Ord. No. 2004-03-029, 04-30-04)

Comment [MHW18]: Moved to Section VIII-5.G



**TABLE V-1. TABLE OF USES**

<b>Principal Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>R-6B</b>	<b>R-7</b>	<b>AG</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-3U</b>	<b>B-4</b>	<b>B-4E</b>	<b>CCD</b>	<b>CRE</b>	<b>IN</b>	<b>MOR</b>	<b>OP</b>
<b>Agriculture</b>																				
Agriculture, Cropping	P	P	P	P	P	P	P		P								P	P		
Agriculture, General									P								P			
Artificial Lake of one (1) or more acres	C	C	C	C	C	C			C								C	C		
Commercial Greenhouse									G			P	P							
Commercial Breeding Facility									P									C		
Farm Chemicals and Fertilizer Sales Including Incidental Storage and Mixing of Blending Fertilizer																			P	
Farm Equipment Sales and Service												P						C		
Feed and Grain (Sales only)									C			P	P	C	C					
Garden Shop									C	P	P	P	P	P	P				P	
Greenhouse (not exceeding 1,000 square-feet)									P	G	P	P	P	P	P				P	
Grain Storage Elevator and Bins									C									C		
Livestock Sales Facility and Stockyards									C									C		
Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities									S								S	C		
Plant Nursery or Greenhouse									P	C	C	C-P	C	P	P		S		P	
Roadside Produce Sales Stand									P			P	P							
Slaughterhouses																		S		
<b>Public and Quasi-Public</b>																				
Church or Temple	S	S	S	P	P	P	P	S	S	P	P	S	P	P	P		S		P	S
Electrical Substation	S	S	S	C	C	C	C		S	C	C	P		P	P			P		
Hospital or Clinic					S	P			S			P	P	P	P					P
Institution of an Educational, Philanthropic, or Eleemosynary Nature	S	S	S	P	P	P	P		S	P	P	P	P	P	P		S		P	
Methadone Treatment Facility					S	P			S			P	P	P	P					P
Municipal or Government Building	C	C	C	P	P	P	P		C	P	P	P	P	P	P		P	P	P	P
Nonprofit or Governmental, Educational and Research Agencies												C	C	C	C	S	P	P		P
Penal or Correctional Institution												S		S	S			S		
Police Station or Fire Station			S	S	S	S	S		S	P	P	P	P	P	P	S		P		
Principal Use Parking Garage or Lot				S	S	S	S					P	P	P	P			P	S	
Public or Commercial Sanitary Landfill									S									C		
Public Elementary, Junior High School, or Senior High School	P	P	P	P	P	P			P								P			
Public Fairgrounds									S											
Public Library, Museum or Gallery	S	S	S	P	P	P	P			P	P	P	P	P	P		P		P	
Public Maintenance and Storage Garage												P						P		
Public Park	P	P	P	P	P	P	P		S	P	P	P	P	P	P		P	P	P	P
Radio or Television Tower and Station									S			C	C	S	S			C		
Religious Tent Meeting									G											
Sewage Treatment Plant or Lagoon									S								S	C		
Telephone Exchange	G	G	G	G	G	G	G		G	G	G	P	P	P	P			P		
University/College												P	P	P	P	P	P			P
Utility Provider											S	P	P	P	P			P		
Water Treatment Plant									S									C		
<b>Business</b>																				
<b>Adult Entertainment</b>																				
Adult Entertainment Uses												P		P						
<b>Food Sales and Service</b>																				
Bakery (Less than 2,500 square feet)							P			P	P	P	P	P	P	S			C	
Café or Deli							C			C	P	P	P	P	P	S			P	C

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	IN	MOR	OP
<b>Food Sales and Service (continued)</b>																				
Confectionery Store							P			P	P	P	P	P	P	S			P	
Convenience Store							C			S	P	P	P	P	P	S			P	
Fast-food Restaurant										C	C	P	P	P	P					
Locker, Cold Storage for Individual Use										C	P	P	P	P	P					
Meat and Fish Market										P	P	P	P	P	P	S			S	
Restaurant							C			C	P	P	P	P	P	S			C	C
Retail Liquor Sales Liquor Store										S	C	P	P	P	P					
Supermarket or Grocery Store							C			P/S**	P	P	P	P	P					
Tavern or Night Club												P	P	P	P					
Wholesale Produce Terminal																			P	
<b>Personal Services</b>																				
Ambulance Service												P	P	P	P				P	
Barber/Beauty Shop							P			P	P	P	P	P	P	S			P	P
Dry Cleaning or Laundry Establishment										S	P	P	P	P	P	S		C		C
Health Club/Fitness							C			P/C*	P	P	P	P	P	S			P	P
Laundry and/or Dry Cleaning Pickup							P			S	P	P	P	P	P	S				P
Massage Parlor												P	P	P	P					P
Medical Carrier Service												P	P	P	P				P	
Mortuary					C	C	C			C	P	P	P	P	P					P
Pet Care/Grooming							P			P	P	P	P	P	P					P
Self-Service Laundry							C			P	P	P	P	P	P					
Shoe Repair Shop							P			P	P	P	P	P	P	S				P
Tailor and Pressing Shop							P			P	P	P	P	P	P	S				P
<b>Professional and Financial Services</b>																				
Bank/Savings and Loan Association							P			P	P	P	P	P	P	S			P	P
Check Cashing Service							P			C	P	P	P	P	P				P	P
Copy and Printing Service							P			P	P	P	P	P	P	S			P	P
Express Package Delivery Distribution Center																			P	P
Packaging/Mailing Service										C	P	P	P	P	P	S				P
Professional and Business Office				S	C	C	P			P	P	P	P	P	P	S			P	P
Vocational, Trade or Business School									C			P	P	P	P				C	P
<b>Retail Trade</b>																				
Antique or Used Furniture Sales and Service										P/C*		P	P	P	P	S			P	
Apparel Shop							P			P/C*	P	P	P	P	P	S			P	
Art and Craft Store and/or Studio							C-P			P/C*	P	P	P	P	P	S			P	
Bicycle Sales and Service							C			P/C*	P	P	P	P	P	S			P	
Bookstore							P			P	P	P	P	P	P	S			P	P
Building Material Sales (All Indoors Excluding Concrete or Asphalt Mixing)												P	P	P	P				P	
Department Store												P	P	P	P					
Drugstore							P			S	P	P	P	P	P	S			P	
Electrical or Gas Appliance Sales and Service										P	P	P	P	P	P					
Electronics/Computer Sales and Service							P			P	P	P	P	P	P	S			P	
Florist							P			P	P	P	P	P	P	S			P	P
Fuel Oil, Ice, Coal, Wood (Sales Only)												P	P	P	P				P	
Furniture Store--Office Supplies/Equipment Sales and Service												P	P	P	P				P	P
Hardware Store										P	P	P	P	P	P				P	
Heating, Ventilating, Air Conditioning Sales and Service										C	P	P	P	P	P				P	
Jewelry Store							P			P	P	P	P	P	P	S			P	

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	IN	MOR	OP
<b>Retail Trade (continued)</b>																				
Monument Sales (Excluding Stone Cutting)												P	P	P	P					
Music Store							P			P	P	P	P	P	P	S			P	
Pawn Shop														P	P					
Pet Store										P/C*	P	P	P	P	P				P	
Photographic Studio and Equipment Sales and Service							P			P/C*	P	P	P	P	P	S		P	P	
Shoe Store							P			P/C*	P	P	P	P	P	S			P	
Sporting Goods							C			P/C*	P	P	P	P	P	S			P	
Stationery, Gifts, or Art Supplies							P			P	P	P	P	P	P	S			P	P
Tobacconist							P			P	P	P	P	P	P				P	
Variety-Dry Goods Store							P			P	P	P	P	P	P	S			P	
Video Store							P			P/S**	P	P	P	P	P	S			P	S
<b>Recreation</b>																				
Athletic Training Facility, Non-residential							C					P	P	P	P				P	
Athletic Training Facility, Residential				C	C	C	C			C	C	P	P	P	P		C		C	
Bait Sales									C			P		P	P		C			
Billiard Hall												P	P	P	P	S			P	
Bowling Alley												P	P	P	P					
Camp or Picnic Area								P									C			
Commercial Fishing Lake								C									C			
Country Club or Golf Course	P	P	P	P	P	P	P	P	P								C			
Dancing School										P/C*		P	P	P	P	S			P	
Driving Range								P				P					C			
Lodge or Private Club	C	C	C	C	P	P			C	C	C	P	P	P	P		C		C	
Miniature Golf Course								P				P					C			
Outdoor Commercial Recreation Enterprise (Except Amusement Park)								C				P	P	P	P		C			
Private Indoor Recreational Development								C				P	P	P	P	S	C		P	
Resort or Organized Camp								C									C			
Riding Stable								P									C			
Seasonal Hunting or Fishing Lodge								P									E			
Theater, Indoor										S		P	P	P	P				P	
Theater, Outdoor								C		C										
<b>Transportation</b>																				
Airport									C											
Air Freight Terminal									S									C		
Heliport									C									S		
Motor Bus Station												P		P	P			P		
Railroad Yard and Freight Terminal																		P		
Truck Terminal/Truck Wash																		P		
<b>Vehicular Sales and Service</b>																				
Automobile Accessories (New)							C			C	C	P	P	P	P					
Automobile Salvage Yard (Junkyard)																		C		
Automobile, Truck, Trailer or Boat Sales											E	P	E	E	E			P		
Automobile/Truck Repair, major												P						P		
Automobile Washing Facility												P	P					C		
Gasoline Station										S	C	P	C	C	C			P		
Mobile Home Sales												P								
Towing Service												S						P		
Truck Stop												S						P		
<b>Miscellaneous Business</b>																				
Auction Sales (Non-Animal)												P	P	P	P					

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	IN	MOR	OP
<b>Miscellaneous Business (continued)</b>																				
Aviation Sales, Service or Storage									C										P	
Cemetery									C								C			
Shopping Center/Commercial PUD - Convenience							S			S	S	S	S	S	S			S		S
Shopping Center/Commercial PUD - General												S	S	S	S			S		
Construction Yard									C			E							P	
Contractor Shop and Showroom (Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops)										C		P	P	P	P				P	
Crematory									C			C	C							
Day Care Facility (non-home based)	C	C	C	C	C	C	C			C	C	C	C	C	C			C	P	C
kennel									C										P	
Lawn Care and Landscaping Service										C		P	P	P	P				P	
Mail Order Business (less than 10,000 square feet of gross floor area)										C	P	P	P	P	P				P	P
Mail Order Business (greater than 10,000 square feet of gross floor area)												P	S						P	P
Radio or TV Studio									C	C	C	P	P	P	P				P	
Self-Storage Facility												S							C-P	
Signs (See Article IX)																				
Warehouse																			P	
Wholesale Business												P	P	C	C				P	
Veterinary Hospital - Large Animal									C										C	
Veterinary Hospital - Small Animal									C			C	C						C	
<b>Residential</b>																				
Bed and Breakfast Inn										P	P	P	P	P	P				P	
Bed and Breakfast, Owner Occupied	C	C	C	C	C	C	C	C		P	P	P	P	P	P				P	
Boarding or Rooming House				P	P	P	P	P				P	P	P	P				P	
Dormitory				P	P	P	P	P				P		P	C	C			P	
Dwelling, Community Living Facility, Category I	P	P	P	P	P	P	P	P	P	C	P		P						P	
Dwelling, Community Living Facility, Category II		C	P	P	P	P	P	P		C	P	P	P	P	P				P	
Dwelling, Community Living Facility, Category III				P	P	P	P	P		C	P	P	P	P	P				P	
Dwelling, Duplex***		C	P	P	P	P	P			C	P		P						P	
Dwelling, Duplex (Extended Occupancy)***		C	P	P	P	P	P			C	P		P						P	
Dwelling, Home for Adjustment				S	P	P	P	S			P	P	P	P	P				S	
Dwelling, Loft							P			P	P	P	P	P	P	S			P	
Dwelling, Multifamily				P	P	P	P			C	P	S	P	P	P	S			P	
Dwelling, Multiple-Unit Common-Lot-Line***				P	P	P	P	P		S	C		P	P	P			P		P
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	C	P		P						P	
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P		P	C	P		P						P	
Dwelling, Two-Unit Common-Lot-Line***		C	P	P	P	P	P				P								P	
Home for the Aged				C	P	P	P				P	C	P	C	C				P	
Hotel or Motel									C			P	P	P	P					
Mobile Home Park (See Section VII-4)									S											
Mobile Home in Mobile Home Park									S											
Nursing Home				C	P	P	P				P	C	P	C	C					
Residential Planned Unit Development (See Section XIII-6)	S	S	S	S	S	S	S		S											
<b>Industrial</b>																				
Bookbinding												C	C	C	C	C			P	

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	IN	MOR	OP
<b>Industrial (continued)</b>																				
Building Paper, Paper Containers and Similar Products Manufacturing																		P		
Confectionery Products Manufacturing and Packaging											C	C	C	C	C			P		
Electrical and Electronic Machinery, Equipment and Supplies Manufacturing																		P		
Electronics and Related Accessories - Applied Research and Limited Manufacturing												C	P	C	C			P		C
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing												C	C	C	C			P		
Grain Mill Products Manufacturing and Packaging																		P		
Household and Office Furniture Manufacturing																		P		
Industrial PUD																		S		
Bookbinding											C	C	C	C	C			P		
Building Paper, Paper Containers and Similar Products Manufacturing																		P		
Confectionery Products Manufacturing and Packaging											C	C	C	C	C			P		
Electrical and Electronic Machinery, Equipment and Supplies Manufacturing																		P		
Electronics and Related Accessories - Applied Research and Limited Manufacturing												C	P	C	C			P		C
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing												C	C	C	C			P		
Grain Mill Products Manufacturing and Packaging																		P		
Household and Office Furniture Manufacturing																		P		
Industrial PUD																		S		
Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing and Processing																		P		
Light Assembly Manufacturing, 50,000 gross square feet or less																		P		C
Light Assembly Manufacturing, more than 50,000 gross square feet																		P		S
Manufacturing and Processing of Athletic Equipment and Related Products														C				P		
Manufacturing and Processing Apparel and Related Finished Products Manufacturing																		P		
Mechanical Measuring and Controlling Instruments Manufacturing																		P		
Miscellaneous Finished Products Manufacturing Including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, and Similar Products																		P		
Motion Picture Production Studio										S	C	C	C	C	C			P		S
Musical Instruments and Allied Products Manufacturing																		P		
Office and Artists Materials Manufacturing (Except Paints, Inks, Dyes and Similar Products)																		P		
Optical Instruments and Lenses Manufacturing																		P		
Photographic Equipment and Supplies Manufacturing																		P		
Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing												C	C	C	P			P		
Signs and Advertising Display Manufacturing														C	C			P		

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	IN	MOR	OP
<b>Industrial (continued)</b>																				
Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing																			P	
Theoretical and Applied Research, Development and Prototype Light Manufacturing of the Following: Drugs, Chemicals Food Products, Rubber and Petroleum Products, Light Fabricated Metal Products, Electrical Products, Physical and Aerospace Sciences, Wood and Wood Products, Non-electrical Machinery, Textiles, Glass Ceramic Products																				
Watches, Clocks and Clockwork Operated Devices Manufacturing																			P	S
Wool, Cotton, Silk and Man-made Fiber Manufacturing																			P	
All Other Industrial Uses																			S	

- \* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Conditional Use when the gross square footage is greater than 3,500 square feet per floor.
- \*\* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Special Use when the gross square footage is greater than 3,500 square feet per floor.
- \*\*\* See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units

## ARTICLE VI. DEVELOPMENT REGULATIONS

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

### Section VI-1. Applicability

Except as otherwise provided, every principal and accessory building and use in all Zoning the AG, CRE, R, B, MOR, OP, and IN Districts shall be subject to the applicable standards.

### Section VI-2. Height

- A. Public buildings, ~~sanitariums~~, schools, or institutions of an educational, philanthropic, religious, or eleemosynary nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.
- B. Chimneys, towers, elevator bulkheads, monuments, stacks, tanks, spires, church steeples, antennae, and necessary mechanical devices appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted codes and ordinances of the City of Urbana, Illinois.
- C. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building exceeds two stories or 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.E.2 and Section VI-5.F.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-1 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.
- ~~D. In the AG and CRE Districts, the maximum height specified in Table VI-1 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 buildings.~~
- E. Accessory buildings in the R-1, R-2, R-3, and R-4 Districts shall not exceed a height of 15 feet. Accessory buildings in the R-5, R-6, and R-7 Districts shall not exceed a height of 15 feet, or one-half the height of the principal building, whichever is greater. (Ord. No. 9091-59, § 8, 11-19-90; Ord. No. 9091-60, § 8, 11-19-90; Ord. No. 9091-62, § 5, 11-19-90)

Comment [MHW1]: Sanitariums are no longer on the Table of Uses

Comment [MHW2]: Combined with above section and moved to note on Table VI-1

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

- A. In the case of a lot in the AG or CRE District which was of public record before December 17, 1979, or in the case of a lot in the R-1 District which was of public record on or before December 21, 1970, or in the case of a lot in any other district which was of public record on or before November 6, 1950,

if such lot has less area or width than herein required, that lot may be used for any of the uses permitted in that district, provided that all other requirements of this Ordinance, including yard, height, floor area ratio, open space ratio, and off-street parking for the respective districts and uses are complied with. The uses, buildings, or structures on such a lot shall not be considered nonconforming due solely to the nonconformity of the lot.

- B. In the case of a lot which is not entirely in a single zoning district, the portion in each zoning district may be used only for uses and structures permitted by right in that district, or for uses and structures authorized by a conditional or special use permit. No structure shall be erected on the portion of the lot in one zoning district unless that portion and the structure on it comply with all development standards, including the minimum lot size, applicable to such portion of the lot.
- C. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.
- D. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of the Urbana Zoning Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.
- E. In the MOR District, the maximum area of a zoning lot shall be 8,500 square feet for the purpose of calculating the floor area ratio and open space ratio. The objective of this Section is to keep new structures compatible with the scale and density of existing development in the MOR District by preventing the use of one large parcel for the purpose of erecting a single large structure. In the case of zoning lots which contain between 8,500 and 17,000 square feet, the amount of square feet in excess of 8,500 square feet may be used for parking, landscaping, open space or other uses in accordance with the site plan review procedure in Section XI-12. In the case of zoning lots which exceed 17,000 square feet, the lot may contain two or more principal structures based on a ratio of one structure for each 8,500 square feet of area in the lot in accordance with this Section. However, in order to establish two principal structures on one lot, a conditional use permit must be approved by the Zoning Board of Appeals Board of Zoning Appeals in accord with the requirements of Section V-3.C and Section VII-2. (Ord. No. 8283-52, § 1, 3-7-83; Ord. No. 8687-15, § 1,2, 8-4-86; Ord. No. 8990-65, § 5, 1-16-90; Ord. No. 9091-59, § 9, 11-19-90)

F. Common-Lot-Line Dwelling Units

- 1. ~~Platted lots which contain common lot-line dwelling units shall be subject to and comply with the standards set forth in Article VI and Table VI 1 of this Ordinance, except as provided in this section. Each lot which contains a common-lot-line dwelling unit shall be considered separately and independently from adjoining common-lot-line dwelling units for the purpose of calculating floor area ratio, open space ratio, front yards, and rear yards.~~
- 2. The standards for minimum lot area and lot width for common-lot-line dwelling units shall be as follows:
  - a) For a common-lot-line building which contains three or more dwelling units: Each lot shall have a minimum lot area of 2,000 square feet and a minimum street frontage of 20 feet.

**Comment [MHW3]:** Moved from Article V, as it makes more sense to have this type of regulation in this article



- b) For lots that are zoned R-2 or R-3 and were originally platted before December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of 30 feet.
  - c) For lots that are zoned R-2 or R-3 and were originally platted after December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 4,500 square feet and a minimum street frontage of 40 feet.
  - d) For lots that are zoned R-4, R-5, R-6, R-6B, B-2 or MOR, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of 30 feet.
3. For the purpose of calculating side yards, a dwelling unit on the end of a common-lot-line building shall have a single side yard which conforms to the standards for side yards for the zoning district in which the building is located as set forth in Table VI-1 and Section VI-5 of this Ordinance. No side yards shall be required for interior lots in a common-lot-line subdivision. (Ord. No. 9293-109, § V-9, 5-17-93)

### Section VI-4. Floor Area

A. Definition. 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.

1. Gross Floor Area includes 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 cellars 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 storage or parking. Said accessory structure must conform to Section V-2.D.7.

**Comment [MHW4]:** The new definition of basement replaces cellar for this regulation.

**Comment [MHW5]:** Current practice that has never been formally recognized

**Comment [MHW6]:** Moved from Article II

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

**Comment [MHW7]:** Moved to note on Table VI-1

C. 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-1 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.

Comment [MHW8]: Reference to requirements in Article V

## Section VI-5. Yards

- A. Definition. See Article II for the definition of the various types of yards.
- B. In the B-1, B-2, B-3, B-4, B-4E, OP or IN District ~~a B or IN District~~, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of 100 feet or less in width from the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 District ~~a Residential District~~ shall be the same as that required in the latter Residential District.
- C. In the B-4E District, Section VI-5.B this provision shall apply only to yards on lots that are directly adjoining the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 District, except and not to any yards on lots that are separated by a public right-of-way of any kind. The yards required in the B-4E District will be those specified in Table VI-1, entitled "Development Regulations by District" except where they may be modified by this Section or other sections of this Ordinance. (Ord. No. 9293-72, § 6, 2-1-93)
- D. 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 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 adoption of this Ordinance. 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, the adoption of this Ordinance. This encroachment or projection shall not be permitted on new construction.
  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

Comment [MHW9]: Clarifications

Comment [MHW10]: Clarifications

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 distance of five feet into a minimum required yard outlined in Table VI-1, 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 subsection (See Building Codes). In addition, ramps or other structures necessary for handicapped accessibility may encroach into required yards. (Ord. No. 9899-13, 07-27-98)
6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.
7. Driveways, walks, fences, 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 except that parking is allowed only in accordance with provisions of Article VIII of this Ordinance.
9. Accessory garages structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts R-districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, provided that a minimum yard of 18 inches is maintained to the furthest projection of the roof.
10. Flagpoles, decorative lights, lattices, bird baths, bird houses, and other landscape features the like.
11. Private 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. Bicycle parking areas for non-residential uses shall be permitted to encroach into the required front yard in the AG, B-1, B-2, B-3, B-3U, CCD, CRE, IN, and MIC zones, but in no case shall be closer than five feet from the property line. In the B-4 zoning district, for non-residential uses bicycle parking areas may be permitted in the right of way subject to City Engineer approval. In the B-4E zone, for non-residential uses bicycle parking areas may encroach into the required front yard. Bicycle parking areas are prohibited within the front yard setback in all residential zoning districts (R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7). Bicycle parking areas shall be permitted to encroach into the required side and rear yards in all zoning districts. (Ord. No. 2000-11-135, 12-04-00)
13. Parking in the B-3, B-3U, IN Zoning District shall be permitted to encroach ten feet into the required 15 foot front yard but no closer than five feet from the property line if the requirements set forth in Section VI-5 G.2.(c) are met. (Ord. No. 1999-08-079, 08-03-99)

**Comment [MHW11]:** Comment from Building Safety. Clarifies how they calculate this setback requirement.

**Comment [MHW12]:** Clarification for zoning purposes

**Comment [MHW13]:** Moved to Article VIII. Parking and Access

**Comment [MHW14]:** Moved to Article VIII. Parking and Access

C. *Multiple Frontage Lots*

1. Lots having frontage on two or more streets shall have a required front yard on each street frontage, as provided in Table VI-1 and in Section VI-5.D, except that neither the buildable width nor depth of the lot shall be reduced to less than 30 feet, except for common-lot-line dwelling units where the buildable width may be reduced to 20 feet as provided in Section V-9 of this Ordinance. On lots having frontage on two or more streets in the R-6 and R-6B Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VII-1. (Ord. No. 9596-58, 11-20-95)
2. Except for common-lot-line dwelling units, which may have a buildable width of 20 feet as provided in Section V-9 of this Ordinance, the provision of required side yards shall not reduce the buildable width of a lot to less than 30 feet, except that a required relation to the height of the building, as provided in Table VI-1 and in Section VI-5, the buildable width of the lot may be reduced to less than 30 feet, as may be necessary in order to provide the yards as required in relation to the building height.
3. The rear line of the rectangular or generally rectangular lot with frontage on two intersecting streets shall be the line parallel or approximately parallel to the narrower of the two street frontages.
4. In addition to all requirements of this Ordinance, all provisions of "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, shall apply. In the case of any inconsistency between said Ordinance and this Ordinance, the more restrictive provision shall apply.

D. *Front Yards*

1. In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than 40% of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than 60 feet, in the R-1 zone and 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than 30 feet. For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.
2. No display of merchandise shall be placed in any required front yard.

E. *Side Yards*

1. For the purpose of side yard regulations, a duplex dwelling, ~~rowhouse or townhouse building~~, or a multiple-family dwelling shall be deemed one building occupying one lot.
2. ~~This section shall not apply to structures which contain Common-lot-line dwelling units which shall conform to the side yard regulations as provided in Section V-9 of this Ordinance.~~
3. In the AG, CRE, R, B-1, B-2, ~~OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts,~~ each required side yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in building height, whichever is greater. In the AG and CRE Districts, farm buildings are exempt from this requirement in accordance with Section VI-2.

Comment [MHW15]: Clarification

Comment [MHW16]: Don't want to discourage higher densities in these districts

Comment [MHW17]: Included for consistency with height regulations

- 4- The side yard of a lot which immediately adjoins or is directly opposite property in another district which requires a greater side yard shall not be less than that required in the adjoining or opposite district. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind. ~~The side yard required in the B-4E District will be as specified in Table VI-1, entitled “Development Regulations by District” except where it may be modified by this section or other sections of this Ordinance.~~
5. When two or more principal structures are located on a single zoning lot in the MOR District, the buildings shall be separated by a minimum of 14 feet.

Comment [MHW18]: Deleted excessive wording

#### F. Rear Yards

1. In the AG, CRE, R, B-1, B-2, OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, the required rear yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in height.
2. Unenclosed and uncovered off-street parking spaces are permitted in a required rear yard.
3. In the AG and CRE Districts, the required rear yard shall be reduced to 20% of the lot depth if the lot is less than 125 feet deep, provided that the rear yard shall be at least 15 feet deep.

### Section VI-6. Screening

#### A. Buffer and Landscape Yards

1. *Applicability.* This section shall be applicable when a building permit is required for new construction of a principal building or where the square footage of an addition to an existing building exceeds the existing square footage of the building on the zoning lot.
2. In order to minimize the impacts between uses of varying intensity, to create a more attractive community, and to provide a greener edge to our urban environment, the following requirements shall apply:
  - a) If Table VI-1 requires greater setbacks than this subsection, the greater setbacks shall apply and a landscaping buffer will be required per this section.
  - b) In the B-4E District, the required front yard, except for allowed access for access drives and sidewalks, shall be landscaped with a combination of grass or other suitable ground cover, flowers, shrubs, and trees or decorative pavement, walls, or fences in conformance with this Section and other provisions of this ordinance.
  - c) ~~The required side yard of a lot in the B-1, B-2, B-3, or B-3U Districts any B-District, except the B-4E, the IN District, or the OP District,~~ shall have a minimum depth of ten feet if it immediately adjoins property in any R-4, R-5, R-6, R-6B, or R-7 District or the MOR District. In these instances, no access drive may encroach into said required side yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site. In addition, a landscape buffer with a minimum depth of five feet shall be provided in said yard. Said landscape buffer shall, at a minimum, meet the requirements of this Section. In the B-1 District a six-foot high wood or masonry fence shall be erected in lieu of a landscape buffer. (Ord. No. 2004-03-029, 04-30-04)

Comment [MHW19]: Clarification

- d) The required side or rear yard of a lot in the B-1, B-2, B-3, or B-3U Districts, ~~any B-District, except the B-4E, the IN District, or the OP District,~~ which immediately adjoins property in the R-1, R-2, or R-3 Districts, shall have a required side yard in accordance with the Development Regulations in Table VI-1, except that a solid fence six feet in height shall be erected rather than landscaping required herein. This provision shall supersede Chapter 7, Fences, of the City of Urbana Code of Ordinances ~~Urbana City Code~~ entitled "Fences" but shall not be permitted in an area that the City Engineer determines will pose a traffic hazard. In the B-1 District the fence shall consist of either wood or masonry materials. (Ord. No. 2004-03-029, 04-30-04)
- e) The required side yard of a lot in the R-4, R-5, R-6, R-6B, or R-7 District shall have a minimum depth of ten feet if it immediately adjoins property in the R-1, R-2, or R-3 District. No access drive may encroach into said required yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site. In addition, a landscape buffer with a minimum depth of five feet shall be provided in said yard.
- f) The required rear yard of a lot in any B District, the IN District, or the OP District shall have a minimum depth of ten feet if it immediately adjoins property in any R District or the MOR District. A landscape buffer with a minimum depth of five feet shall be provided in said yard. Said landscape buffer shall, at a minimum, meet the requirements established for plantings and ground cover in Section VI-6 of this Ordinance, ~~this Section~~. In the B-1 District a six-foot high wood or masonry fence shall be erected in lieu of a landscape buffer. (Ord. No. 2004-03-029, 04-30-04)
- g) The required rear yard of a lot in the R-4, R-5, R-6, R-6B, or R-7 District shall have a minimum depth of ten feet if it immediately adjoins property in the R-1, R-2, or R-3 Districts. In addition, a landscape buffer with a minimum depth of five feet shall be provided in said yard. Said landscape buffer shall, at a minimum, meet the requirements established for planting and ground cover in this Section.
- h) The shrubs and shade trees required shall be among the species listed in Table VI-2 and Table VI-3, except where alternative species may be approved by the Zoning Administrator upon the recommendation of the City Arborist and in conformance with the Urbana Arboricultural Specifications Manual.
- i) Shrubs and trees shall be provided in the amount of one tree and three shrubs for every 40 linear feet or fraction thereof along the applicable required landscaped buffer yard of the zoning lot.
- ~~j) The trees and shrubs shall meet the minimum size and spacing requirements contained in this Article. All shrub species, except boxwood, shall be spaced at least three feet apart, as measured from center to center at planting grade, and have a minimum initial planting height of 18 inches. The boxwood species shall be spaced at least 30 inches apart and have a minimum initial planting height of 15 inches.~~
- k) A ground cover with living grass or other ground cover type plant material shall be required on a minimum of 75% of the square footage in the applicable required landscaped yard excluding the access drives that may be allowed. The remaining 25% of the applicable required yard area may be non-living landscaping materials including bark or wood chips, rock, stone, decorative pavement, landscaping timbers, or other similar material.
- l) In the B-4E District, a decorative wall no more than two feet in height may be located within the required front yard setback. It shall consist of landscaping timbers, stone, brick or

Comment [MHW20]: Consistency with the rest of the paragraph

finished masonry materials. Said wall may be provided as a supplement to the landscaping required herein but shall not be considered as a substitution for the type or amount of landscaping required herein.

- m) A retaining wall to support a raised planting area for landscaping shall be no more than four feet in height and the width of such a raised planting area shall be greater than its height.
  - n) All off-street parking lots shall be screened with an adequate screen fence or screen planting as required in Section VIII-3.F and Section VI-6.D of this Ordinance.
  - o) All plant materials required by this Section shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Such notice shall be provided in writing to the owner of the property by the Zoning Administrator upon the recommendation of the City Arborist.
  - p) In the B-3 General Business Zoning District, parking is permitted to encroach ten feet into the required 15 foot front yard setback if the encroachment conforms to the regulations set forth in the following requirements of the zoning ordinance: Section VI-5 G.2 (b); G.2 (h); G.2 (i); G.2 (j); G.2 (k); G.2 (l); G.2 (m); G.2 (n) and G.2 (o). (Ord. No. 1999-08-079, 08-03-99)
- B. Loading areas and non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, must be provided with screening which meets the requirements for the screening of off-street parking areas, as specified in Section VIII-2.F.
- C. Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Section VI-5.C.4.
- D. When parking is provided at ground level below any part of a principal structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Districts Residential Districts or the MOR District, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping, or other suitable screening around the perimeter of the structure in accordance with the provisions of Section VIII-3.F.
- E. When off-street parking is provided in the B-4E District, the parking lot(s) shall be screened with an adequate screen fence or screen planting in conformance with the provisions of Section VIII-3.F.

**~~TABLE VI-2. SHADE TREE SPECIES~~**

---

~~White Ash – Male Cultivars  
Male Ginkgo  
Linden Species  
Sugar Maple Species  
English Oak  
Bald Cypress  
Hackberry  
Honey Locust (Seedless/Thornless) Cultivars~~

---

**TABLE VI-2. SHADE TREE SPECIES**

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

**Comment [MHW21]:** New plant species recommended by the City Arborist.

**TABLE VI-3. PARKING SCREENING SHRUBS SHRUB SPECIES**

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

**Comment [MHW22]:** Minimum spacing and plant height requirements for shrubs are now included in the buffer/landscaping section above.

<i>Species</i>	<i>Minimum Spacing Requirement*</i>	<i>Planting Height</i>
Mint Julep Juniper	3 feet	18—24 inches



Sea Green Juniper	3-foot	18 – 24 inches
Brown Yew	3-foot	18 – 24 inches
Hicks yew	3-foot	18 – 24 inches
Boxwood Species	30 inches	15 – 18 inches
Holly Species	3-foot	18 – 24 inches
Euonymus Alatus Compactus	3-foot	18 – 24 inches
Compact American Cranberry Bush Vibumum	3-foot	18 – 24 inches

\*Measured from center to center at planting grade (Ord. No. 9798-66, 11-17-97)

**Section VI-7. Drainage and Storm Water Runoff**

- A. Applications for a building permit shall include a certification by the applicant, and be prepared and sealed by an Illinois Registered Professional Engineer retained by the applicant, to the effect that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction or development of the proposed use, building or structure.
- B. ~~or, that~~ If such surface water drainage will be changed, or if the impervious area of the site increases, the application must address the following: adequate provision has been made for:
  - 1. The collection and diversion of such surface waters into public areas, or into drains which the applicant has a right to use; and
  - 2. That such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may thereby cause damage to the adjoining property; ~~provided, however, that~~
- C. This requirement shall not apply to building permits for single-family and duplex dwelling units, or for the development of property located in subdivisions approved by the Urbana City Council subsequent to October 1, 1973.

Comment [MHW23]: Clarification requested by Public Works

Comment [MHW24]: Clarification requested by Public Works

**TABLE VI-1. DEVELOPMENT REGULATIONS BY DISTRICT**

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet) <sup>1</sup>		
						Front	Side	Rear
AG	1 acre <sup>2</sup>	150	35 <sup>3</sup>	0.25	0.55	25	15	25
B-1	6,000	60	35 <sup>3</sup>	0.30	none	15	7	10
B-2	6,000	60	35 <sup>3</sup>	1.50 <sup>4</sup>	0.15	15	10	15
B-3	6,000	60	none	4.00	none	15	10 <u>5</u>	10
B-3U	6,000	60	none	4.00	0.10	15	5	5
B-4	2,000	20	none	9.00	none	none	none	none
B-4E	4,000	40	none	6.00	none	6	5	5
CCD	6,000	60	none	4.0	0.10 <sup>5</sup>	6	5	5
CRE	1 acre	150	35 <sup>3</sup>	0.25	0.55	25	15	25
IN	10,000	90	none	1.00	none	25	none	none
MIC <sup>6</sup>	4,000	40	none	9.00 <sup>7</sup>	none	6	5	5
MOR	6,000	60	35	0.70 <sup>8</sup>	0.30 <sup>8</sup>	15 <sup>9</sup>	7 (17) <sup>10</sup>	10
OP	1 acre	150	50	0.5	0.55	25	15	25
R-1	9000 <sup>11</sup>	80	35	0.30 <sup>11</sup>	0.50 <sup>11</sup>	25 <sup>9</sup>	5 (15) <sup>12</sup>	10
R-2	6,000 <sup>11</sup>	60 <sup>11</sup>	35	0.40	0.40	15 <sup>9</sup>	5	10
R-3	6,000 <sup>11</sup>	60 <sup>11</sup>	35	0.40	0.40	15 <sup>9</sup>	5	10
R-4	6,000	60	35	0.50 <sup>14</sup>	0.35	15 <sup>9</sup>	5	10
R-5	6,000	60	35	0.90	0.30	15 <sup>9</sup>	5	5
R-6	6,000	60	See Note 15	1.40	0.25	15	5	10
R-6B	6,000	60	See Note 15	1.50 <sup>16</sup>	none	15	5	10
R-7	6,000	60	35	0.50	0.35	15 <sup>9</sup>	5	10

Note: In addition to the notes below, please refer to Article V for use regulations, Article VII for conditional and special use procedures, Article VIII for parking regulations, Article IX for sign regulations, Article XII for historic preservation regulations, and Article XIII for special development provisions. also refer to Sections VI-1 through VI-7 of this Article, whose provisions supplement the requirements of this table.

**Comment [MHW25]:** The majority of changes to these notes are to cross-reference existing regulations.

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

**Comment [MHW26]:** Wanted to point towards to appropriate section, but too much to add as individual notes

3. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building exceeds two stories or 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.E.2 and Section VI-5.F.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-1 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.

**Comment [MHW27]:** Don't want to discourage higher densities in these districts

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

**Comment [MHW28]:** Added for clarification

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

- a) The open space ratio requirement in the CCD, Campus Commercial District shall only be applied for the residential square footage of the development.
- b) In the CCD, Campus Commercial District the first floor of residential development may be considered the ground level area for development for applying the open space ratio requirement.
- c) There shall be no minimum requirement for permeable ground cover and no maximum requirement for paved recreation areas in the open space requirement for development in the CCD Zoning District (Ord. No. 2003-02-017, 02-17-03).

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

**Comment [MHW29]:** Added for clarification

7. In the MIC District, the minimum floor area that shall be devoted to health care-related or professional medical office uses is outlined in Section V-10.B of this Ordinance.

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

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

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

11. In the R-1 District, any lot platted and of public record before November 6, 1950 and presently having a lot width of 65 feet or less and a lot area of less than 7,500 five hundred square feet may be developed in accordance with the development regulations for the maximum FAR and the minimum OSR of the R-3 District as specified above. (Ord. No. 8384-25, sec. 5; Ord. No. 8586-53, sec. 2, 1-20-86; Ord. No. 9091-16, 8-6-90; Ord. No. 9091-59, sec. 14, 11-19-90; Ord. No. 9091-60, sec. 11, 11-19-90; Ord. No. 9091-61, sec. 8, 11-19-90; Ord. No. 9091-62, sec. 8, 11-19-90; Ord. No. 9091-132, sec. 1, 5-20-91; Ord. No. 9091-133, 5-20-91)
12. In the R-1 District, the sum of the two required side yards shall not be less than 15 feet.
13. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.
14. In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.
15. In the R-6 and R-6B Districts, the maximum height is twice the distance from the street centerline to the face of the building.
16. See Section V-5.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the R-6B District.

**Comment [MHW30]:** Clarification for zoning purposes

**Comment [MHW31]:** Added for clarification

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

- ~~Section VII-1. Conditional and Special Uses~~
- ~~Section VII-2. Conditional Use Permit Procedures~~
- ~~Section VII-3. Conditional Use Permit Terms and Conditions~~
- ~~Section VII-4. Special Use Permit Procedures~~
- ~~Section VII-5. Special Use Permit Terms and Conditions~~
- ~~Section VII-6. Standards for Specific Conditional Uses~~
- ~~Section VII-7. Mobile Home Parks~~
- ~~Section VII-8. Planned Unit Developments~~
- ~~Section VII-9. Special Use Permit Procedures for Utility or Public Buildings and for Adaptive Re-use of School Buildings and Church Buildings~~
- ~~Section VII-10. Special Procedures in the Boneyard Creek District~~
- ~~Section VII-11. Exemption Procedure in Business Development and Redevelopment District~~

**Comment [MHW1]:** An actual permit doesn't exist, so there have been many language changes along those lines

**Comment [MHW2]:** Both moved to new Article XIII

### Section VII-1. Conditional and Special Uses

- A. Conditional uses, as designated by Table V-1, are not permitted by right in the various zoning districts. ~~A valid conditional use permit, authorized by the Board of Zoning Appeals in accordance with the procedures stipulated herein, is required before application for a building permit or Certificate of Occupancy (if no building permit is required) for a conditional use.~~ A conditional use is one which is deemed potentially appropriate in and compatible with uses permitted by right in its zoning district, but which requires individual consideration and regulation. The standards and procedures for the consideration of conditional uses are specified in Section VII-2.A.
- B. Special uses, as designated by Table V-1, are not permitted by right in the various zoning districts. ~~A valid special use permit, authorized by the City Council in accordance with the procedures stipulated herein, is required before application for a building permit or for a Certificate of Occupancy for a special use.~~ A special use is one which is potentially appropriate in and compatible with other uses in its zoning district, but which, because of the potential major impact of its scale and nature on its district and the City of Urbana as a whole, necessitates stricter examination, site plan review, and individual regulation than a conditional use permit. The standards and procedures for the consideration of special uses are specified in Section VII-4.A and Article XIII. ~~The standards and procedures for the consideration of mobile home parks and Planned Unit Developments are specified in Sections VII-4 and VII-5 of this Article, respectively; the procedure and standards for the consideration of other special uses is specified in Section VII-6 of this Article.~~

**Comment [MHW3]:** This part is already included in Section VII-3

**Comment [MHW4]:** This part is already included in Section VII-5

**Comment [MHW5]:** Sections moved to Article XIII

### Section VII-2. Conditional Use Permit Procedure

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

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

**Comment [MHW6]:** Clarification for zoning purposes

1. That the proposed use is conducive to the public convenience at that location;
  2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and
  3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6 of this Ordinance.
- B. Each application for a conditional use ~~permit~~ shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. ~~Applicants for any proposed conditional use permit shall meet notification requirements for a public hearing specified in Section XI-10 of this Ordinance.~~
- D. The public hearing shall be held by the Zoning Board of Appeals ~~Board of Zoning Appeals~~, in accordance with its established procedures and the requirements of the Urbana City Code. The public hearing shall meet notification requirements specified in Section XI-10 of this Ordinance.
- E. The Zoning Board of Appeals ~~Board of Zoning Appeals~~ shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use ~~permit~~, and whether the proposed use will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare. based upon the criteria specified in Section VII-2.A of this Article.
- F. The Zoning Board of Appeals ~~Board of Zoning Appeals~~ shall authorize or deny the requested conditional use ~~permit~~, and may also impose such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:
1. Regulation of the location, extent, and intensity of such uses;
  2. Requirement of the screening of such uses by means of fences, walls, or vegetation;
  3. Stipulation of required minimum lot sizes;
  4. Regulation of vehicular access and volume;
  5. ~~Requirement of~~ Conformance to health, safety, and sanitation requirements, as necessary;
  6. Increases to the required yards; and
  7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).

Comment [MHW7]: This is a staff responsibility

Comment [MHW8]: Clarification

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

**Comment [MHW9]:** Consistency with ZBA Rules of Procedure, existing regulations

**Section VII-3. Conditional Use Permit Terms and Conditions**

A. A conditional use authorized by the Zoning Board of Appeals ~~a conditional use permit~~ is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other more restrictive regulations are specifically approved. ~~stated in the conditional use permit.~~ Conditional uses are also subject to the development regulations specified in Section VII-3 of this Article, if applicable, and all applicable parking regulations for the use and district, unless other more restrictive regulations are specifically stated.

B. Unless otherwise specifically stated by the Zoning Board of Appeals ~~provided in the terms of the conditional use permit,~~ a conditional use permit shall be valid for a period of one year from the date of its approval issuance. ~~As provided in Section VII-1 of this Article, a valid conditional use permit is required in order to apply for a building permit, or for a Certificate of Occupancy if no building permit is required to establish a use; once established, however, the conditional use may continue indefinitely beyond the expiration of the permit allowing it, unless otherwise specifically provided in the terms of the permit. Valid conditional use approval is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required).~~

**Comment [MHW10]:** Clarification requested by Building Safety.

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

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

**Comment [MHW11]:** The rationale for changes to this Section are the same as in Section VII-3.

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

- A. A written application for a special use ~~permit~~ shall be submitted to the Secretary of the Plan Commission by the owners of more than 50% of the ownership of the subject property involved. The application shall demonstrate:
  - 4. That the proposed use is conducive to the public convenience at that location; and
  - 5. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and
  - 6. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-5.

- B. Each application for a special use permit shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. ~~Applicants for any proposed conditional use permit shall meet notification requirements for a public hearing specified in Section XI-10 of this Ordinance.~~
- D. The public hearing shall be held by the Plan Commission, in accordance with its established procedures and the requirements of the Urbana City Code. All public hearings shall meet notification requirements specified in Section XI-10 of this Ordinance.
- E. The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, ~~and whether the proposed use will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.~~ based upon the criteria specified in Section VII-4.A of this Article.
- F. The Plan Commission shall make a recommendation to the City Council for or against the ~~proposed~~ special use, and may also recommend such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:
  - 1. Regulate the location, extent, and intensity of such uses;
  - 2. Require adherence to an approved site plan;
  - 3. Require the screening of such uses by means of fences, walls, or vegetation;
  - 4. Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;
  - 5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
  - 6. Require conformance to health, safety, and sanitation requirements, as necessary;
  - 7. Regulate signs and outdoor lighting;
  - 8. Any other provisions ~~conditions~~ deemed necessary to effect the purposes of this Ordinance.
- G. The City Council shall consider the recommendation of the Plan Commission regarding the ~~required~~ special use permit, and may authorize the Zoning Administrator to issue the special use permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
- H. In the case of a valid written protest, the special use shall not be authorized except by a favorable vote of two-thirds of the members of the City Council. Procedures for protest against any proposed special use permit are specified in Section XI-11 of this Ordinance.



### Section VII-5. Special Use Permit Terms and Conditions

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

~~1. Radio and Television Towers and Stations in the B-4 Zoning District: Minimum lot size are applicable to freestanding towers and stations, but not to those within buildings of other uses. For Any radio or television tower or antenna which requires an obstruction notice to the Federal Aeronautics Administration (FAA) under the requirements of the Federal Aviation Regulations, the findings of the FAA, if any, shall be made part of an application for a special use permit. The Plan Commission and City Council shall consider any findings of the FAA in determining whether a tower constitutes a hazard to aviation or the flight operations of any airport. (Ord. No. 1999-06-045, 06-22-99)~~

Comment [MHW12]: Moved to Article XIII

B. Unless otherwise specifically stated by the City Council, the special use approval shall be valid for a period of one year from the date of its approval. Valid special use approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). ~~Unless otherwise specifically provided in the terms of the ordinance authorizing the special use, the use must be established through a building permit or Certificate of Occupancy within one year from the date the ordinance authorizing it is passed by the City Council. As provided in Section VII-1 of this Article, special use must be authorized before a building permit or a Certificate of Occupancy (if no building permit is required to establish a use), may be issued. Once the use is established, the special use may continue indefinitely beyond the expiration of the building permit allowing it, so long as the principal use is not discontinued, unless the ordinance authorizing the special use dictates otherwise.~~ (Ord. No. 9697-154, 6-16-97)

Comment [MHW13]: Reworded for consistency between CUP and SUP

C. Violation of the terms and conditions of the special use shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the special use may be approved only by the City Council. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above. ~~Violation of the terms of the special use permit shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.~~ (Ord. No. 8889-70, § 2, 4-3-89)

Comment [MHW14]: Again, consistency

### Section VII-6. Standards for Specific Conditional Uses

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

Comment [MHW15]: There are no categories in this table

standards for the district in which the conditional use is located and the parking regulations for the district and use, unless otherwise specifically provided in the permit authorized by the Zoning Board of Appeals Board of Zoning Appeals.

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

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

Comment [MHW16]: This is a straight requirement, not a minimum/maximum requirement

<sup>1</sup> Refer to Table VI-1 for setback and minimum lot size requirements for uses with no specified setback or minimum lot size.

**TABLE VII-1 STANDARDS FOR SPECIFIC CONDITIONAL USES (cont.)**

Use	Required Maximum Fencing	Setbacks (in feet)			Minimum Lot Size	Other Provisions
		Front	Side	Rear	(acres)	
Water Treatment Plant	8 foot wire mesh	50	50	50	5.0	
Fairgrounds	6 foot wire mesh	50	50	50	20.0	
Sanitary Landfill *	8 foot solid	200	200	200	40.0	
Sewage Lagoon **	8 foot solid	200	200	200	40.0	
Sewage Disposal Plant **	8 foot solid	100	100	100	4.0	

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

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

## **Section VII.7. Mobile Home Parks**

Mobile home parks, containing mobile homes for residential purposes and the accessory facilities subordinate thereto, are a special use subject to the following procedures and standards:

- A. ~~Application Procedure.~~ It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein.
1. ~~Preliminary Conferences.~~ Prior to the preparation of formal application, the applicant should meet with the Secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.
  2. ~~Preliminary Development Plan Submission~~
    - a) ~~Twelve copies of a preliminary development plan, with supporting data, shall be submitted to the Secretary of the Urbana Plan Commission. One copy shall be returned to the petitioner after the Commission's review.~~
    - b) ~~The preliminary development plan must include, either in the form of drawings or written statements, all of the following information:~~
      - (1) ~~The name, location or address, owner, and designer of the proposed development; it shall thereafter be the responsibility of the owner and operator of the mobile home park to notify in writing the Secretary of the Urbana Plan Commission of any change in their names and addresses;~~
      - (2) ~~A legal description of the site proposed for development;~~
      - (3) ~~Location of all property lines, existing streets, easements, utilities, and any other significant features;~~
      - (4) ~~Date, north arrow, and graphic scale (not less than one inch equal to 100 feet) on all drawings submitted;~~
      - (5) ~~Indication and location of existing conditions on the tract, including:~~
        - (a) ~~Contour lines at a minimum of five-foot intervals;~~
        - (b) ~~Watercourses and existing drainage facilities; and~~
        - (c) ~~Existing structures, trees, and vegetation, with an indication of those that will be removed and those that will be retained as part of the development;~~
      - (6) ~~Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities, and existing zoning;~~

~~(7) A site plan, indicating, among other things, the general location of the following:~~

- ~~(a) All buildings, structures, mobile home stands, and other improvements;~~
- ~~(b) Common open spaces;~~
- ~~(c) Off-street parking facilities and the number of spaces to be provided;~~
- ~~(d) Sidewalks;~~
- ~~(e) Illuminated areas;~~
- ~~(f) Use of open space being provided;~~
- ~~(g) Indication as to which streets will be public and which private;~~
- ~~(h) All utilities, including storm drainage, sanitary sewers, and water service; and~~
- ~~(i) Such other documents explaining unusual circumstances as the Plan Commission may require.~~

~~(8) Quantitative data indicating the following:~~

- ~~(a) Total number of mobile homes;~~
- ~~(b) Approximate gross density;~~
- ~~(c) Total amount of open space provided in the tract, as a percentage of the total site acreage, and in square feet or acres; and~~
- ~~(d) Such other calculations as the Plan Commission may require.~~

~~(9) A development schedule indicating:~~

- ~~(a) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;~~
- ~~(b) The approximate dates when the development of each of the stages in the development will be completed; and~~
- ~~(c) The area and location of common open space that will be provided at each stage.~~

~~3. *Preliminary Development Plan Review.* Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within ~~60~~ 30 days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, shall continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council for consideration.~~

~~In formulating its recommendation, the Plan Commission shall consider whether the facts set forth in the application, and the evidence adduced during the public hearing, justify the granting of~~

~~the special use permit, and whether the proposed mobile home park would be in harmony with the general purpose and intent of this Ordinance, and that the proposed use would not be unreasonably injurious or detrimental to the district in which it would be located, or to surrounding districts and uses, or otherwise injurious or detrimental to the public welfare. The Plan Commission may include with its recommendation such conditions and requirements as it considers appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:~~

- ~~a) Regulation of the location, extent, density, and intensity of the proposed mobile home park;~~
- ~~b) Requirement of screening of the mobile home park by means of fences, walls, or vegetation;~~
- ~~c) Stipulation of mobile home site and site development requirements;~~
- ~~d) Regulation of vehicular access;~~
- ~~e) Require Conformance to health, safety, and sanitation requirements, as necessary;~~
- ~~f) Increasing the required yards; and~~
- ~~g) Any other conditions deemed necessary to affect the purposes of this Ordinance.~~

~~4. Preliminary Development Plan Approval~~

- ~~a) The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.~~
- ~~b) Approval by ordinance of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. Council approval of the preliminary development plan shall be valid for a period of 12 months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5, below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.~~
- ~~c) Procedures for protest of any proposed mobile home park are specified in Section XI-14 of this Ordinance. (Ord. No. 8788-28, § 5, 10-5-87)~~

~~5. Final Development Plan Submission~~

- ~~a) Within 12 months following the passage of the ordinance approving the preliminary development plan by the City Council, the applicant shall file the final development plan in accordance with Section XI-7 of this Ordinance, the procedure for filing zoning amendments. Five copies of the final development plan shall be filed, containing all data, information, and plans as required herein.~~

~~b) The final development plan shall include but not be limited to the following:~~

- ~~(1) All the material required in the preliminary development plan submission;~~
- ~~(2) An accurate legal description and property survey by a registered land surveyor, of the entire area included within the proposed mobile home park;~~
- ~~(3) Delineation of the location of all mobile home stands to be constructed;~~
- ~~(4) Pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the mobile home park development;~~
- ~~(5) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;~~
- ~~(6) Accurate tabulations on the use of the area, including land area, number of mobile homes per acre, buildings and other community facilities, total common open space, and total number of parking spaces provided;~~
- ~~(7) Any other plans or specifications which may be necessary for final engineering evaluation of drainage, street design, and other facilities deemed necessary by the City Engineer or the Plan Commission.~~

~~6. Final Development Plan Review. Upon receipt of the final development mobile home park plan, the Plan Commission shall review the submitted documents and ascertain whether the final development plan substantially conforms to the regulations of this section, and is consistent with the approved preliminary development plan. Upon review of the final development plan, the Plan Commission shall forward to the City Council the final development plan and any necessary supporting information, along with its recommendation.~~

~~7. Final Development Plan Approval and Recording. The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and may vote whether or not to approve the final development plan shall vote whether or not to approve the plan. In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance paragraph VII-4-A(4)(c) shall apply.~~

~~Upon approval by ordinance of the final development Plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically null and void withdrawn and held for naught.~~

~~After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.~~

~~8. Combined Preliminary and Final Development Plan Review. The applicant may submit a combined preliminary and final mobile home park plan to the City, in lieu of the procedure~~



~~provided for above. Such submission shall include all of the material required for both the preliminary development plan submission and the final development plan submission. Upon receipt of the combined mobile home park application, the required material to be presented, and the payment of the applicable fee, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 30 days after the public hearing, the Plan Commission shall recommend approval or disapproval or, at the request of the applicant, continue discussion pertaining to the preliminary and final mobile home park plan. The preliminary and final mobile home park plan, the recommendations of the Plan Commission thereon, and any necessary supporting information shall be forwarded to the City Council.~~

- ~~9. *Combined Preliminary and Final Development Plan Approval.* The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. In approving a combined plan, the City Council may impose any conditions, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.~~

~~In case of a written protest against the proposed plan, the provisions of paragraph VII-4-A(e) shall apply. Upon approval by ordinance of the combined preliminary and final development plans by the City Council, the City Clerk, upon direction of the applicant and upon receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught. After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.~~

~~B. *Development standards*~~

~~1. *General Provisions*~~

- ~~a) No mobile home park shall be located in an area where the conditions of the soil, ground water level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.~~
- ~~b) No mobile home park shall be located so that is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.~~
- ~~c) Ingress and egress to a mobile home park shall be provided in such a manner as to facilitate access by emergency vehicles and shall be designed to provide efficient and safe traffic circulation both within and outside the mobile home park.~~
- ~~d) No part of any mobile home park shall be used for nonresidential purposes, except customary accessory uses that are required to serve directly the mobile home park residents and for the maintenance of the mobile home park. No commercial mobile home sales shall be permitted in any mobile home park.~~

~~2.—*Size and Density of Mobile Home Park.* No mobile home park shall contain an area of less than five acres or a density of more than eight mobile home sites for each gross acre of land, provided, however that mobile home parks in existence on February 5, 1973, which have a total area of less than five acres or a total density of more than eight mobile home sites for each gross acre of land may continue to operate, except as otherwise provided herein.~~

~~Existing mobile home parks may be altered to bring such parks into greater conformity with this Article. However, no additions or alterations may be made to any existing mobile home park unless such addition or alteration is in conformity with this Article, and unless the total area of the mobile home park, including such additions or alterations, consists of at least three acres.~~

~~3.—*Required Yards and Screening for Mobile Home Park Exterior Boundary*~~

~~a) All mobile home stands shall maintain a setback of no less than 45 feet from the right-of-way line of Interstate, United States or State of Illinois highways, and a setback of no less than 35 feet from the right-of-way line of any other highway or street which borders the mobile home park.~~

~~b) There shall be minimum side and rear yards of 15 feet, measured from the mobile home, except where paragraph a), above, is applicable.~~

~~c) All mobile home park boundaries adjacent to existing residential development shall be provided with a six foot high fence of sufficient density to limit substantially the view from outside the mobile home park of any mobile homes, accessory structures, and other uses placed in the mobile home park. All other boundaries shall be provided with screen planting, which is estimated by the Zoning Administrator to reach a height of eight feet after three years, and is estimated to have sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park. However, if residential development amounting to three or more dwelling units occurs within 250 feet of the boundary of the park within the three-year time limit mentioned above, a fence six feet high and of sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park shall be placed by the mobile home park owner or developer along the boundary where such residential development occurs. All fences or screen plantings shall be continually maintained to meet the requirements of this section. Under unusual circumstances, the Plan Commission may recommend that all or portions of these screening requirements be waived.~~

~~4.—*Required Recreation Space.* Not less than 10% of the gross site area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be conveniently located on the site and readily accessible to all mobile home occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and administrative offices). Single parcels of outdoor recreation space containing less than 6,000 square feet, or with a minimum average width of less than 30 feet shall not be included as meeting the 10% requirements stated above, but are not otherwise restricted.~~

~~5.—*Mobile Home Site Requirements*~~

~~a) The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be 15 feet. If parking is provided on the street adjacent to the mobile home, a minimum distance of ten feet from the parking area shall be provided.~~

~~b) There shall be a rear yard provided for each mobile home of at least ten feet. The rear yard is the yard farthest from the street.~~

- c) ~~The minimum distance between mobile homes shall be 20 feet, excluding hitches and steps. Bay windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear yard requirements.~~
- d) ~~All mobile home sites rented or used in a mobile home park shall contain a contiguous area of at least 3,200 square feet.~~
- e) ~~Mobile home park operators shall maintain a copy of the current plot plan of the mobile home park, indicating specific locations of all mobile home stands, in the office of the Zoning Administrator.~~
- f) ~~A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate the mobile home to be located thereon. A mobile home stand shall be a solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind, or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four such ground anchor connections shall be provided for each mobile home of 51 feet or less in length, and six such ground anchor connections shall be provided for each mobile home exceeding 51 feet in length.~~
- g) ~~Each mobile home site shall be provided with an outdoor living space on the site to supplement the interior living space of the mobile home. Such outdoor living space must be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a single usable surface adjacent to the mobile home. The area of the outdoor living space shall be a minimum of 160 square feet, with a minimum dimension of eight feet.~~
- h) ~~The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting. The area thereby enclosed may be used for storage of nonflammable objects and materials.~~
- i) ~~A minimum of two hard surfaced parking spaces shall be provided for each mobile home site. One of these parking spaces may be provided off the site, provided such parking space is not more than 200 feet from the mobile home site served, and is not located on public street right-of-way.~~

6. ~~Street Requirements~~

- a) ~~All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.~~
- b) ~~Public street dedications within or abutting mobile home parks may be required, and shall be made in accordance with the subdivision regulations. No mobile home site shall have direct access onto a dedicated public street.~~
- c) ~~Entrance drives into mobile home parks shall have direct access to a public street, and shall be designed to have free traffic flow onto such public streets. No parking or mobile home site access driveway shall be permitted off an entrance drive for a distance of 50 feet from a public right-of-way.~~

- d) ~~The internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector private streets. Cul-de-sac private streets shall be limited to a length of 300 feet.~~
- e) ~~Minimum pavement widths for private streets, including curbs, shall be as required herein; however, center paving for cul-de-sac turnarounds shall be in accordance with the Urbana Subdivision Ordinance.~~
  - (1) ~~Collector streets ————— 31 feet~~
  - (2) ~~Minor streets ————— 24 feet~~
  - (3) ~~Cul-de-sac turnarounds ————— 80 foot diameter~~
- f) ~~With respect to design and construction standards, the provisions of the Subdivision Ordinance shall apply to private streets, except as otherwise provided herein.~~
- g) ~~Parking spaces shall not be located within the required private street pavement width. Parking on the sides of minor streets is permitted, provided that the required 24 feet of pavement remains unobstructed for travel.~~

*7. Street Lighting*

- a) ~~Streetlights shall be designed to produce a minimum of 0.1 foot candle at every point within the street system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of street abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 foot candle.~~
- b) ~~All gas or electric service to the street lighting system shall be located underground.~~

*8. Pedestrian Walkways*

- a) ~~Individual walks to each mobile home stand from paved streets or parking areas are required, and shall be a minimum of two feet in width. An individual walkway may be combined with a required on-site parking space, provided the total paved width of such a walkway and parking space shall not be less than ten feet.~~
- b) ~~Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.~~
- c) ~~Individual and common walks shall be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a continuous surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.~~
- d) ~~No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.~~

*9. Utilities and Required Services*

- a) ~~Water Supply Distribution System~~

~~(1) All mobile home sites shall be provided with a public water supply.~~

~~(2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.~~

~~b) Sewer Systems~~

~~(1) All mobile home sites shall be provided with a sewage collection system, which shall be connected to the Urbana-Champaign Sanitary District.~~

~~(2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.~~

~~c) Storm Drainage System~~

~~(1) Storm sewers should be designed to conform with the current edition in use of the "State of Illinois Manual." The design frequency shall be a "five-year storm."~~

~~(2) The construction of the storm sewers should conform to the current edition in use of the "Standard Specifications for Water and Sewer Main Construction in Illinois," approved by the Illinois Society of Professional Engineers and the Associated General Contractors of Illinois.~~

~~(3) The maximum length of flow on the surface is to be more than 1000 feet. However, the design criteria should allow no more than a seven-inch depth of water on paved surfaces and no more than an eighteen-inch depth of water in sodded open swales. All storm runoff shall be carried in an underground drainage system after it has flowed the maximum length on the surface.~~

~~(4) If the design flow is greater than could be handled by a closed, smooth circular storm sewer having a diameter no larger in inches than ten inches plus one inch for each acre in the mobile home park area, the owner may be allowed to use an open ditch. This open drainage should be designed with no steeper than three horizontal to one vertical side slopes, and those side slopes should be sodded. The design of the channel should be such that it would not scour under design flow. Ditches with intermittent flow shall be designed so as not to pond water more than one day after flow has stopped.~~

~~d) Solid Waste Disposal~~

~~(1) All refuse shall be stored in watertight containers located on each mobile home site or within 150 feet thereof.~~

~~(2) Refuse shall be collected regularly and transported to a disposal site in compliance with State law. Incineration of any refuse or vegetation is prohibited.~~

~~(3) All applicable minimum requirements of the Illinois State Department of Public Health must be met.~~

~~e) Electrical Distribution System~~

~~(1) Electrical installations in mobile home parks shall conform to the Urbana City Electrical Code, and the following regulations.~~

- (2) The electrical distribution system in all mobile home parks shall be underground.
- (3) Mobile home site feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/140 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at mobile home sites.
- (4) The total load for a mobile home park shall be calculated on the basis of 16,000 watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and services are as follows:

<i>Number of Mobile Home Site Services</i>	<i>Demand Factor (Percent)</i>
4	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

f) ~~Telephone Service and Television Systems~~

- (1) All telephone service shall be underground.
- (2) ~~When a master television antenna service or cable television service is provided for the mobile home park, the distribution of such services to mobile home sites shall be underground.~~

g) ~~Fire Protection~~

- (1) Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.
- (2) Approved fire hydrants shall be located throughout the mobile home park, and shall be located not more than 500 feet from any mobile home. Each of two hydrants, when operated simultaneously, shall deliver a minimum of 500 gallons of water per minute at a pressure of 20 pounds per square inch for a period of four hours.
- (3) Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health regulations.

10. All mobile home parks shall provide the following service buildings and other community facilities:

- a) A management office;

- b) ~~Maintenance storage facilities;~~
- c) ~~Other facilities as may be required by State law.~~

11. ~~Conformity to Development Schedule.~~ The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or reasonably progressed, or no approved use as a mobile home park has been established in the mobile home park within one year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse and shall be void and no longer in effect. At its discretion and for good cause, the City Council may extend for one additional year the period for the beginning of construction, the establishment of an approved use as a mobile home park, or completion of a phase of development as indicated in the development schedule. If extension is approved for completion of a stage of development, the City Council may give consideration to extending the time limit for completion of subsequent stages. If a mobile home park development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicant, in writing, at the address given on the plan submitted, or at any subsequent address of which he/she has been notified, as provided in Section VII-4-A(2)(b)(1).

C. ~~Effectiveness of Prior Mobile Home Park Approvals.~~ If construction of a mobile home park approved prior to February 5, 1973, has not commenced prior to February 5, 1974, all future construction shall conform to the standards and requirements of this section, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan. If construction of a mobile home park approved prior to February 5, 1973, is not completed by February 5, 1975, all future construction shall conform to all standards and requirements contained in this amendment, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan.

The mobile home park applicant shall submit information indicating compliance with all applicable standards for review by the City Engineer and Zoning Administrator. If all applicable regulations are met, the Zoning Administrator shall issue the special use permit for the mobile home park. If all regulations other than those excluded are not met, then the information shall be submitted to the Plan Commission for its review and recommendation on the adequacy of the development. The material submitted to the Plan Commission and the Plan Commission's recommendation shall be forwarded to the City Council for its review and final action.

D. ~~Compliance of Existing Mobile Homes and Existing Mobile Home Parks with Regulations~~

1. ~~Existing mobile home developments of less than five mobile homes shall be discontinued no later than February 5, 1980. In cases of hardship, such developments may be permitted to continue for a specific period of time, as provided in Section XI-3. (Ord. No. 8283-18, 9-7-82)~~

E. ~~Violations.~~ Violation of the terms and conditions of the special use permit for a mobile home park shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit, may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

## **Section VII-8. Planned Unit Developments**

Comment [MHW17]: Moved to Article XIII

A. The general goals of a Planned Unit Development (abbreviated PUD) are:

1. To promote flexibility in design and permit planned diversification in the location of structures;
2. To promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy;
3. To preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion;
4. To provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
5. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

B. The uses permitted in a PUD are as follows:

1. Residential PUDs, permitted under the provisions of this section in the AG and R Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the AG or any R District. A maximum of 10% of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a conditional use in the B-1 Neighborhood Business District, including the required parking and any other accessory uses.
2. Commercial PUD/Shopping Centers, permitted under the provisions of this section in all the B and IN Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the B districts.
3. Industrial PUDs, permitted under the provisions of this section in the IN District, may include any use permitted by right or as a conditional use as a principal or accessory use in the IN District.
4. Any PUD may include portions of the CRE District, provided, however, that no structure shall be built, nor use established, in the CRE District which is not listed in Table V-1, Article V, as permitted either by right or as a conditional use in the CRE District.
5. Office Park PUDs, permitted in the Office Park Zoning District, may include any of the uses permitted by right, by conditional use or by special use in the Office Park Zoning District. (Ord. No. 9798-43, 11-17-97)
6. The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right.

C. *Procedure for PUD Submission and Approval.* The designation and approval of an area as a PUD shall be accomplished in accordance with the procedures indicated herein, as a special use.

1. *Preliminary Conference.* Prior to the preparation of a formal application, the applicant should meet with the Secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity



~~to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.~~

2. ~~Preliminary Development Plan Submission.~~ The applicant shall submit a completed PUD application to the Secretary of the Urbana Plan Commission, together with 12 copies of the preliminary development plan, and an application fee as provided in Section XI-8 of this Ordinance. ~~The preliminary development plan shall contain all of the following materials:~~
- a) ~~The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants; the applicant shall promptly inform the Secretary of the Plan Commission of any change which may occur in this information prior to the approval of the final development plan by the Urbana City Council;~~
  - b) ~~A legal description of the site proposed for development;~~
  - c) ~~A general area plan showing the intended use and future street locations for adjacent areas, when the proposed PUD is intended to represent a single phase of longer-range development;~~
  - d) ~~The location of all property lines, existing streets, easements, utilities, and any other significant physical features;~~
  - e) ~~Date, north arrow, and graphic scale (not less than one inch equal to 100 feet) of all drawings submitted;~~
  - f) ~~Present and proposed zoning;~~
  - g) ~~An indication of the existing conditions on the tract, including contour lines at intervals of five feet or less, watercourses and existing drainage facilities, wooded areas and isolated trees of six inches or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures, with an indication of those which will be removed and those which will be retained as part of the development;~~
  - h) ~~An indication of the area surrounding the site, showing land use, peculiar physical features, public facilities, and existing zoning;~~
  - i) ~~A site plan of the proposed development, indicating the general location of the following:~~
    - (1) ~~All buildings, structures, and other improvements;~~
    - (2) ~~Common open space;~~
    - (3) ~~Off-street parking facilities and number of parking spaces to be provided;~~
    - (4) ~~Sidewalks;~~
    - (5) ~~Illuminated areas;~~
    - (6) ~~Use of open space being provided;~~
    - (7) ~~Screening or buffering of the development perimeters;~~

- ~~(8) Indication as to which areas and streets are intended to be public;~~
  - ~~(9) All utilities, including storm drainage, sanitary sewer, and water service;~~
  - ~~(10) Other documents, explaining other circumstances, as the Plan Commission may require.~~
  - ~~j) Quantitative data including the following:~~
    - ~~(1) Total number of dwelling units (if applicable);~~
    - ~~(2) Proposed lot coverage of buildings and structures, as a percentage of the total area;~~
    - ~~(3) Approximate gross and net residential densities, excluding all streets and roadways (if applicable);~~
    - ~~(4) The floor area ratio and open space ratio;~~
    - ~~(5) Other calculations, as the Plan Commission may require.~~
  - ~~k) Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural or engineering plans, but should be sufficient to show the developer's intent.~~
  - ~~l) A development schedule indicating:~~
    - ~~(1) The approximate date when construction of the project will begin;~~
    - ~~(2) The stages in which the project will be built, and the approximate date when construction of each stage will begin;~~
    - ~~(3) The approximate dates when the development of each of the stages will be completed;~~
    - ~~(4) The area and location of common open spaces that will be provided at each stage.~~
  - ~~m) If the applicant intends to sell or lease all or a portion of the PUD after the project is approved, a statement shall be presented to the Commission, to stipulate the conditions of sale and maintenance of such developed properties, and to present any covenants, deed restrictions, or other similar agreements between the applicant and future owners.~~
- ~~3. Preliminary Development Plan Review. Upon receipt of the PUD application and the material required to be presented, and the payment of the applicable fees, the Chairman of the Plan Commission shall schedule, and the Plan Commission shall hold, a public hearing in accordance with the procedures for considering a special use. Within 30 days after completing the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall consider the proposed PUD in accordance with the definitions and goals of this section, the report and recommendations of the planning staff, and the minimum requirements set forth in this section. The Plan Commission shall forward to the City Council the preliminary development application and the preliminary development plan, together with its recommendation thereon. The recommendation may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the Plan Commission. Such a plan shall incorporate all revisions approved by the Plan Commission;~~

~~and shall be submitted to them for their final review and approval before being forwarded to the City Council. In the event that a PUD would require a change of zoning, then an application for such a change may be submitted in conjunction with the PUD application, to be considered simultaneously with the PUD proposal, in accordance with the procedures for amending this Ordinance; provided, however, that the requested change of zoning shall not be granted except in conjunction with approval by the City Council of the final development plan of the PUD. If no construction has begun or no approved use been established in the PUD within one year from the date of approval of the change of zoning and of the final development plan by the City Council, the change of zoning, as well as the approval of the final development plan, shall lapse and be void and no longer in effect.~~

- ~~4. *Preliminary Development Plan Approval.* Approval of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be express and in written form. Council approval shall be valid for six months from the date of passage of the ordinance; the City Council may at its discretion extend for an additional six months the validity of the preliminary approval.~~

~~In approving a preliminary development plan, the City Council may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant, or from those recommended by the Plan Commission. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the City Council, if this plan differs in any respect from that recommended by the Plan Commission. A copy shall be submitted to the Mayor for his/her signature. Procedures for protest of any proposed PUD are specified in Section XI-11 of this Ordinance. (Ord. No. 8788-28, § 5, 10-5-87)~~

- ~~5. *Final Development Plan Submission.* While the preliminary approval is still valid, the applicant shall file the final development plan, together with 12 copies of the final development plan, containing all information, plans, and data required herein for the entire area of the PUD given preliminary approval. The final PUD plan shall include but not be limited to the following:~~
- ~~a) All material required for the preliminary plan submission;~~
  - ~~b) An accurate legal description and property survey by a registered land surveyor of the entire area included within the PUD;~~
  - ~~c) Designation of the location of all proposed structures, and the internal uses to which each building shall be put, in sufficient detail to determine off-street parking requirements;~~
  - ~~d) Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the PUD;~~
  - ~~e) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;~~
  - ~~f) Accurate tabulations on the use of the area, including land area, number of buildings, number of dwelling units per acre (if applicable), total common open space, percentage of building coverage of the total area, percentage of paved area, and total number of parking spaces provided;~~
  - ~~g) All curb cuts, driving lanes, parking and loading areas, public transportation points, street signs, and illuminated facilities for same;~~

- ~~h) Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other facilities by the City Engineer or Plan Commission, as well as plans necessary for approval by the Zoning Administrator.~~
- ~~i) Location, height, and area of all proposed signs. Any proposed variation from location, height, and area standards permitted in Article IX, Comprehensive Sign Regulations, must be noted.~~

~~6. *Final Development Plan Review.* Upon receipt of the final PUD development plan, the Plan Commission shall review the submitted documents, and ascertain whether the final plans substantially conform to the approved preliminary development plan and the provisions of this section. Upon review of the final development plan, the Plan Commission shall forward to the City Council its recommendation, the final plan, and any necessary supporting information.~~

~~7. *Final Development Plan Approval.* The City Council shall consider the final development plan and the recommendation thereon of the Plan Commission, and shall vote whether or not to approve the plan. In case of a written protest against the proposed PUD at this stage, the provisions of paragraph VII-5-C(4), above, shall apply.~~

~~Upon approval by duly enacted ordinance of the final development plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record the final development plan and all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.~~

~~After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the PUD according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.~~

~~8. *PUD Phases.* The final development approval may be granted in phases as approved by the City Council. Each final development approval of a phase shall be recorded in the same manner as a final development approval of the entire PUD.~~

~~9. *Performance Schedule.* The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or no approved use been established in the PUD within one year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse, and be void and no longer in effect. At its discretion and for good cause, the City Council may by ordinance extend for one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicants, at the address given on the plan submittal.~~

~~10. *Abandonment of PUD and Lapsing of PUD Approval.* Once the final development plan for a PUD is recorded, if the petitioner desires to abandon and vacate such final development plan, the petitioner shall petition the Urbana City Council for the passage of an ordinance vacating such final development plan. In considering such a request, the City Council may consult the Urbana Plan Commission. If such an ordinance is passed, the City Clerk shall record such vacation~~

~~ordinance with the County Recorder, with the recording fee to be paid by the petitioner. Unless such vacation is approved by the City Council and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.~~

~~If the final approval of a PUD lapses under the provisions of this section, the City Council shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the City Clerk to record said vacation ordinance. (Ord. No. 8283-43, § 4, 1-17-83)~~

~~D. PUD Standards~~

~~1. Minimum Size~~

~~a) Industrial/Residential. In order to qualify as an industrial or residential PUD, the parcel of land to be developed must comprise a total area of two hundred thousand (200,000) square feet of contiguous land under single ownership, or with the consent of the owners of all land to be included. However, on any lot or group of adjoining lots recorded prior to May 17, 1971, a PUD is permitted if:~~

~~(1) The lot or lots are surrounded on all sides by public streets, alleys, or other public land; or~~

~~(2) The lot or lots comprise one acre or more in area with a minimum dimension of 200 feet.~~

~~b) Commercial. A Commercial PUD/Shopping Center may be classified as a "General" or "Convenience" Shopping Center. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.~~

~~(1) General—minimum of four acres and a combined building area of 50,000 square feet.~~

~~(2) Convenience—minimum of one acre and having between 12,000 and 50,000 square feet of combined building area.~~

~~c) In order to qualify as an Office Park PUD, the parcel of land to be developed must comprise a total area of 100,000 square feet of contiguous area under single ownership, or with the consent of the owners of all land to be included. (Ord. No. 9798-43, 11-17-97)~~

~~2. General Review Criteria. The Plan Commission's review of the PUD preliminary and final applications and development plans, and the Commission's recommendations to the City Council, shall be based on the following general criteria:~~

~~a) The plan of the area proposed for the PUD shall be in general conformance with the adopted Comprehensive Plan of the City of Urbana;~~

~~b) The use or uses within the PUD shall be compatible with surrounding land uses;~~

~~c) The intensity of development shall impose no unreasonably adverse effects on surrounding property;~~

~~d) Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and efficient and safe traffic circulation in the vicinity, and be consistent with the adopted Comprehensive Plan;~~

- e) ~~Street construction, regardless of ownership, shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, except that the minimum pavement widths for a private street shall be 13 feet for the first lane of traffic in each direction, and 11 feet for each additional lane. Street construction plans and details shall be submitted to the City Engineer for his review. The City Engineer may submit his/her comments and recommendations, in writing, to the Plan Commission.~~
- f) ~~Adequate and safe location of play areas for children as well as other recreational areas shall be provided in residential PUDs.~~
- g) ~~Open spaces at external boundaries of the site shall be adequately landscaped and maintained.~~
- h) ~~Buildings shall be oriented to insure adequate light and air.~~
- i) ~~The provisions of all other sections of this Ordinance shall be met, unless specifically excluded by this section, or waived by the City Council.~~
- j) ~~All construction shall conform to the requirements of all ordinances of the City of Urbana.~~

3. ~~Development Standards~~

- a) ~~All PUDs shall be subject to the standards contained in Table VII-2. Commercial uses in residential PUDs shall also be subject to the development standards of the residential district in which the PUD is located, to the parking requirements for the uses involved, and to the sign regulations for the B-1 Neighborhood Business District.~~
- b) ~~Two off-street parking spaces shall be provided for each dwelling unit in the development. Each space must be located within the PUD, not farther than 300 feet from a ground floor entrance to the dwelling or to the building in which the dwelling unit is located.~~
- c) ~~Provisions for fire protection and emergency access shall be subject to applicable codes, and shall be reviewed by the Urbana Fire Chief and Police Chief. The Fire Chief and Police Chief may submit in writing their recommendations, if any, to the Plan Commission.~~
- d) ~~Exterior lighting within the PUD shall be of such quality as to promote safety and convenience, and shall conform to City ordinances.~~
- e) ~~The minimum proportion of the gross site area in open space which is required to be commonly owned and maintained in residential PUDs is indicated in Table VII-2. Such common open space may be dedicated to the public. At least 10% of the minimum required common open space in residential PUDs containing single-family and duplex houses, or 15% of residential PUDs including multiple-family dwellings, shall be devoted to active recreational use. The area of each parcel of open space to be used for active recreation shall not be less than 6,000 square feet, with a minimum dimension of 30 feet.~~
- f) ~~All PUDs, regardless of zoning district, shall be provided with adequate public sanitary sewer service prior to occupancy. Refuse removal shall be provided to the entire development.~~
- g) ~~If a PUD includes two or more zoning districts which have different development standards in Table VI-1, the standards for the entire PUD shall be the weighted average of the standards for each district, calculated in the proportion which the area of each district is to the entire PUD; except that the standards for maximum height, and setbacks related to height, shall be~~

~~applied directly to each building, according to the standard for the district in which it is located.~~

- ~~h) The electrical distribution system and all telephone service in all PUD developments shall be underground.~~
- ~~i) In a new Commercial PUD/General Shopping Center, the developer may request and the Zoning Administrator consider and grant a reduction in required parking where the Zoning Administrator determines it is feasible given anticipated daily demand patterns of the proposed use. The Zoning Administrator may approve up to a 30% reduction in the total number of parking spaces constructed, provided the developer specifically identify the designated parking area left undeveloped and maintain it as open green space.~~

~~To qualify for this deduction, the following conditions shall apply:~~

- ~~(1) The developer shall produce a site plan identifying the designated parking area to be left undeveloped and shall construct all site grading, storm sewer, stormwater runoff, and detention facilities to the standards required for the full sized parking lot regardless of the reduced size initially built.~~
- ~~(2) The green space must be seeded or sodded prior to the issuance of a Certificate of Occupancy.~~
- ~~(3) If at a later date the Zoning Administrator determines that the PUD has sufficient parking demand, the petitioner may be required to expand the parking lot to the number of parking spaces initially required.~~
- ~~(4) If at a later date the petitioner determines that the PUD has sufficient parking demand, the petitioner may then apply for a building permit to expand the parking lot to the number of parking spaces initially required.~~
- ~~(5) No amendment to a PUD special use permit is required for approval of the parking lot expansion to fill the green space.~~
- ~~(6) In no way is this provision to be construed as a variance of any other zoning or development regulation.~~

~~A letter of agreement between the developer and City shall be prepared to allow execution of the above provisions within a reasonable timeframe, to identify the specific criterion under which the Zoning Administrator may require expansion of the parking lot, and to allow for an appeals procedure. (Ord. No. 200-11-135, 12-4-00)~~

- ~~j) All other codes, ordinances, and rulings of the City, unless specifically modified by this section or by the City Council, shall be fully complied with. (Ord. No. 8283-43, § 5, 1-17-83; Ord. No. 8586-87, § 1, 5-19-86)~~

*E. Issuance of Permits*

- ~~1. Required Certificates and Bonds. Prior to final approval of the PUD, the applicant must comply with the following:~~

- ~~a) All common open space, upon mutual agreement of the City and the applicant, shall be:~~

- ~~(1) Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners or any one or more of them, by providing perpetual maintenance of all lands in common in the PUD. All lands so conveyed shall be subject to the right of the grantee to enforce maintenance and improvement of the common open space; or~~
  - ~~(2) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or both.~~
  - ~~(3) Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.~~
- ~~b) The construction and maintenance of all public facilities and improvements which are a part of the PUD shall be guaranteed to the City in cash or corporate surety bonds as approved by the City Attorney. The guarantee for construction shall be a sum equal to 120% of the estimated costs, as determined by the City Engineer. Maintenance shall be guaranteed to the City and extended for a period of 18 months after final acceptance of facilities by the City. The maintenance guarantee shall be made in a sum equal to 15% of the estimated cost of construction, and shall be made effective immediately upon acceptance of the public facility improvements. After such 18 months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.~~
  - ~~c) The applicant shall submit a certificate from the County Clerk, stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the PUD are unpaid or exist. Such certificate shall be made a part of the PUD documents prior to its submission to the Plan Commission for final recommendation.~~
  - ~~d) Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the PUD.~~
  - ~~e) Public street right of way dedications shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, and the approved PUD plan. However, the requirement that sidewalks be constructed on both sides of every street may be waived if pedestrian circulation is provided for in a manner acceptable to the Plan Commission and City Council. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.~~
- ~~2. *Permits.* The Zoning Administrator shall issue a building permit for the buildings in the area approved for the PUD. He/she shall also issue a Certificate of Occupancy for any completed building or structure located in the area covered by the approved PUD, only if the completed building or structure conforms to the approved final development plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazards to the occupants. No Certificate of Occupancy for a commercial use in a residential PUD shall be issued until at least 25% of the total residential floor space is built and Certificates of Occupancy therefore have been issued.~~
  - ~~3. *Changes in the Approved Final Development Plan.* No changes may be made in the final development plan during the construction of a PUD, except upon application to the appropriate agency under the procedures provided below:~~



~~a) Minor changes in the location, siting, and height of buildings and structures may be authorized, in writing, by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No amendment to the approving ordinance shall be needed in such cases. No changes authorized by this subsection may cause any of the following:~~

- ~~(1) A change in the use or character of the development;~~
- ~~(2) An increase in the overall coverage of structures;~~
- ~~(3) An increase in the intensity of use;~~
- ~~(4) An increase in the problems of traffic circulation and public utilities;~~
- ~~(5) A reduction in approved open space;~~
- ~~(6) A reduction of off-street parking and loading space;~~
- ~~(7) A reduction in required pavement widths.~~

~~b) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by duly enacted ordinance by the City Council, after report of the planning staff and recommendation by the Plan Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.~~

~~F. Changes in Ownership in PUD.~~

- ~~1. If the ownership of any parcel of land included within the PUD application changes after the application has been submitted, but prior to approval of the preliminary plan of the PUD by the City Council, the new owner and his/her property shall be regarded as excluded from the application unless the new owner affirmatively joins in the application for the PUD.~~
- ~~2. If the ownership of any parcel of land included within a PUD application changes after approval of the preliminary plan but prior to the approval of the final development plan by the City Council, then the new owner shall be regarded as subject to and joining in the preliminary plan, unless said new owner notifies the Secretary of the Plan Commission in writing of such owner's desire to be excluded from the preliminary plan.~~
- ~~3. If any parcel of land included within the PUD has a change of ownership after final approval of the PUD by the City Council, then such owners shall take said land subject to all of the conditions and requirements as set forth in the final development plan as approved, and the applicable portions of this Ordinance.~~
- ~~4. Nothing in this section shall be construed as exempting any transaction from compliance with all applicable State law and Urbana City Ordinances.~~

~~G. Violation of the terms and conditions of the special use permit for a PUD shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the~~

~~special use permit may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.~~

**TABLE VII-2. PUD STANDARDS**

District	Minimum Lot Size <sup>1</sup> (in sq. ft.)	Maximum Building Height	Maximum Floor Area Ratio (FAR)	Minimum Open Space Ratio (OSR)	Minimum Area <sup>2</sup> in Common Open Space	Required Yards (in feet) <sup>3</sup>		
						Front	Side	Rear
AG	200,000	35 ft./3 stories	.30	.60	15%	25	15	25
R-1	200,000	35 ft./3 stories	.35	.55	15%	25	15	25
R-2	200,000	35 ft./3 stories	.40	.50	15%	25	15	25
R-3	200,000	35 ft./3 stories	.50	.45	15%	25	15	25
R-4	200,000	35 ft./3 stories	.60	.40	10%	25	15	25
R-5	200,000	35 ft./3 stories	1.00	.35	10%	25	15	25
R-6	200,000	Twice the distance from street centerline to face of building	1.50	.30	10%	25	15	25
R-6B	200,000		1.60	.25	10%	20	10	15
B-1	200,000	35 ft./3 stories	.40	None	None	15	10	10
B-2	200,000	35 ft./3 stories	1.60	.15	None	15	10	15
B-3	200,000	None	5.00	None	None	15	10	10
B-3U	200,000	None	5.00	.10	None	15	10	10
B-4	200,000	None	10.0	None	None	None	None	None
B-4E	200,000	None	6.00	None	None	6	5	5
IN	200,000	None	1.25	None	None	25	25	25
OP	100,000	50 feet	0.5	0.55	None	25	15	25

<sup>1</sup> Except as provided in Section VII-5-D-1.

<sup>2</sup> This may be dedicated to the public. The figure listed is a percentage of the total PUD area. At least ten percent (10%) of this area in the AG, R-1, R-2, and R-3 Districts, and at least fifteen percent (15%) of this area in the R-4, R-5, R-6, and R-6B Districts shall be devoted to active use.

<sup>3</sup> Around the perimeter of the entire PUD.

## **Section VII-9. Special Use Permit Procedures for Utility or Public Buildings and ~~for~~ Adaptive Re-use of School Buildings and Church Buildings**

- A. *Utility or Public Building Exemption Procedures.* The City Council may authorize by ordinance, in any zoning district, a special use permit for the establishment, construction, expansion, or alteration of any structure and/or use by a public service entity for a public utility or for a governmental, educational, charitable, philanthropic, or medical use, according to the above listed special use procedures.
- B. *Specific Special Uses for the Adaptive Re-Use of Public School Buildings and Public School Properties in the CRE Zoning District.* The City Council may authorize by ordinance, in the CRE Zoning District, a special use permit for the adaptive re-use of public school buildings and property in accordance with the provisions set forth in Section VII-4 of this Article and this subsection.
1. *Purpose and Intent.* The provisions of this subsection have been set forth in recognition of the following:
    - a) That declining public school enrollments within the Urbana School System have resulted in excess school building space and subsequent school closings.
    - b) That, as a result of public school closings, the investment of the public in those facilities is jeopardized to the extent that the marketable value of the property and its improvements is substantially diminished due to land use controls of the CRE Zoning District limiting the adaptive re-use of such properties.
    - e) That the City of Urbana recognizes the need to permit the redevelopment of such underutilized properties as expressed in the 2005 Urbana Comprehensive Plan, as amended by virtue of the Education policies expressed in the 1982 Comprehensive Plan adopted by the City Council on September 7, 1982.
    - d) That the City of Urbana finds the adaptive re-use of public school properties to further promote and conserve the economic value of such land and buildings and thereby protect and improve the City's tax base. At the same time, the City must insure that any proposed adaptive re-use is in harmony and is compatible with surrounding land uses.
  2. *Qualifications for Standing to Make Application for Special Use Permit Authorized Under this Subsection*
    - a) Public School buildings and properties within the Corporate Limits of the City of Urbana which qualify for a special use permit petition under this subsection are limited to properties which are or once were owned by the Urbana School District or the Regional Board of School Trustees, any local Community College, and the Board of Trustees of the University of Illinois.
    - b) Petitions for a special use permit under this subsection may be accepted only for public school properties on which stands an existing school building or structure erected or purchased by a public educational entity and which had been used as an attendance center for educational purposes.
    - c) Notwithstanding Section VII-9.B.2.(b) subsection b, above, a special use permit may be granted upon the termination of a previous special use permit issued under the authority of this subsection for the same public school building and property.

- d) Unless otherwise authorized by the City Council, any special use permit granted under this subsection shall become invalid upon termination of the use(s) for which the special use permit was originally authorized.
  - e) Special use authorization under this subsection does not preclude any other uses permitted by right, conditional or special uses of the CRE District as provided under Article V, Use Regulations, Table V-1, Table of Uses.
3. *Specific Special Uses That May Be Authorized.* The City Council may authorize by ordinance in the CRE Zoning District and in accordance with the provisions of this Article, any or all of the following special uses:
- a) Dwelling, Multiple-Family;
  - b) Day Care Facility;
  - c) Business or Professional Office;
  - d) Vocational, Trade, or Business School;
  - e) Lodge or Private Club;
  - f) Private Recreational or Health Club;
  - g) Engineering, Laboratory, Scientific, and Research Instruments Manufacturing;
  - h) Electrical, Electronic Machinery, Equipment Sales, and Manufacturing;
  - i) Mechanical Measuring and Controlling Instruments Manufacturing;
  - j) Optical Instruments and Lenses Manufacturing;
  - k) Surgical, Medical, Dental, and Instruments Supply and Manufacturing;
  - l) Photographic Equipment and Supplies Manufacturing (except for the manufacturing and/or reconstitution of photographic chemicals to be used for wholesale or resale distribution);
  - m) Theoretical and Applied Research with regard to Development of Prototype and Light Manufacturing of Electrical Products; or
  - n) Non-refrigerated Dry Storage.
4. *Specific Standards, Requirements or Restrictions to any Special Use Permit.* The Plan Commission may recommend to the City Council the imposition of conditions, restrictions or requirements authorized under Section VII-4, ~~Special Use Permit Procedures~~, of this Article. (Ord. No. 8485-80, § 2, 5-6-85)

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

1. *Purpose and Intent.* The provisions of this subsection have been set forth in recognition of the following:
  - a) That existing church buildings in Urbana are an asset to the community because of their unique architectural designs, structural characteristics, and locations.
  - b) That as a result of the land use controls of the Urbana Zoning Ordinance, the re-use of church buildings that become vacant is made more difficult to the extent that the marketable value of such properties may be substantially diminished.
  - c) That the City of Urbana recognizes the need to permit the adaptive re-use of vacant church buildings to further promote and conserve the economic value of such buildings and insure that any proposed adaptive re-use is in harmony and compatible with surrounding land uses.
  - d) That the compatible re-use of vacant church buildings is consistent with the goals, objectives, and policies of the City of Urbana's Comprehensive Plan.
  - e) That the parking requirements imposed by the Urbana Zoning Ordinance may render the re-use of some vacant church buildings unfeasible. For this reason, this subsection includes a variance procedure that authorizes the City Council to grant a variance to the number of parking spaces normally required for any uses authorized under this subsection in a vacant church building.
2. *Qualifications for Standing to Make an Application for Special Use Permits Authorized Under this Subsection.*
  - a) Petitions for a special use permit under this subsection may be accepted only for existing structures originally designed and constructed as a church.
  - b) A list of church buildings which qualify for a special use permit under this subsection is on file at the City Clerk's Office entitled "Original Church Structures in Urbana City Limits as of July 1, 1990."
  - c) If a building not on the list is believed to be an original church building, the petitioner must prove to the Zoning Administrator that the building qualifies as an original church building by reason of its design and construction to qualify for a special use permit.
  - d) A special use permit may be granted upon the termination of a previous special use permit issued under the authority of this subsection for the same church building.
  - e) Unless the City Council otherwise authorizes, any special use permit granted under this subsection shall become invalid upon the termination of the use(s) for which the special use permit was originally authorized.
  - f) Special use authorization under this subsection does not preclude any other uses permitted by right, conditional or special uses as provided under ~~Article V, Use Regulations, Table V-1, Table of Uses.~~

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

**Comment [MHW18]:** Use titles renamed for consistency with Table V-1. Table of Uses

- a) *Public and Quasi-Public Facilities:*
  - Hospital or Clinic
  - Nonprofit or Governmental, Educational, and Research Agencies
  - Radio or Television Tower and Station
  - University or College
  
- b) ~~Business Uses~~— *Food Sales and Service:*
  - Bakery (less than 2,500 sq. ft.)
  - Café or Deli
  - ~~Dairy Store~~
  - Confectionery Store
  - Restaurant
  
- c) ~~Business Uses~~— *Personal Services:*
  - Barber/Beauty Shop
  - ~~Beauty Shop~~
  - ~~Reducing Salon~~
  - Mortuary
  - Shoe Repair Shop
  - Tailor and Pressing Shop
  
- d) ~~Business Uses~~— *Business, Private Educational and Financial Services* Professional and Financial Services:
  - Bank, Savings and Loan Association
  - Professional and Business Office
  - ~~Day Care Facility~~
  - Vocational, Trade, or Business School
  
- e) ~~Business Uses~~— *Retail Trade:*
  - Apparel Shop
  - Electronics/Computer Sales and Service
  - Jewelry Store
  - ~~Stationery~~— ~~Gift Shop~~— ~~Art Supplies~~
  - Florist
  - Bookstore
  - Tobacconist
  - Music Store
  - Photographic Studio and Equipment Sales and Service
  - Antique or Used Furniture Sales and Service
  - Bicycle Sales and Service
  - Sporting Goods
  - Art and Craft Stores and/or Studio
  
- f) ~~Business Uses~~— *Recreation:*
  - Dancing School
  - Lodge or Private Club
  - ~~Private Recreational or Health Club~~
  - Private Indoor Recreational Development
  - Theater, Indoor

- g) *Miscellaneous Business*  
Day Care Facility (non-home based)
  
- h) *Residential Uses:*  
Bed and Breakfast Inn  
Bed and Breakfast, Owner Occupied  
Boarding or Rooming House  
Dwelling, Duplex  
Dwelling, Duplex (Extended Occupancy)  
Dwelling, Multiple-Family  
Dwelling, Community Living Facility, Category I  
Dwelling, Community Living Facility, Category II  
Dwelling, Community Living Facility, Category III  
Dwelling, Home for Adjustment  
Dormitory  
Home for the Aged  
Nursing Home
  
- i) *Industrial Uses:*  
Bookbinding  
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing  
Electrical, Electronic Machinery, Equipment ~~Sales and~~ Supplies Manufacturing  
Mechanical Measuring and Controlling Instruments Manufacturing  
Motion Picture Production Studio  
Optical Instruments and Lenses Manufacturing  
Photographic Equipment and Supplies Manufacturing (~~except for the manufacturing and/or reconstitution of photographic chemicals to be used for wholesale or resale distribution~~)  
Surgical, Medical, Dental, and Mortuary Instruments and Supplies Manufacturing Supply and Manufacturing  
Watches, Clocks, and Clockwork Operated Devices Manufacturing  
~~Theoretical and Applied Research with regard to Development of Prototype and Light Manufacturing of Electrical Products~~  
~~Nonprofit or Governmental, Educational, and Research Agencies~~

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

- 4. *Specific Qualifications, Standards, Requirements or Restrictions to any Special Use Permit.* The Plan Commission may recommend to the City Council the imposition of conditions, restrictions or requirements authorized under Section VII-4, ~~Special Use Permit Procedures~~, of this Article.
  
- 5. *Procedures to Authorize a Variance of Off-Street Parking Requirements.* Off-street parking for the special uses authorized under this subsection should be provided in accordance with the requirements of Section VIII-5 of the Zoning Ordinance. However, the Plan Commission may recommend and the City Council may grant a variance to reduce or waive the parking requirement if the site restricts construction of parking or if the Council imposes additional site design requirements which reduce the area available for parking. Such variance may only be granted as part of the special use permit if the City Council determines it will not negatively impact the surrounding neighborhood. (Ord. No. 9091-8, § 1, 2, 7-16-90)



## **Section VII-10. Special Procedures in the Boneyard Creek District**

### **A. The purposes of the Boneyard Creek District are as follows:**

- ~~1. To establish a Boneyard Creek District as an area of vital significance to the cultural, economic, and environmental future of the City.~~
- ~~2. To promote and facilitate sound storm drainage management practices, to assist in the reduction of flood hazards to persons and property, to improve water quality, and to prevent encroachments and land uses that adversely affect water runoff.~~
- ~~3. To encourage the development and maintenance of the Boneyard Creek District as a recreational resource and circulation area and to reclaim for the City the benefits of a natural waterway that have been ignored as a design asset and to provide a focal point for urban redevelopment.~~
- ~~4. To improve the maintenance of the Creek bank in a manner which will reduce harmful mosquito and insect reproduction.~~
- ~~5. To provide incentives for redevelopment through private initiative in a manner consistent with the Boneyard Creek Master Plan, Comprehensive Plan and any amendments thereto, and any other documents or agreements which regulate or restrict development in the Boneyard Creek Corridor.~~
- ~~6. To promote and conserve the economic value of land and buildings and thereby protect and improve the City's tax base.~~

### **B. Applicability to Urbana Zoning Ordinance and Zoning Map**

- ~~1. Definitions and requirements of the Urbana Zoning Ordinance are applicable unless specifically modified pursuant to this section, but no lawful existing use or building shall be made nonconforming by virtue of the provisions of this section so long as the existing use or building is not modified.~~
- ~~2. The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are established on the attached map entitled "Boneyard Creek District Map," dated March 28, 1979, which is hereby adopted as a part of this Article as constituting an overlay district on the official zoning map of the City.~~
- ~~3. This section authorized granting a "Creekway permit," that may modify the requirements of the underlying zoning district, and establishing new standards for the use of property within the Boneyard Creek District.~~

### **C. General Consideration.** Upon the review of a "Creekway permit," the following factors shall be considered.

- ~~1. Whether the Creekway permit is compatible with the Boneyard Creek Master Plan as it may be amended from time to time in a manner consistent with the Urbana Comprehensive Plan.~~
- ~~2. Whether the location, size, and type of the proposed use is appropriate to the objectives of the Boneyard Creek District.~~
- ~~3. Whether the proposed use is compatible with the character of the area in which it is located.~~

- ~~4. Whether the proposed use would be compatible with the spirit of the underlying zoning district.~~
- ~~5. Whether there are adequate community services to support the proposed use, such as, but not limited to, streets, water, sewer, recreational, and public school facilities.~~
- ~~6. Whether the design of the proposal as to size, height, and open space allows adequate access to light and air and to surrounding streets, parkways, and properties.~~

~~D. Creekway Permits Required~~

- ~~1. No permits for construction, demolition, change of use classification or other zoning permits within the Boneyard Creek District shall be granted except in compliance with the provisions of this section.~~
- ~~2. It shall be unlawful to proceed with any construction, demolition, excavation, reconstruction, installation of poles, pipes, and other objects in the Boneyard Creek District without a Creekway permit.~~

~~E. Standards of Construction. Each application for a Creekway permit required by this section on property within the Boneyard Creek District shall be subject to the provisions of and eligible for the benefits of this section. A Creekway permit shall establish specific standards of construction, including time limits, and may require posting of a performance bond or other guarantees of adequate, timely performance.~~

- ~~1. Generally. The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all applications for permits within the Boneyard Creek District, except as modified by this section or as modified pursuant to the procedures of this section.~~
- ~~2. Minimum Area and Yards. The minimum zoning lot shall be 6,000 square feet for any new building or use in the Boneyard Creek District, except for lots of record on the effective date of this ordinance that shall be considered buildable lots subject to the provisions of this section.~~
- ~~3. Building Line. Boneyard Creek corridor limit lines shall be as indicated on the Boneyard Creek Master Plan 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 lines.~~
- ~~4. Access. In addition to frontage on a public street, additional requirements may include easements for the construction of public sidewalks, bike paths, and drainage facilities consistent with the Boneyard Creek Master Plan and, when necessary, shall include easements for construction, maintenance, and police and fire access to the riparian properties of the Boneyard Creek.~~
- ~~5. Zoning Lot. A proposed development shall occur on a zoning lot. For the purposes of this section, a zoning lot shall be approved by the permit granting entity and need not be within a single block. A zoning lot may include land not within the Boneyard Creek District and land within said district if the development of such a zoning lot substantially contributes to the implementation of the Boneyard Creek Master Plan.~~
- ~~6. Landscaping and Screening. Each application for construction under a Creekway permit shall include a plan indicating the type, number, size, and location of trees, shrubs, and other~~

landscaping features to be retained or provided. Such plan shall be consistent with the Boneyard Creek Master Plan.

- ~~7. *Flood Hazard Area.* The provisions of this section shall not be deemed to be an amendment of the Flood Control Ordinance No. 7677-107 of the City of Urbana, as amended. Additional requirements may be imposed by a Creekway permit when deemed necessary to prevent hazards to persons or property, or to decrease the need for public expenditures to avoid flood hazards.~~
  - ~~8. *Prohibited Structures.* Construction of structures in, or over, the Boneyard Creek which would substantially interfere with the development of the district, the park and recreational uses, or increase the flood hazard is deemed to be inconsistent with the purposes of this section and is prohibited.~~
  - ~~9. *Lighting.* Lighting along the creek shall be provided to produce a minimum of 0.1 foot-candle at every point within the public access areas. Potentially hazardous locations such as intersections and major pedestrian crossings shall be illuminated with the minimum of 0.3 foot-candle. New utility, gas, and electric service lines shall be located underground where appropriate to implement the Boneyard Creek Master Plan.~~
  - ~~10. *Improvement Fund.* When an application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section results in modifications which increase floor area over that permitted by the underlying zoning district requirements, the applicant shall contribute to a special fund of the City. Such amount shall equal one dollar per each additional square foot. The fund shall be used for the installations and maintenance of public improvements and public landscaping of the Creek bank.~~
  - ~~11. *Dedication.* Each application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section will include an irrevocable offer by the owner for the term specified below to dedicate a portion of the zoning lot as determined by the Plan Commission. Provided, that such dedication is not required if none of the bonus provisions of subsection Six are requested by the applicant. The parcel to be dedicated shall be determined in accord with applicable provisions of the Boneyard Creek Master Plan but shall not exceed an amount greater than 20% of the zoning lot area or a strip of land averaging 20 feet in width, whichever is smaller. The parcel offered or dedicated shall for computation purposes remain as part of the zoning lot and shall be counted as open space or yards. The dedication shall be to a governmental unit to be specified in the Creekway permit but shall not be effective until officially accepted by such governmental unit provided that such offer shall lapse if not accepted within two years of the date of granting of the Creekway permit. Such dedicated parcel shall be for public use to serve the users or residents of the proposed development, to serve the public and to enhance the parcel's value by allowing Creek development and improvements.~~
- ~~F. *Bonus Provisions.* For the purpose of this subsection, development rights means the total square feet of floor area that may be constructed on an existing parcel of land as permitted by the underlying zoning classification in which it is located, less the amount of any existing floor area retained or in use. The transferor and transferee of development rights shall record their instrument of transfer for each parcel with the Champaign County Recorder as a real property transfer for the benefit of the transferee and such instrument of transfer shall include assumption of obligation for real estate taxes in proportion to the value of the interest transferred.~~
- ~~1. *Development Rights Transfer.* The maximum floor area and the height permitted on a zoning lot may be increased by the amount of floor area of development rights transferred from an adjoining lot or successively adjoining lots.~~

- ~~2. *Extra Lot Size.* For computation purposes, a zoning lot contiguous to the Boneyard Creek may include the area between the lot lines which intersect the Creek extended to the center line of the Creek.~~
  - ~~3. *Yards.* Yard requirements may be decreased or waived when necessary to permit acceptable densities and a more desirable setback from the Boneyard Creek.~~
  - ~~4. *Height.* Height requirements may be modified to add an additional story provided such height modification shall not exceed 12 feet.~~
  - ~~5. *Parking.* Off street parking shall be provided if required by the underlying zoning classification or by the Creekway permit and may be off-site parking but shall be located within 600 feet of the zoning lot.~~
  - ~~6. *Mixed Uses.* Residential uses other than those listed as permitted by right or permitted with special or conditional permits may be authorized in any underlying zoning classification and mixed use of a zoning lot may be permitted.~~
- ~~G. *Application Procedure.* The procedure of this Section shall supersede the general procedures of the Zoning Ordinance for zoning lots within the Boneyard Creek District.~~
- ~~1. *Preliminary Conference.* The Zoning Administrator shall provide all necessary information to prospective applicants for Creekway permits under this section. An Applicant shall contact the zoning Administrator to schedule a preliminary conference with the Zoning Administrator, the Building Safety Division Manager, the City Engineer, and the Boneyard Creek Commissioner to discuss the Boneyard Creek Master Plan and the Creekway permit procedures.~~
  - ~~2. *Application Requirements.* After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the subsection of the section under which construction or use authorization is sought; 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 information required by the Rules of Procedure promulgated for the Boneyard Creek District by the Plan Commission.~~
  - ~~3. *Zoning Administration Permit.* The Zoning Administrator, after consultation with the City Engineer and the Boneyard Creek Commissioner, shall be authorized to grant a Creekway permit based on his/her determination that the provisions of the underlying zoning classification have been complied with and that:
    - ~~a) A requested modification of the front or rear yard requirements of the underlying zoning classification of not more than 30 feet is reasonable; and~~
    - ~~b) That the minimum setback from the Creek is maintained in accordance with the building line requirements of Article VII; and~~
    - ~~c) That the standards of Section VII-10.D through Section VII-10.I, subsection Five, D, E, F, G, H, and I of this section are complied with.~~~~
- ~~H. When the Zoning Administrator approves a permit, approval may be granted by the Zoning Administrator pursuant to subsection 7 C, a he/she shall transmit notice of intent to grant a Creekway~~

Comment [MHW19]: I think these are the correct sections, no idea what the subsections in reference are.

permit and a copy of the proposed permit shall be transmitted to the Plan Commission and the Boneyard Creek Commissioner. If no objection is received from either the Plan Commission or the Boneyard Creek Commissioner 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.

I. ~~Referral to Plan Commission.~~ When an applicant for a Creekway permit requests modifications in excess to those authorized by ~~Section VII-10.G.3~~ subsection 7-C, ~~the permit must be approved by the Plan Commission.~~ The Zoning Administrator shall, within five working days after receipt of an application determined by the Zoning Administrator to be complete, provide a complete copy of the application to the Plan Commission and the Boneyard Creek Commissioner. The Boneyard Creek Commissioner and appropriate City staff shall submit any recommendations with respect to each application to the Plan Commission within 20 days.

Comment [MHW20]: I think this is the correct section.

Comment [MHW21]: We would just write a memo

J. ~~Plan Commission Determinations.~~ The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the Creekway permit based upon the criteria specified in Section VII-10.C. The Plan Commission shall have the following options:

1. Grant the Creekway permit based upon the application as approved by the Plan Commission and subject to any specific requirements or conditions as determined by the Plan Commission; or
2. Deny the Creekway permit based on the application's failure to present a plan in accordance with the Boneyard Creek Master Plan, the Comprehensive Plan and any amendments thereto, and other ordinances or agreements regulating development in the Boneyard Creek corridor, and the provisions of this section; or
3. ~~Defer action on the application based on a determination that modifications of the use, density, and other requirements of the underlying Zoning Ordinance are beyond those authorized by Section VII-10. In this case, the City Council shall consider the recommendations of the Plan Commission and the Boneyard Creek Commissioner regarding the Creekway permit, and may authorize the Zoning Administrator to issue the Creekway permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission and Boneyard Creek Commissioner, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance. In this case, the Zoning Administrator shall forward the applications and the recommendations of the Plan Commission and the Boneyard Creek Commissioner, and appropriate City staff to the City Council. The City Council shall, following notice as required in Section XI-10, review the recommendations and application at a public hearing. The City Council shall grant the application for a Creekway permit only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied to the Creekway permit.~~

Comment [MHW22]: Language borrowed from Special Use Permit section.

K. ~~Appeal of a Creekway Permit Decision.~~ Any aggrieved person, party, public official, or governmental entity may appeal a decision of the Zoning Administrator or the Plan Commission to the city Council within ten days of the date of such decision. No decision to grant a Creekway permit shall be acted upon by the Zoning Administrator until the lapse of the ten-day appeal period

L. ~~Lapse of a Creekway Permit.~~ If no construction has begun or no approved use has been established pursuant to a Creekway permit within one year from the date of its final approval, the Creekway permit shall lapse, be void and no longer in effect.

M. ~~Notice of Hearing.~~ Notice of hearing or of a required meeting to consider a Creekway permit shall be given in the same manner as required by the Urbana Zoning Ordinance for a hearing on special use permits. At the public hearing or meeting, any person may appeal in person or by agent or attorney.

N. ~~Appeals.~~ Any aggrieved person, party, public official, or governmental entity may appeal final decision made pursuant to this section. Appeals are authorized to the City Council from a decision of the Zoning Administrator, the Plan Commission, and their designees and shall be limited to the official record. Upon appeal of an application, the Council shall review all recommendations. A Creekway permit shall be granted only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied. Appeals to the Circuit Court shall be subject to the provisions of the Administrative Review Act.

O. ~~Hearing Officer.~~ An administrative determination to be made by the Zoning Administrator or Plan Commission and a public hearing by the City Council may be conducted on behalf of the applicable unit of government by a Hearing Officer. Hearing Officers shall be appointed by the entity in whose place such action is taken. The terms of such appointment shall be established by the appointing entity. Hearing Officers shall be appointed based on their qualification, including education and experience in evaluating plans and evidence submitted, and their ability to conduct a fair and expeditious hearing. (Amended by Ord. No. 9495-33, 10-14-94)

### **Section VII-11. Exemption Procedure in Business Development and Redevelopment District**

The City Council may authorize in any zoning district in the Business Development and Redevelopment District a special use permit for the use, establishment, construction, expansion, or alteration of any structure for apartment or multiple-family residential use, according to the following procedure. After publication in a newspaper of general circulation in the City of Urbana, Illinois of a notice of the time, place, and subject matter of a public hearing at least 15 days prior to such hearing, the Plan Commission shall hold a public hearing on the proposal, according to its established procedure. The Plan Commission shall determine whether the proposal will furnish apartment or multiple-family residential housing in the Business Development and Redevelopment District in harmony with the general purpose of this section of encouraging good quality housing in such district and whether it will be potentially injurious or detrimental to the zoning district in which it shall be located or to the occupants of such proposed structure or use.

Within 20 days after the close of the public hearing, the Plan Commission shall make a recommendation to the City Council regarding the requested special use permit, and may also recommend such additional conditions and requirements as are appropriate and necessary for the public health, safety, and welfare and to carry out the purposes of this section.

Such conditions may include, but are not limited to, adherence to the approved site plan, including setbacks, density, open space, height, parking and access, screening, landscaping, and outdoor lighting. The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit and shall direct the Zoning Administrator whether or not to issue the special use permit, and the conditions therefore. The City Council may impose any conditions or requirements upon such permit, which may include but are not limited to those recommended by the Plan Commission, which it deems necessary or appropriate to all development regulations applicable to permitted use in the district in which it is located, unless otherwise specifically stated in the special use permit or set forth in the approved site plan.

Comment [MHW23]: See memo

### **Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots Within 600 Feet of R-1, R-2, or R-3 Zoning**

Comment [MHW24]: Moved to Article VIII, Parking

Off-site parking lots and adjacent parking lot expansion located within 600 feet of R-1, R-2, and R-3 zoning shall require a Special Use Permit as specified in Sections V-3.E and V-3.F. In addition to the procedures and requirements of Section VII-6, the special use review shall consider the following factors: protection of adjacent residences from lighting (Section VIII-2.1); provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance); required landscape buffering and/or fencing (Section VIII-2.F); and traffic access and safety. The proposal shall demonstrate conformance to the parking lot design requirements set forth in Article VIII. The City may also consider or require other restrictions necessary to preserve the essential character of the district in which the parking lot is proposed, including, but not limited to, security provisions, areal extent, number of spaces proposed, orientation of drives and spaces, and setbacks.

(Ord. No. 2005-02-017, 02/18/05)

## ARTICLE VIII. PARKING AND ACCESS\*

### Section VIII-1. Applicability

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

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

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

### Section VIII-5. Amount of Parking Required

### Section VIII-6. Off-Street Loading Regulations

### Section VIII-7. Bicycle Parking

#### Section VIII-1. Applicability

- A. Off-street parking facilities required by this Article shall be provided whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded, or changed. However, this requirement shall not prohibit the owner of an existing building occupied by a conforming use from converting, enlarging, or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations.
- B. Parking spaces shall be provided either in garages or parking spaces that conform to the provisions of the Urbana Zoning Ordinance. (Ord. No. 8990-68, § 1, 2-5-90)
- C. See Article II for parking and other related definitions

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

- A. Off-site parking lots and adjacent parking lot expansion located within 600 feet of R-1, R-2, and R-3 zoning shall require a Special Use Permit as specified in Sections V-3.E and V-3.F. Special use approval is ~~would not be~~ necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval is ~~would also not be~~ necessary for one and two-family residential accessory parking expansions allowed under Section VIII-4.J. In addition to the procedures and requirements of Section VII-4, the special use review shall consider the following factors:
  - 1. Protection of adjacent residences from lighting (Section VIII-3.A.1)
  - 2. Provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance)
  - 3. Required landscape buffering and/or fencing (Section VIII-3.F); and

\* Editors Note – Ord. No. 8990-68, § 1, adopted 2-5-90, repealed former Art. VIII, §§ VIII-1 through VIII-5, and Figs. 1-5 relative to parking and access, which derived from Ord. No. 7980, enacted 12-17-79 and the following ordinances: No. 7980-95, §§ 1, 3, 5-5-80; No. 8182-12, § 2, 8-17-82; No. 8282-77, § 3, 5-17-82; No. 8283-6, § 2, 8-2-82; No. 8384-3, § 1, 8-1-83; No. 8384-25, § 6, 10-17-83; No. 8485-70, 4-15-85; No. 8586-22, § 4, 8-19-85; No. 8586-53, § 3, 1-20-86; No. 8889-44, § 4, 1-3-89.



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

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

(Ord. No. 2005-02-017, 2-18-05)

**Comment [MHW1]:** Moved from Article VII and partially from Article V, and then reorganized (nothing deleted)

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

#### A. Design and Construction Requirements

1. Adjacent residential uses shall be screened in accordance with Section VII-3.F ~~shielded~~ from direct rays of light from the illumination of any off-street parking areas.
2. All off-street parking lots, access drives, off-street loading areas, and parking spaces shall be paved with a ~~suitable form of~~ hard surface, including oil-and-chip, ~~cement/concrete Portland Cement, asphalt, or brick,~~ or other suitable surface approved by the Zoning Administrator ~~so that~~ the environment created is dust free and conforms to the following criteria:
  - a) The pavement design shall be such that any material composing the pavement and the soil underneath is not displaced by traffic movement in a manner that generates pollution in the air due to flying particles and causes damage, injury, or nuisance to the people/vehicles which use the facility.
  - b) The design and construction of the pavement shall be such that the physical appearance, characteristics, performance, and rigidity of the surface that comes into direct contact with vehicles does not change with varying weather conditions. The form and texture of the surface shall be conducive to safe flow of traffic.
  - c) Notwithstanding normal wear and tear, the surface and appearance of the parking lot shall be maintained to perform as originally designed.
3. Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the driveway is reconstructed. Where a garage is not provided in new construction of single- or two-family dwellings, a paved driveway and access drive shall be provided to accommodate a minimum of two off-street parking spaces per dwelling unit which will not encroach on the public right-of-way. (See Section VIII-3.H for drainage requirements)

**Comment [MHW2]:** Clarification

#### B. Handicapped Parking

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

2. Handicapped spaces shall be located as close as possible to an accessible building entrance, ~~the shortest accessible path of travel to each building, adjacent street, or sidewalk serving that parking area.~~
3. Handicapped parking spaces shall be at least 16 foot wide and 18.5 feet in length and ~~This handicapped space width~~ shall include an eight foot wide access aisle. Adjacent handicapped parking spaces shall not share a common access aisle.
4. Handicapped parking spaces, including design and signs, must comply with the State of Illinois Accessibility Code as amended. Where the requirements in Section VIII-3.B. of the Urbana Zoning Ordinance and the State Code differ, the more restrictive of the two standards shall apply.

**Comment [MHW3]:** The shortest accessible path may not always be the closest to the accessible building entrance.

**TABLE VIII-1. HANDICAPPED PARKING**

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

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

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

D. *Compact Car Spaces*

1. Where ten or more parking spaces are required, the Zoning Administrator may authorize up to 20% of the total required parking spaces to be designated as compact car spaces. Such spaces shall be clearly designated and reserved for compact cars. Compact car spaces may be included in modules designed for standard spaces.
2. The length of compact car spaces may be reduced from the standard to 15 foot, six inches and the width may be reduced to eight feet six inches.

**TABLE VIII-2. PARKING LOT AND PARKING SPACE STANDARDS**

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

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

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

All measurements are in feet

E. *Access Drives*

1. Any access drive shall have one of the minimum clear widths outlined in Table VIII-3.
2. No zoning lot shall have more than two driveways per frontage, unless the City Engineer approves additional driveways. The Urbana City Engineer approves all driveway locations within the public right-of-way as provided for in Chapter 20 of the Urbana City Code.
3. When the access drive for 90 degree parking is a permanent dead-end, a turn-around shall be provided. The turn-around shall be designed with a minimum radius of 15 feet, a minimum width of 23 feet, and a minimum depth of six feet. ~~Comparable~~ Alternate turn-around designs may be approved by the Zoning Administrator. (See Figure VIII-2 for reference.)

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

F. *Screening of Off-Street Parking*

1. Off-street parking that is located ~~along any setback line and which~~ directly adjoining a residential zoning district or residential use shall be screened. No screening is required, however, between adjacent parking lots serving separate multi-family structures or when a parking lot is adjacent to a public alley except that screening is required when parking faces a public alley (See Figure VIII-4). On-site or off-site screening existing at the time when approval for construction of new parking is sought may satisfy this requirement subject to approval of the Zoning Administrator.

2. *Design of Parking Screening, Materials, and Maintenance*

- a) Landscaped screening will be no less than three feet in height; except that in order to enhance visibility along the right-of-way, shrub planting adjacent to an access driveway shall not exceed three feet in height along the lot line adjacent to the right-of-way. If screening for off-street parking is in the form of a wall or fence, the requirements of this Article shall supersede the requirements of Chapter 7 of the Urbana City Code entitled "Fences." The requirements of the visibility triangle set forth in Article VI of Chapter 20 of the Urbana City Code shall supersede the provisions of this Article. Species and planting size acceptable for such hedge plantings are shown in Table VIII-4. The Zoning Administrator may approve landscape berms or types of plant material other than those specified in Table VIII-4 upon recommendation of the City Arborist.
- b) Where off-street parking areas are to be screened by means of a shrub planting hedge, a three feet wide planting area is required at the end of the paving surface.
- c) All parking screening shall be maintained to effectively function as a direct headlight screen. All plant materials shall be maintained as living plant material and promptly replaced within 90 days when any such foliage dies.

**TABLE VIII-3. WIDTHS FOR ACCESS DRIVES**

	<i>Minimum Width (in Feet)</i>	
	<i>One Way</i>	<i>Two Way</i>
Single-family dwelling units	9	9
Two to four dwelling units	12	20
Five to twenty-four dwelling units	12	23
Twenty-five or more dwelling units	12	23
Commercial and industrial use	12	23

	<i>Minimum Width (in feet)</i>		<i>Maximum Width (in feet)</i>	
	<u>One-Way</u>	<u>Two-Way</u>	<u>One-Way</u>	<u>Two-Way</u>
<u>Single Family Dwelling Units</u>	<u>9</u>	<u>9</u>	<u>Primary driveway - 35 feet; Secondary driveway - 15 feet</u>	
<u>Two or More Dwelling Units</u>	<u>12</u>	<u>20</u>	<u>24 feet or one-third of the minimum lot width for the zoning district, (as specified on Table VI-1) whichever is greater</u>	
Commercial or Industrial Uses	12	20	<u>If a zoning lot has a linear street frontage greater than 150 feet, the maximum width shall be 50 feet</u>	

**TABLE VIII-4. PARKING SCREENING SHRUB SPECIES**

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

<b><i>Species</i></b>	<b><i>Minimum Spacing Requirement<sup>±</sup></i></b>	<b><i>Minimum Initial Planting Height</i></b>
Mint Julep Juniper	3 feet	48 inches – 24”
Sea Green Juniper	3 feet	48 inches – 24”
Brown Yew	3 feet	48 inches – 24”
Hicks Yew	3 feet	48 inches – 24”
Boxwood Species	30 inches	45 inches – 18”
Holly Species	3 feet	48 inches – 24”

Euonymus Alatus Compactus	3-foot	18 inches—24"
Compact American Cranberry — Bush Viburnum	3-foot	18 inches—24"
*Measured from center to center at planting grade.		

3. *Special Conditions Requiring Shade Tree Planting*

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

- a) One tree shall be provided for every nine parking spaces. 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.)
- b) Tree plantings shall begin within 20 feet from the ends of adjoining parking rows.
- c) Trees shall have a minimum planting size of two inches caliper. Acceptable tree species are shown in Table VIII-5. The minimum planting area for trees shall be eight feet by six feet and the maximum distance between trees shall be 90 feet. Trees shall be located behind bumper stops or integral curbing, no closer than three feet and no farther than eight feet from the face of the bumper stop or the curb. Existing trees may satisfy the tree planting requirement if approved by the City Arborist.
- d) The Zoning Administrator, upon the City Arborist's recommendation, may approve alternate tree species or alternate tree planting plans which differ from these requirements but which substantially conform with the intent of this Section VIII-3.F.
- e) All trees and shrubs shall be maintained as living vegetation and promptly replaced within 90 days when any such vegetation dies.
- f) As required in Section VI-6.D, when parking is provided at ground level below any part of a principal structure in the Residential Districts, ~~or the MOR District,~~ said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping or other suitable screening around the perimeter of the structure in accordance with the provisions of this Section VIII-3.F.

**Comment [MHW4]:** Sub-grade parking is prohibited in MOR

**TABLE VIII-5. SHADE TREE SPECIES**

Amur Maple	Hackberry
Hedge Maple	Sugar Hackberry
State Street Miyabei Maple	Ginkgo
Pacific Sunset Maple	Goldenrain Tree
Paperbark Maple	Kentucky Coffee Tree
Black Maple	European Larch
Amur Corktree (only male clone varieties)	Japanese Tree Lilac

Apple Serviceberry	Silver Linden
Bald Cypress	American Sentry Linden
Cornelian Cherry Dogwood	Regal Prince (Long) Oak
Crabapple (only disease free / improved cultivars)	Swamp White Oak
Lacebark Elm	Sawtooth Oak
Triumph Elm	Bur Oak
Turkish Filbert	Limber Pine

---

#### G. *Wheelstops and Sidewalks*

~~In any zoning district, for any parking space (except parallel spaces) a minimum space (paved or unpaved) of 18 inches shall be maintained from the nearest edge of the parking space to the property line. A minimum space of three feet (unpaved) is required only in cases where the parking area is to be screened by means of a shrub planting hedge (See Section VIII-23-F(2)(b)). In cases of parking~~  
Where parking spaces are located next to public alleys and common access drives, an 18-inch setback ~~eighteen-inch space for screening purposes shall only be required for head-in parking facing the alley.~~ Wheelstops of masonry, steel, or heavy timber shall be placed two feet from the end of the parking space. When a private walkway or sidewalk is located at least four inches but no more than six inches above the grade of the adjoining parking spaces and said sidewalk is a minimum width of five feet, the sidewalk may act as a wheelstop provided the parking spaces are adjacent to only one side of the sidewalk. If parking is adjacent to both sides of the sidewalk, it must be a minimum of eight feet wide or wheelstops must be placed two feet from the end of the parking spaces on one side. A two foot area of the sidewalk into which the vehicle extends must remain unobstructed and available for the vehicle at all times. If a private sidewalk serves as a wheelstop as described herein, the length of adjoining parking spaces may be reduced by two feet. (Ord. No. 2000-11-135, 12-4-00)

Comment [MHW5]: Deleted portion moved to Section VIII-4.G

#### H. *Subsurface Drainage Connection*

1. Subsurface drainage connection to an approved public storm sewer is required when the impervious area and distance from existing storm sewers meets the conditions shown in Figure VIII-6 or as required by the City Engineer.
2. Impervious area includes all paved surfaces including parking lots, loading areas, access drives and sidewalks within the development, exclusive of structures. The distances from a storm sewer in Figure VIII-6 shall be measured from the point of the impervious area nearest the existing storm sewer along the projected path of the proposed storm sewer.
3. All requests for developments with more than 10,000 square feet of impervious area shall prepare a storm water management plan. Said plan shall be prepared by a registered professional engineer and include drainage calculations for existing conditions and proposed conditions for two year, five year, and 50 year storm recurrence intervals. A site plan shall be included showing the proposed storm water management system, including the location and size of all drainage structures, storm sewers, swales and swale sections, detention basins, outlet lines, and analyses of the effect of said improvement on the receiving outlet pipe and storm sewer and the associated swale and high water elevations for each storm event. Additional site specific information may need to be submitted as required by the City Engineer. (Ord. No. 8990-68, § 1, 2-5-90; Ord. No. 9091-132, § 4, 5-20-91; Ord. No. 9091-137, § 1-5, 6-3-91)
4. The owner/developer shall include in the plans a typical detail of the method of connection to the storm sewer and details for the replacement and restoration of all paved and unpaved portions of the public right-of-way. Inspection and approval of any work required by this Section VIII-3.H shall be the responsibility of the City Engineer.

## Section VIII-4. Location of Parking Facilities

- A. The Zoning Administrator or his/her duly authorized agent shall cause parking citations to be issued for violations of this Section.
- B. All off-street parking spaces required by this Article shall be located on the same zoning lot as the use to which they are accessory, except as provided herein.
- C. Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V-3.G.
- D. Except as otherwise allowed herein, off-street parking in a required front or side yard, in a required open space area, or on an unapproved parking surface space is prohibited.
- E. Except for driveways serving a single-family or two-family residence, no parking space shall be permitted where the exiting vehicle must be backed into or out of a public street. Vehicles are allowed to back out toward public alleys when proper aisle widths are provided.
- F. *Parking in a Required Yard is Prohibited Except as Follows:*
1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard except that such area devoted to parking and access thereto shall not exceed 45% of the total lot width. Such spaces may be stacked.
  2. Accessory off-street parking may locate in encroach into the required side yard and rear yard, provided that the parking is located behind the rear face of the principal structure. In the case of a lot with no principal structure on which a principal use parking lot is to be located, parking may locate in encroach into the rear and side yard. (Ord. No. 9697-154, 6-16-97) (Ord. No. 1999-06-045, 06-11-99)
  3. Off-street parking in a required rear yard is prohibited in the MOR District unless it is determined by the Development Review Board that a combination of fencing and/or vegetation have been installed and maintained to meet the requirements of Section VIII-3.F and which can reasonably be expected to shield such parking from view from adjacent residential structures within five years of the date on which such parking is allowed.
  4. Parking in a B-2, B-3, B-3U, and IN district may locate encroach ten feet into the required front yard setback if a five foot buffer yard is maintained in accordance with Section VI-6.A.2.(o) of this ordinance. (Ord. No. 1999-08-079, 08-03-99)
  5. In the B-2, ~~B-3~~, B3-U Zoning Districts, parking is permitted to locate in encroach into the required side yard setback if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the adjacent area is also used for parking. ~~area adjacent to the proposed encroachment is also in use for parking.~~ (Ord. No. 2001-03-024, 03-19-01)
  6. In the B-3 Zoning District, parking may locate in the required side yard setback if the zoning district adjacent to the setback is designated B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MIC or OP and if the adjacent area is also used for parking.

**Comment [MHW6]:** Expansion of the districts which must be adjacent to B-3 to permit parking in a side yard. A buffer must still be maintained per Section VIII-4.G below



7. Parking in the B-3, B-3U, CCD, and IN Zoning District shall be permitted to encroach ten feet into the required 15 foot front yard but no closer than five feet from the property line if the requirements set forth in Section VI-6.A.2.(o) are met. (Ord. No. 1999-08-079, 08-03-99)
- G. Where parking is permitted in a required yard in any zoning district, a minimum space of 18 inches shall be maintained from the nearest edge of the parking lot to the property line. A minimum of three feet is required where parking lot screening is required in conformance with Section VIII-3.F.
- H. In residential zoning districts the following shall regulate the parking of commercial vehicles, recreational vehicles, watercraft, and off-The-road vehicles:
1. Recreational vehicles and watercraft, either of which are greater than 20 feet in length, and off-the-road vehicles shall 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 an accessory parking lot for passenger, recreational, watercraft and off-road vehicles shall consist of either asphalt, brick, concrete, CA-10 gravel with curb or border of railroad ties, cement, or any other surface approved by the Zoning Administrator. For any multiple-family residential use, the parking surface of any such parking lot shall conform with Section VIII-3.A. The surface area for accessory off-street parking for recreational vehicles, watercraft, and off-the-road vehicles shall meet the requirements for Section VIII-2-A unless said parking is on the site of a single-family or two-family residence. Those accessory parking surfaces on the site of single- or two-family residences shall meet the requirements of paragraph 1 below.
  4. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes while stored.
  5. No more than two commercial vehicles shall be on the zoning lot parked at any one time. Commercial vehicles stored outside must be parked on an approved driveway or parking space. Such commercial vehicles shall not exceed three-quarter ton capacity and shall be used by an occupant of the dwelling for personal or business transportation. Commercial vehicles engaged in a lawful construction or service operation on the site are exempt from this requirement.
- I. Any vehicle regulated by this section that is stored outside shall be in mechanically and legally operable condition.

Comment [MHW7]: Moved from Article VI

Comment [MHW8]: Clarification for zoning purposes

- J. In order to provide ~~single one~~ and two family residential uses ~~residences~~ an opportunity to establish an accessory parking area, two accessory, off-street parking spaces may be constructed for single and two family residences for passenger vehicles, recreational vehicles, watercraft and off-the-road vehicles. Said accessory parking must be in addition to and on other than the access drive. The surface for such a storage area shall consist of either pavement, bricks, concrete blocks, CA-10 gravel with curb or border of railroad ties or cement, or another surface acceptable to the Zoning Administrator. Said accessory parking area shall have approved access thereto. Dirt, woodchip, or sod surfaces are prohibited. (Ord. No. 1999-08-079, 08-03-99)
- K. Parking located at ground level below any portion of a principal structure shall be prohibited in the MOR District. Parking located underground below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII of this Ordinance.
- L. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:
1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.
  2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
    - a) The off-site parking shall be permitted by right if either the principal use or a “principal use parking lot,” or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.
    - b) The off-site parking shall require a special use permit if a) above is not applicable.
    - c) The petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained off-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.
  3. ~~If the off-site parking is located within 600 feet of property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VIII-2.~~
  4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.
  5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site. ~~If the parking is maintained off-site, the petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained on-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.~~

Comment [MHW9]: Moved from Article V to be located with other parking regulations.

## Section VIII-5. Amount of Parking Required

- A. Except as otherwise provided ~~herein in this Article or Article VII entitled "Standards and Procedures for Conditional and Special Uses" and Article XI entitled "Administration, Enforcement, Amendments, and Fees,"~~ whenever a use is established or a building or structure is erected or converted to any use listed in this Section or the use amount required by Table VIII-6, "Parking Requirements by Use." When a building or structure is enlarged, expanded, or structurally altered, and the existing parking is legally nonconforming, the total parking requirement shall be calculated by adding the number of existing off-street parking spaces to the number of newly required parking spaces for the additional floor area as determined by Table VIII-6.
- B. In the case of a use that is not specifically mentioned in Table VIII-7, parking shall be provided according to the requirements for the use to which it is most related or similar as determined by the Zoning Administrator.
- C. ~~The parking requirements in Section VIII-4 shall not apply in the B-4 Central Business Zoning District. Off-street parking is not required in the B-4 Central Business Zoning District. Any off-street parking that is provided shall be in conformance with Article VIII of this Ordinance. If parking is constructed in B-4, it shall be in conformance with these regulations.~~
- D. The off-street parking required by Section VIII-5 for land uses that are located in the B-4E Central Business Expansion Zoning District shall be provided at a rate equal to 50% of the amount required by Table VIII-6, entitled Parking Requirements by Use". ~~The intent of this provision is to require developments to provide one-half the off-street parking that is normally required for the same land uses, except in the B-4 District where no off-street parking is required. However,~~ this reduction in parking within the B-4E District shall not apply to all residential and related uses which shall be required to provide the full amount of off-street parking as required in Table VIII-6.
- E. Where the applicable zoning district regulations permit, nothing in this Article shall be construed to prevent the provision of collective off-street parking facilities for two or more business or industrial uses. The required total of such off-street parking spaces supplied collectively shall not be less than 85% of the sum of the requirements computed separately. In cases of collective usage involving dwelling units, there shall be no reduction in the requirements of this Article. All such parking spaces shall be located in accordance with Section VIII-4.
- F. ~~Provisions must be made for the parking of bicycles for multiple-family residential or commercial uses in those instances where ten or more automobile parking spaces are required. Bicycle racks with a minimum capacity for four bicycles shall be provided for bicycle parking. Parking areas for bicycles are permitted wherever automobile parking is allowed, and shall be paved with an all-weather dustless material approved by the Zoning Administrator. Bicycle parking areas shall not obstruct walkways or other pedestrian areas. Inclines shall be provided wherever there are curbs, stairways, or other grade separations between bicycle parking areas and the street or driveway. Provisions for the convenient and accessible parking of bicycles shall be made in accordance with Table VIII-7. In addition the following provisions shall also apply:~~

Comment [MHW10]: There may be regulations in other places as well.

Comment [MHW11]: Unnecessary commentary

Comment [MHW12]: Bicycle parking has been given its own section below.

### ~~1. Zoning Administrator Review~~

- a) ~~The Zoning Administrator shall determine whether proposed developments are subject to the bicycle parking requirements set forth in Table VIII-7, based upon demand generated by the~~

~~use, the locations of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.~~

- ~~b) For non-residential uses, bicycle parking spaces shall be required only for those developments requiring 20 or more automobile parking spaces per Table VIII-6.~~
- ~~c) The Zoning Administrator shall have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.~~

~~2. Type and Location of Bicycle Parking Racks~~

- ~~a) Provisions regarding type and location of bicycle parking racks shall apply to new development as well as to changes in use or intensity of use in existing development.~~
- ~~b) Bicycle parking rack types shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator City Engineer as part of the building permit review process.~~
- ~~c) Bicycle parking areas shall not obstruct walkways or other pedestrian areas.~~
- ~~d) Bicycle parking areas shall be allowed in the same location as automobile parking on a site.~~
- ~~e) For non-residential uses, bicycle parking racks may be placed within the area of up to two automobile parking spaces on a site. These spaces may be credited toward the total number of off-street automobile parking spaces required by Section VIII-4 and Table VIII-6.~~
- ~~f) Bicycle parking areas shall be placed on an approved dust-free surface, subject to the review and approval of the Zoning Administrator. Acceptable surfaces include, but are not limited to, concrete, asphalt, bricks, rock chips, recycled asphalt, and wood chips.~~
- ~~g) For non-residential uses in the AG, B-1, B-2, B-3, B-3U, CRE, IN, and MIC zones, bicycle parking areas may encroach into the required front yard setback, but in no case shall be closer than five feet to the front property line.~~
- ~~h) For non-residential uses in the B-4 zoning district, bicycle parking areas may be permitted in the right-of-way subject to City Engineer approval.~~
- ~~i) For non-residential uses in the B-4E zone, bicycle parking areas may encroach into the required front yard.~~
- ~~j) Bicycle parking areas are prohibited within the front yard setback in the all residential zoning districts R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Zoning Districts.~~
- ~~k) Bicycle parking areas shall be permitted within the side and rear yard setbacks in all zoning districts.~~
- ~~l) The amount of off-street automobile parking required by Section VIII-4 for non-residential uses may be reduced by up to two spaces when bicycle racks occupy the automobile parking spaces, and where the spaces occupied by the bicycle racks are located in a convenient and accessible manner.~~

**TABLE VIII-6. BICYCLE PARKING REQUIREMENTS BY USE<sup>1</sup>**

Use	Number of Spaces Required
Multi-family, Boarding, or Rooming House, Dormitory	1 per 2 dwelling units
<b>Public and Quasi Public Uses<sup>2</sup></b>	
All schools	4 per classroom
All other uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Commercial Uses<sup>2,3</sup></b>	
All uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Industrial, Transportation &amp; Related Uses<sup>2</sup></b>	
All uses	4% of required automobile parking up to a maximum of 25 bicycle parking spaces
<p><del>1. The Zoning Administrator shall determine whether proposed developments are subject to these bicycle parking requirements based upon demand generated by the use, the location of the development, the proximity to other uses with bicycle generated by the use, the location of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.</del></p> <p><del>2. The Zoning Administrator shall further have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.</del></p> <p><del>3. For non-residential uses, bicycle parking spaces shall be required only for developments with 20 or more automobile parking spaces required.</del></p> <p><del>4. Commercial uses include the following categories from Table VIII-6: Office and Related Uses, Service Business Uses, Retail Business Uses, and Commercial Recreational Uses.</del></p>	

- G. ~~Drive-through~~ In facilities shall provide a lane(s) for the stacking of motor vehicles waiting to use the drive thru the facility. The minimum length of each stacking lane for drive-in facilities other than fast-food restaurants (such as automobile washes, banks) shall be 60 feet per drive-up facility or window. The minimum total capacity of each stacking lane for fast-food restaurants shall be 90 feet per drive-up facility or window. Each stacking lane shall have a minimum width of seven and one-half feet. Such stacking lane(s) shall not include any portion of any access aisles for off-street parking lots. This subsection shall not apply to gas stations.
- H. Drive-through facilities for any use in the B-1, Neighborhood Business Zoning District shall be considered accessory to the principal use and shall require the granting of a Special Use Permit under the provisions of Article VII herein. (Ord. No. 2004-03-029, 04-30-04)

**Comment [MHW13]:** Moved from Article V

- I. For the purposes of determining off-street parking requirements listed in Table VIII-6, the following units of measurement shall apply:
1. *Floor area.* In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area as defined in Article II, Definitions, of the Zoning Ordinance but exclusive of such floor areas the Zoning Administrator determines to be storage closets.
  2. *Places of Public Assembly*
    - a) In stadiums, sports arenas, churches, and other places of public assembly in which those in attendance occupy benches, pews, and other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining the off-street parking requirements of the Urbana Zoning Ordinance.
    - b) For open assembly areas (no seats), the number of parking spaces shall be equal in number to 25% of the capacity in persons as determined by the Zoning Administrator.
    - c) In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and then added together to determine total parking requirement.
  3. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction under one-half shall be disregarded, and any fraction of over and including one-half shall require one full parking space.
- J. Off-street parking required for commercial PUD/General Shopping Centers may be reduced in accordance with the provisions of Section XIII-3.E.3.(i) (Ord. No. 2000-11-135, 12-4-00)
- K. At least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses. If an off-site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use. (Ord. No. 2005-02-017, 02-18-05)
- K. CCD, Campus Commercial District Parking Requirements. Parking requirements shall be calculated for individual uses permitted in the CCD, Campus Commercial District, as specified in Table V-1. Each use shall provide parking at a rate of one-half of the requirement for said use outlined in Table VIII-7, with the following exceptions:
1. Restaurants, Cafés, and Coffee Shops. 1 space per 400 square feet of floor area, including outdoor seating areas.
  2. Multiple Family Dwellings. 0.75 spaces per bedroom; no less than 1 space per dwelling unit.
  3. Technical Training and Test Preparation. 1 space per 600 square feet of floor area.

**Comment [MHW14]:** Same regulations for parking in CCD, moved from Article V and condensed.

### Section VIII-6. Off-Street Loading Regulation

- A. All off-street loading spaces shall have a vertical clearance of at least 14 feet.
- B. All off-street loading spaces shall be designed with adequate means of vehicular access to a street or improved alley in a manner that will least interfere with traffic movement.
- C. Off-street loading spaces shall be screened in accordance with Section VIII-3.F of this Article.
- D. Off-street loading berths and spaces shall be improved in accordance with Section VIII-3.A of this Article.
- E. In no case shall an off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- F. Off-street loading spaces may be located in a required rear yard.

### Section VIII-6. Bicycle Parking

A. Provisions must be made for the parking of bicycles for multiple-family residential or commercial uses in those instances where ten or more automobile parking spaces are required. Bicycle racks with a minimum capacity for four bicycles shall be provided for bicycle parking. Parking areas for bicycles are permitted wherever automobile parking is allowed, and shall be paved with an all-weather dustless material approved by the Zoning Administrator. Bicycle parking areas shall not obstruct walkways or other pedestrian areas. Inclines shall be provided wherever there are curbs, stairways, or other grade separations between bicycle parking areas and the street or driveway. Provisions for the convenient and accessible parking of bicycles shall be made in accordance with Table VIII-7. In addition the following provisions shall also apply:

1. *Zoning Administrator Review*

- a) The Zoning Administrator shall determine whether proposed developments are subject to the bicycle parking requirements set forth in Table VIII-7, based upon demand generated by the use, the locations of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.
- b) For non-residential uses, bicycle parking spaces shall be required only for those developments requiring 20 or more automobile parking spaces per Table VIII-6.
- c) The Zoning Administrator shall have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.

2. *Type and Location of Bicycle Parking Racks*

- a) Provisions regarding type and location of bicycle parking racks shall apply to new development as well as to changes in use or intensity of use in existing development.
- b) Bicycle parking rack types shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator ~~City Engineer~~ as part of the building permit review process.

**Comment [MHW15]:** Consistency with rest of this section

- c) Bicycle parking areas shall not obstruct walkways or other pedestrian areas.
- d) Bicycle parking areas shall be allowed in the same location as automobile parking on a site.
- e) For non-residential uses, bicycle parking racks may be placed within the area of up to two automobile parking spaces on a site. These spaces may be credited toward the total number of off-street automobile parking spaces required by Section VIII-5 and Table VIII-6.
- f) Bicycle parking areas shall be placed on an approved dust-free surface, subject to the review and approval of the Zoning Administrator. Acceptable surfaces include, but are not limited to, concrete, asphalt, bricks, rock chips, recycled asphalt, and wood chips.
- g) For non-residential uses in the AG, B-1, B-2, B-3, B-3U, CRE, IN, and MIC zones, bicycle parking areas may encroach into the required front yard setback, but in no case shall be closer than five feet to the front property line.
- h) For non-residential uses in the B-4 zoning district, bicycle parking areas may be permitted in the right-of-way subject to City Engineer approval.
- i) For non-residential uses in the B-4E zone, bicycle parking areas may encroach into the required front yard.
- j) Bicycle parking areas are prohibited within the front yard setback in ~~the all-residential-zoning districts~~ R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Zoning Districts.
- k) Bicycle parking areas shall be permitted within the side and rear yard setbacks in all zoning districts.
- l) The amount of off-street automobile parking required by Section VIII-5 for non-residential uses may be reduced by up to two spaces when bicycle racks occupy the automobile parking spaces, and where the spaces occupied by the bicycle racks are located in a convenient and accessible manner.



**TABLE VIII-6. BICYCLE PARKING REQUIREMENTS BY USE<sup>1</sup>**

Use	Number of Spaces Required
Multi-family, Boarding or Rooming House, or Dormitory	1 for every <del>per</del> 2 dwelling units
<b>Public and Quasi Public Uses<sup>2</sup></b>	
All schools	4 for every <del>per</del> classroom
All other uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Commercial Uses<sup>2,3</sup></b>	
All uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Industrial, Transportation &amp; Related Uses<sup>2</sup></b>	
All uses	4% of required automobile parking up to a maximum of 25 bicycle parking spaces
<p>5. The Zoning Administrator shall determine whether propose developments are subject to these bicycle parking requirements based upon demand generated by the use, the location of the development, the proximity to other uses with bicycle generated by the use, the location of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.</p> <p>6. The Zoning Administrator shall further have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.</p> <p>7. For non-residential uses, bicycle parking spaces shall be required only for developments with 20 or more automobile parking spaces required.</p> <p>8. Commercial uses include the following categories from Table VIII-6: Office and Related Uses, Service Business Uses, Retail Business Uses, and Commercial Recreational Uses.</p>	

**Table VIII-7. Parking Requirements by Use**

Use	Number of Spaces Required
<b>Agriculture</b>	
Feed and Grain Store Plant Nursery Roadside Produce Sales Stand	1 per every 400 sq. ft. of sales area
All Other Agriculture Uses	None
<b>Public and Quasi-Public</b>	
Church or Temple	1 for every 5 seats in the principal assembly area
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)
Institution of an Educational, Philanthropic, or Eleemosynary Nature	Based on specific uses within a facility and the corresponding parking requirements
Municipal or Government Building	1 for every 300 sq. ft. of floor area
Police or Fire Station	1 per employee on maximum shift
Public or Private Parochial Elementary, Junior High School, or Senior High School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats, whichever is greater
Public Library, Museum or Gallery	1 for every 500 sq. ft. of floor area
Public Utility Plants (not including offices)	None
<b>Food Sales and Service</b>	
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, including outdoor seating areas
All Other Food Sales and Service Uses	1 for every 250 sq. ft. of floor area
<b>Personal Services</b>	
Ambulance Service	0.75 per employee on maximum shift
Landry and/or Dry Cleaning	1 for every 300 sq. ft. of floor area
Medical Carrier Service	0.75 per employee
Mortuary	1 for every 8 seats
All Other Personal Services Uses	1 for every 250 sq. ft. of floor area
<b>Professional and Financial Services</b>	
Bank/Savings and Loan Association	1 for every 250 sq. ft. of floor area
Copy and Printer Service or Similar Uses	
Medical Clinic or Office	1 for every 250 sq. ft. of floor area
Professional and Business Office	1 for every 300 sq. ft. of floor area
Vocational, Trade or Business School	1 for every 400 sq. ft. of floor area
All Other Professional and Financial Services Uses	1 for every 250 sq. ft. of floor area
<b>Retail Trade</b>	
Antique or Used Furniture Sales and Service (Home or Office)	1 for every 400 sq. ft. of floor area
Art and Craft Store and/or Studio	1 for every 500 sq. ft. of floor area
Bicycle Sales and Service	1 for every 300 sq. ft. of floor area
Building Material and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Shopping Center (excluding Restaurants)	1 for every 250 sq. ft. of floor area
All Other Retail Trade Uses	1 for every 250 sq. ft. of floor area

Use	Number of Spaces Required
<b>Recreation</b>	
Bowling Alley	2 for every lane, and 1 for every 2 employees
Country Club	Based on specific uses within a facility and the corresponding parking requirements
Driving Range or Miniature Golf	1 for every tee, plus 1 for every four employees
Golf Course	4 for every tee
Indoor Movie Theater	1 for every 5 seats
Lodge or Private Club	1 for every 2 bedrooms and 1 for every 50 sq. ft. of area used for assembly, dancing or dining
Outdoor Commercial Recreation Enterprises	1 for every 2,000 sq. ft. of lot area
Private Indoor Recreational Development or Similar Uses	1 for every 400 sq. ft. of floor area
<b>Transportation</b>	
Motor Bus Station	1 for every 400 sq. ft. of leasable floor area
<b>Vehicular Sales and Service</b>	
Automobile Accessories	1 for every 400 sq. ft. of floor area
Gasoline Station	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
All Other Vehicular Sales and Service Uses	1 for every 400 sq. ft. of floor area, and 1 for every 3 employees
<b>Miscellaneous Business</b>	
Animal Hospital or Kennel	1 for every 400 sq. ft. of floor area
Contractor Shop and Showroom	1 for every 400 sq. ft. of floor area
Self-Storage Facility	1 for every 100 storage units, no less than 2; must be located next to main office
Warehouse or Similar Uses	1 for every 2,000 sq. ft. of lot area
<b>Residential</b>	
Bed and Breakfast	1 for every living or sleeping room, plus 2 if owner-occupied
Boarding or Rooming House or Similar Uses	1 for every 2 residents
Community Living Facility (any type) or Home for Adjustment	1 for every employee on maximum shift, and one for every 4 members of the service dependant population
Dormitory	1 for every 3 residents
Hotel or Motel	1 for every living or sleeping room
Nursing Home	1 for every 6 beds, and 1 for every 3 employees on maximum shift
Mobile Home	2 for every mobile home
Efficiency, One or Two Bedroom Multiple-Family Dwelling Unit	No less than 1 for every dwelling unit
Three Bedroom Multiple-Family Dwelling Unit	1.5 for every dwelling unit
Four Bedroom Multiple-Family Dwelling Unit	2 for every dwelling unit
More Than Four Bedroom Multiple-Family Dwelling Unit	2.5 for every dwelling unit
Single and Two-Family or Similar Uses	2 for every dwelling unit
<b>Industrial</b>	
All Industrial Uses	1 for every 1,000 sq. ft. of floor area

Notes: The intent for multi-family dwellings is to provide parking at a rate of one-half space per person. However, in no case shall a dwelling unit have less than one parking space.

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

**TABLE VIII-7. PARKING REQUIREMENTS BY USE**

Use	Number of Spaces Required
<b>Agriculture</b>	
Resource Production, Stables	None
Implement, Supply, Nursery and other Retail Sales, Greenhouse	1 for every 400 sq. ft. of sales area
<b>Residential &amp; Related Uses</b>	
Single, Two-Family, Rowhouse or Townhouse	2 per unit
Multi-Family Dwellings: Efficiency apartment designed to be occupied by one (1) person	1 per unit
<del>70-119 sq. ft. of area/bedroom Efficiency, 1 or 2 Bedroom Multi-Family Dwelling</del> <del>120-169 sq. ft. of area/bedroom 3 Bedroom Multi-Family Dwelling</del> <del>170-219 sq. ft. of area/bedroom 4 Bedroom Multi-Family Dwelling</del> <del>220 sq. ft. or greater of area/bedroom More than 4 Bedroom Multi-Family Dwelling</del> NOTE: The intent for multi-family dwellings is to provide parking at a rate of one-half (1/2) space per person. However, in no case shall a dwelling unit have less than one (1) parking space.	<del>0.5 per bedroom no less than 1 per unit</del> <del>1.0 per bedroom 1.5 per unit</del> <del>1.5 per bedroom 2 per unit</del> <del>2.0 per bedroom 2.5 per unit</del>
Dormitories	1 for every 3 residents
Boarding House, Rooming House, Bed and Breakfast, Single Family & Duplex Dwelling — Extended Group Occupancy	1 for every 2 residents
Nursing Home	1 for every 6 beds, plus 1 for every 3 employees on maximum shift
Motel, Hotel	1 for each living or sleeping unit

**Comment [MHW1]:** These requirements are consistent with the current intent of the ordinance, but are calculated in a manner that doesn't punish larger bedroom sizes

Use	Number of Spaces Required
<b>Residential &amp; Related Uses (cont.)</b>	
Mobile Home	2 per mobile home, as per Article VII, Section VII-4B5.i
Dwelling, CLF I, II, III Home for Adjustment	One for every employee on maximum shift plus one for every four (4) member of the service dependent population
<b>Public &amp; Quasi Public Uses</b>	
Church or Temple	1 for every 5 seats in the principal assembly area
Municipal or Government Building	1 for every 300 sq. ft. of floor area
Public Utility Building primarily used for the Operation and Storage of Mechanical Equipment	None
Dial Exchange, Electric Substation, Filtration and Pumping Plants, Sewage Treatment Plants	None
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)
Art Gallery, Museum, Education Research Center, Library	1 space for every 500 sq. ft.
Arts & Crafts Stores and Studios	1 space for every 500 sq. ft. of floor area
Schools (including public, private, parochial) Elementary, Junior High or Middle School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats, whichever is greater

Use	Number of Spaces Required
<b>Public &amp; Quasi Public Uses (cont.)</b>	
Senior High	1 for every 8 auditorium seats, or 1 for every 30 classroom seats, plus one for every 50 classroom seats in the 11 <sup>th</sup> and 12 <sup>th</sup> grades, whichever is greater
Day Care Facility	3 spaces for each 2 employees and drive-in facility for drop-off of children
Auditorium or Assembly Hall	1 for every 8 seats
Post Office, Telegraph Office	
Police or Fire Station	1 per employee on maximum shift
Lodge or Private Club	1 for every 2 bedrooms and 1 for every 50 sq. ft. of area used for assembly, dancing or dining
<b>Professional and Financial Services Office and Related Uses</b>	
Professional & Business Office	1 for every 300 sq. ft. of floor area
Medical Clinic or Office	1 for every 250 sq. ft. of floor area
Bank, Savings & Loan Association & Other Financial Institutions	1 for every 250 sq. ft. of floor area
<b>Retail Trade Service Business Uses</b>	
Animal Hospital/Kennel	1 for every 400 sq. ft. of floor area
Dry Cleaning or Laundry Establishment	1 for every 300 sq. ft. of floor area

Use	Number of Spaces Required
<b>Retail Trade Service Business Uses</b>	
Locksmith	1 for every 200 sq. ft. of floor area
Barber & Beauty Shop	1 for every 200 sq. ft. of floor area
Frozen Food Locker	1 for every 200 sq. ft. of floor area
Shoe & Hat Repair	1 for every 200 sq. ft. of floor area
Clothes and Costume Rental, Dressmaking, Tailoring & Furrier	1 for every 300 sq. ft. of floor area
Vocational, Trade or Business School	1 for every 400 sq. ft. of floor area
Catering Service	1 for every 400 sq. ft. of floor area
Contractors' Shop & Showroom Carpentry Electrical Exterminating Upholstering Sign Painting Other Home Improvement Shops	1 for every 400 sq. ft. of floor area
Educational, Philanthropic, or Charitable Institution	Parking based on specific uses within a facility and their corresponding requirements in this section
Ambulance Service	.75 for every employee on maximum shift
Medical Carrier Service	.75 for every employee
Mortuary, Funeral Home	1 per 8 seats in chapel

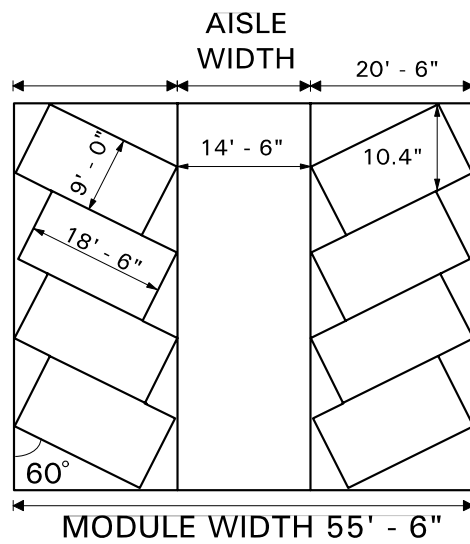
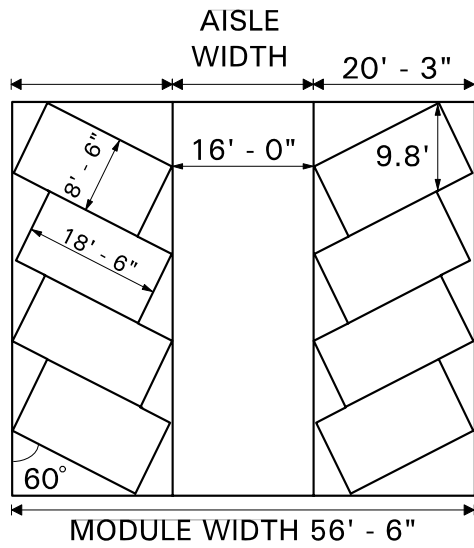
Use	Number of Spaces Required
<b>Retail Business Uses</b>	
Restaurant, Café, Fast-food Restaurant, Taverns or Bars	1 for every 100 sq. ft. of floor area (including outdoor area used for business)
Supermarket, Food & Beverage Stores Bakery Liquor Store Meat Market Convenience Store	1 for every 250 sq. ft. of floor area
Building Materials, Hardware, Garden Supplies, Bicycle Sales & Service	1 for every 300 sq. ft. of floor area
General Merchandise, Variety & Miscellaneous Retail Discount Store Sporting Goods Art Supply Book Store Dry Goods, Fabric Store Office Supply Computer Supply	1 for every 250 sq. ft. of floor area
Apparel & Accessory Stores, Clothing Store, Shoe Store, Jewelry Store	1 for every 250 sq. ft. of floor area
Drug Stores	1 for every 250 sq. ft. of floor area
Furniture, Appliance Stores, Home Furnishings	1 for every 400 sq. ft. of floor area
Shopping Center	1 for every 250 sq. ft. of floor area
Department Store	1 for every 250 sq. ft. of floor area



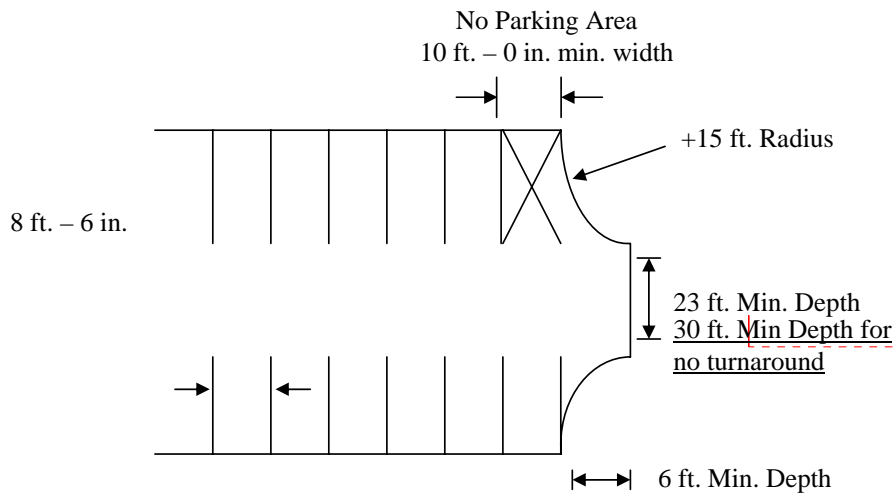
Use	Number of Spaces Required
<b>Commercial Recreational Uses</b>	
Driving Range	One space per tee plus one space per every four employees
Golf Course	4 for each Tee
Miniature Golf	One space per tee plus one space per every four employees
Bowling Alley or Lanes	5 per alley or lane
Country Club	Parking based on specific uses within a facility and their corresponding requirements in this section
Indoor Movie Theater	1 for every 5 seats
Outdoor Commercial Recreation Enterprises	1 per 2000 sq. ft. of lot area
Private Indoor Recreation Facilities, Health Club, Dance Halls, Pool Hall	1 for every 400 sq. ft. of floor area
Swimming Pool	1 for every 100 sq. ft. of lot area used for the facility
Tennis Courts	2 per court

Use	Number of Spaces Required
<b>Transportation &amp; Related Uses</b>	
Gasoline & Service Stations	2 for every service stall plus 1 per 250 sq. ft. of floor area devoted to retail sales. The area designated for cars using the pump islands may be counted as parking space if one space per gasoline pump station is provided.
Automobile, Boat, Truck & Mobile Home Sales	1 for every 400 sq. ft. of floor area and 1 for every 3 employees
Warehouse & Wholesale Distribution, Freight or Truck Terminal	1 for every 2000 sq. ft. of floor area
Automobile Repair, Major	1 for every 400 sq. ft. of floor area and 1 for every 3 employees
Self-Service Storage Facility	1 space for every 100 storage units, but no less than 2, shall be located next to the project office, plus 2 spaces shall be provided for the dwelling unit if the manager resides on the premises
Bus Station or Depot	1 for every 400 sq. ft. of leasable floor area
<b>Industrial Uses</b>	
Industrial Uses	1 for every 1000 sq. ft. of floor area

**FIGURE VIII-1. Parking Modules with Flexible Aisle Widths**



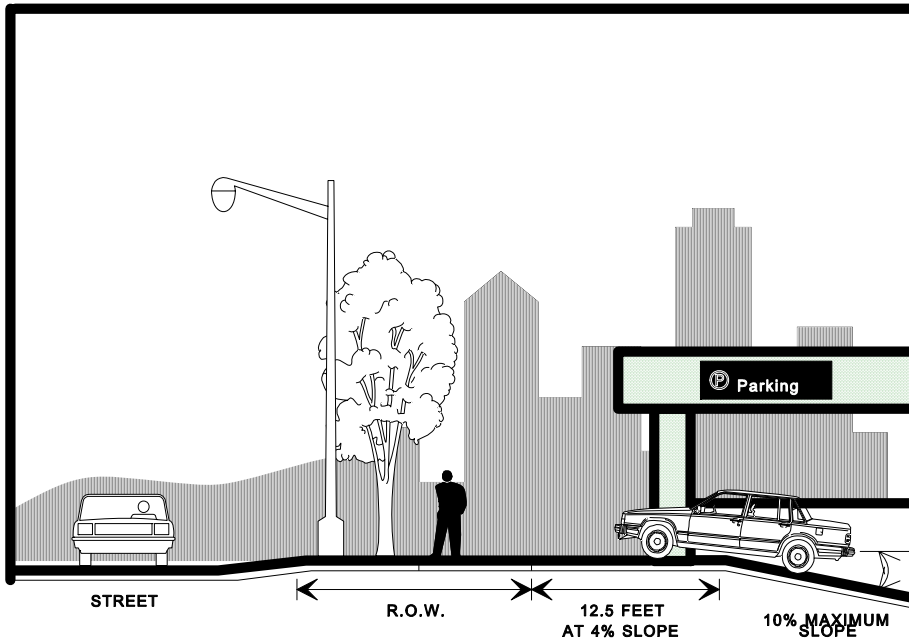
**FIGURE VIII-2. Typical Turnaround Design for 90° Parking Access Drive**



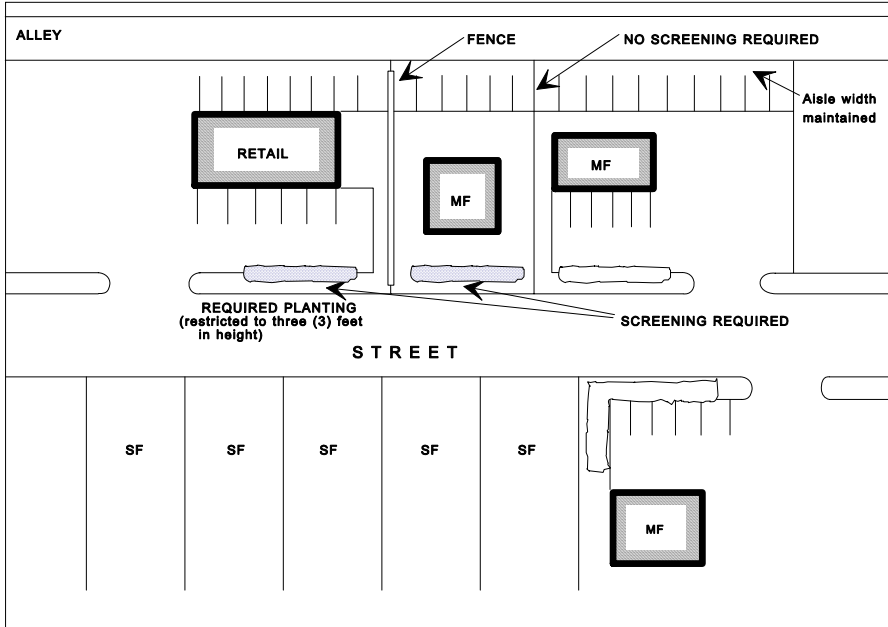
Comment [MHW16]: Requested by Public Works

(Not Drawn to Scale)

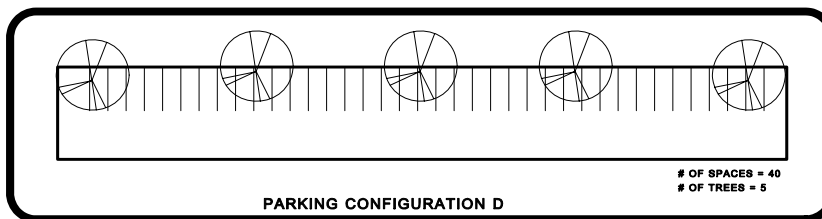
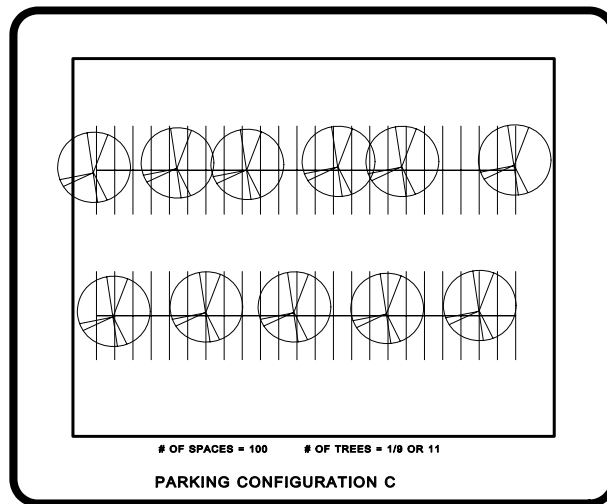
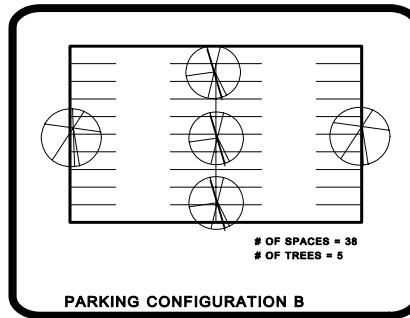
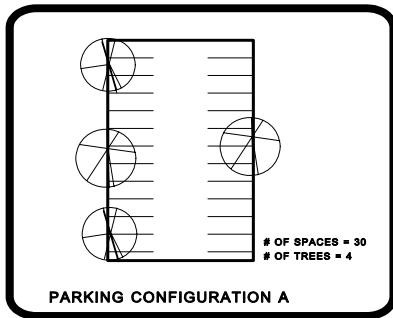
**FIGURE VIII-3. Requirements for Access Drive**



**FIGURE VIII-4. Required Screening Between Uses**



### FIGURE VIII-5. Requirements for Shade Tree Planting in Parking Lots



**FIGURE VIII-6. Surface Drainage**

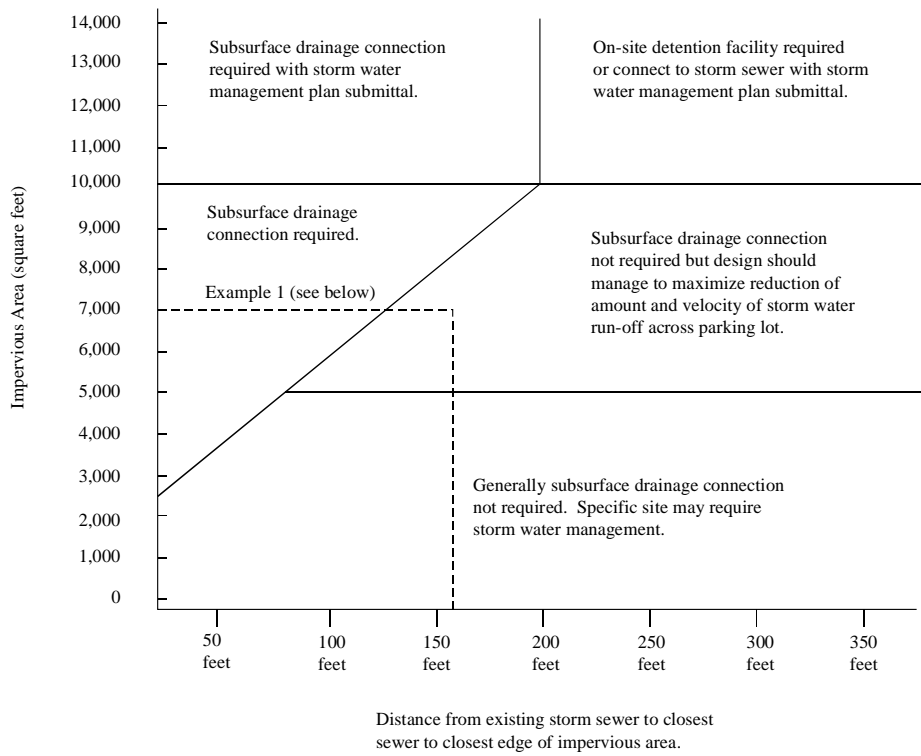


Figure VIII-6

Example 1

**Given:** Impervious area of development is 7,000 square feet and nearest public storm sewer is 160 ft. away. Enter left side Fig. VIII-6 at 7,000 square feet and then move across to intersect line at 160 ft. mark.

**Result:** Subsurface drainage connection not required but design needs to maximize reduction of surface run-off amount & velocity.



## ARTICLE IX. COMPREHENSIVE SIGN REGULATIONS\*

- Section IX-1. Legislative Intent and Findings
- Section IX-2. General Prohibition
- Section IX-3. Definitions
- Section IX-4. Measurement Standards
- Section IX-5. General Sign Provisions for Signs and Outdoor Advertising Sign Structures  
Allowed in Specific Districts with a Permit
- Section IX-6. Signs Allowed Without a Permit Subject to Certain Regulations
- Section IX-7. Use of Noncommercial Signs in Business and Industrial Zoning Districts
- Section IX-8. Prohibited Signs
- Section IX-9. Permits for Signs
- Section IX-10. Enforcement and Penalties
- Section IX-11. Outdoor Advertising Sign Structures Moratorium

### Section IX-1. Legislative Intent and Findings

The purpose of this Article is to establish regulations and controls which promote the goals, objectives, and policies of the City of Urbana Comprehensive Plan and to permit and regulate signs in such a manner as to support and complement the land use policies set forth in Article I, Section I-1. To these ends, this Article regulates the size, number, and spacing of signs which is intended to: aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow; reduce congestion of land, air, and space; preserve and protect property values; establish reasonable standards for the use of signs in order to maintain and encourage business activity and development; protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and regulate signs located near or visible from public property such as streets, highways, parks, and schools where such signs could jeopardize the public's investment in these facilities.

The sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures (OASS)" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of signs for announcements of both a commercial and noncommercial nature, utilizing nationally standardized signs or painted panels. At the same time, the regulations recognize that a limitation upon the size, number, and spacing of such structures is consistent with and will further the goals expressed herein.

Recognizing that OASS's and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS's. Further recognizing that the zoning districts in and routes along which OASS's may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance. (Ord. No. 2001-05-044, 06-04-01) The sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise signs.

---

\* Editor's note — Ord. No. 8485-73, § 2, enacted Apr. 15, 1985, repealed in its entirety Article IX, §§ IX-1 — IX-9, comprising the City's comprehensive sign regulations, and enacted in lieu thereof similar materials designated as Art. IX, §§ IX-1 — IX-9. Prior to enactment of said Ord. No. 8485-73, Art. IX was derived from Ord. No. 7980-68, adopted Dec. 17, 1979; Ord. No. 8283-43, §§ 6, 7, adopted Jan. 17, 1983; and Ord. No. 8485-54, § 1, adopted Feb. 4, 1985.

## **Section IX-2. General Prohibition and Definitions**

- A. Any sign or outdoor advertising sign structure not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana. (Ord. No. 8458-73, 4-15-85)
- B. *Sign Definitions: Signs are generally defined as any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. The following are types of signs:*
1. *Commercial Sign:* A sign which directs attention to or identifies a commodity, service, or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a commercial sign.
  2. *Community Event Sign:* A sign advertising or announcing a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)
  3. *Electronic Message Board (LED) Sign:* A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered a LED sign.
  4. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure:* Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.
  5. *Grand opening Sign:* A temporary sign used to announce the opening of a new business or the change of ownership of a business. (Ord. No. 9495-81, 3-6-95)
  6. *Monument Sign:* A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
  7. *Noncommercial Sign:* Any sign not defined as a commercial sign.
  8. *Outdoor Advertising Sign Company:* A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.
  9. *Outdoor Advertising Sign Structure (OASS):* A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two standardized structures.

- a. The “30 sheet poster panel” or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately 12 feet by 25 feet, containing 300 square feet of total display area;
  - b. The “Junior panel” whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.
  - c. For the purpose of defining the height and width of an OASS, The term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%. (Ord. No. 2001-05-044, 06-04-01)
10. *Permanent Sign*: A sign that is permanently affixed or anchored to the ground, building, or other structure.
  11. *Portable Sign*: A freestanding sign not permanently anchored or secured to either a building or structure.
  12. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
  13. *Roof Sign*: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.
  14. *Shopping Center/Commercial PUD Sign*: A sign designed for the purpose of advertising an entire shopping center. Individual businesses may list but an individual listing may not exceed 50% of the area of any face of the sign.
  15. *Temporary Sign*: A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign. See Section IX-4.F for regulations for temporary signs.
  16. *Wall or Wall-Mounted Sign and Wall Mounted Outdoor Advertising Sign Structure*: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.

### Section IX-3. Measurement Standards

A. *Measurement of Area of Sign*. The area of a sign shall be computed as:

1. *Flat Sign*: The area of the smallest convex geometric figure encompassing the sign; or
2. *Volumetric Sign*: The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

- B. *Height Measurement of Freestanding Signs and Outdoor Advertising Sign Structures.* The height of freestanding signs and outdoor advertising sign structures shall be the distance from the top of the highest portion of the sign or structure to:
1. The grade at the foundation of the sign or outdoor advertising sign structure; or
  2. The average grade of the lot, whichever is less.
- C. *Measurement of Outdoor Advertising Sign Structure Surface Display Area.* The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than six inches above the lowest portion of any horizontal structural element of the OASS. (Ord. No. 2001-05-044, 06-04-01)
- D. *Measurement of Business Frontage.* Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage. (Ord. No. 8458-73, § 2, 4-15-85)
- E. *Measurement of Gas Station Canopy Display Area:* The area of a gas station canopy structure shall be computed as product of the height and length of a canopy structure's vertical face. The vertical supports of the canopy structure shall not be considered a display area.

**Comment [MHW1]:** Requested by Building Safety. There has been confusion from developers because a gas station canopy sign is considered a wall sign, not a canopy sign. In addition, this change will incorporate a Zoning Administrator interpretation.

**Section IX-4. General Sign Provisions for Signs and Outdoor Advertising Sign Structures Allowed in Specific Districts with a Permit**

- A. Signs located within a Residential Planned Unit Development, or signs and/or outdoor advertising sign structures located within a Planned Unit Development, shall be subject to the provisions applicable to the zoning district in which the PUD is located.
- B. Signs shall be subject to the provisions and standards specified in Table IX-1 through Table IX-4 and Table IX-6. Future OASS's shall be subject to the standards specified in Table IX-5.
- C. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive district within which the use is permitted by right.
- D. In lieu of ~~Section IX-4.B paragraph B, above~~, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.
- E. Signs in the MIC District shall be subject to the provisions and standards specified for the B-4E District. Signs in the CCD District shall be subject to the provisions and standards specified for the B-3U District.

**Comment [MHW2]:** This clarifies the requirement made elsewhere in the ordinance. This was asked for by Building Safety.

F. Temporary Signs. In the B-3, B-3U, B-4, B-4E, and IN Districts, in addition to the signs permitted as specified in Table IX-1 through Table IX-4, Table IX-6 and Table IX-9, temporary commercial signs shall be allowed by permit in the following instances:

1. Each business shall be allowed to display one grand opening sign per business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. Said display must occur within the first six months after either the opening of said business at that site or after there has been a change in ownership of the business.
2. Within the first 30 days of operation of a new on-site business, in addition to the banner signs as permitted in Section IX-4.F.1, a business having at least 50 feet of frontage shall be permitted to display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance in all directions from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened to manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a commercial sign installer. Proof of liability insurance in a minimum amount of one million dollars must be shown before a permit for an inflatable sign may be issued. Such signs inflated with helium are strictly prohibited.

3. In addition to any permitted grand opening signs ~~permitted in paragraphs 1 and 2 above~~, each business shall be allowed up to four separate displays of a temporary commercial sign per business frontage per calendar year, also in the form of a banner securely fastened at both ends to a building or other structure. That means that 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.
4. 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.
5. 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.
6. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.
7. No fee shall be charged for a grand opening temporary sign. This fee language shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

G. *Electronic Message Board (LED) Signs.* In the B-3, General Business Zoning District, an electronic message board sign shall be allowed as either a freestanding or wall-mounted sign. Such signs shall be allowed by permit subject to the following conditions:

1. The LED display shall not be animated, flashing, multi-colored, or scrolling.
2. The frequency of message change shall be restricted to no more than once every 3 minutes.
3. The maximum area of an electronic message board shall not exceed 30 percent of the total sign allowance for the property.
4. The maximum height of an electronic message board shall conform to the standards of Table IX-11.

Comment [MHW3]: See memo

## Section IX-5. Signs Allowed Without a Permit Subject to Certain Regulations

~~A. Noncommercial Signs In Residential Zoning Districts Not Subject to Section IX-6. Noncommercial signs not subject located in the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-6B and R-7 zoning districts to Section IX-6 shall be permitted in all said zoning districts without a permit, subject to certain regulations. In the AG, CRE, and Residential Zoning Districts, Noncommercial signs may be freestanding or wall signs they and shall be limited to six square feet in area and, if freestanding, shall not exceed a height of five feet. Further, in Residential zoning districts No permanent noncommercial sign shall be located in a required yard nor be illuminated.~~

Comment [MHW4]: Overlapping, conflicting regulations with Section IX-5.B that did not make sense.

B. Signs Allowed in Certain All Districts Subject to Certain Regulations. The signs specified in the following subsections are allowed in all zoning districts, unless specified, without a permit but are subject to the conditions and limitations set forth herein. Need an application to ensure zoning compliance

1. Official Signs: Signs of a public, noncommercial nature erected by or on order of a public officer in the performance of a public duty. Such signs shall include but not be limited to safety signs, danger signs, traffic signs, memorial plaques, or signs indicating a scenic or historical point of interest.
2. Flags: Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution. There may be two of each type of flag per premise.
3. Residential Identification Signs: Signs which identify the business, owner, or manager, or resident address and lessor phone number of a building or structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 Zoning District, and set forth the address of the premises where the sign is located, and which contain no other material. There may be two such signs per premise, in accordance with Section IX-5.B.12, , the total area shall not exceed 10 square feet, and the total height of such a sign, if freestanding, shall not exceed five feet.
4. Integral Signs: Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
5. Institutional Signs: Any sign or bulletin board setting forth and denoting the name of or simple announcement for any public, charitable, educational, or religious institution, when located on the premises of such institution, provided such sign or bulletin board or both shall not exceed a total of 20 square feet in display surface. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. If freestanding, the total height shall not exceed six feet.

Comment [MHW5]: The idea is these signs should identify how to contact a property owner, and that the signs should be smaller because they don't need to advertise number of bedrooms, etc.

6. ~~Private Traffic Direction Signs and Related Signs:~~ Signs directing traffic movement onto a premise or within a premise in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, or CRE Zoning District. ~~when such signs are located on the premise, The total area shall not exceed five square feet, and the total height shall not exceed five feet. No more than 50% of such signs shall be comprised of a business logo. do not exceed five square feet in area for each sign and, if freestanding, do not exceed five feet in total height.~~ Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs, and the like. Horizontal directional signs on the flush with paved areas are exempt from these standards.
7. ~~Individual Property Sale or Rental Signs:~~ Any sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale or rental of the property. Property sale or rental signs shall be subject to the standards and provisions specified in Table IX-7.
8. ~~Home Occupation Signs:~~ Home occupation signs shall be wall-mounted, either wall-mounted or freestanding, not to exceed one per premise, and not to exceed two one square foot in area. There shall be only one such sign per building or structure.
9. Subdivision Sign: Any sign announcing the names of a subdivision or neighborhood in the R-1, R-2, R-3, R-4, R-5, or R-6 Zoning District. architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
  - a) ~~These signs shall be confined to the major road accessing a subdivision or neighborhood, site of the subdivision, and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one year.~~
  - b) Subdivision signs shall be subject to the provisions and standards specified in Table IX-~~8.~~
10. ~~Construction Development Signs:~~ Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or subdivision of property (but not including any product) or announcing the character of the building enterprise or the purpose for which the building is intended, ~~or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.~~
  - a) Such signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within 21 days after completion of the work.
  - b) Signs shall conform to the standards provided in Table IX-7. ~~for individual property sale or rental signs in Section IX-5.B.7 paragraph 7, above.~~
11. Underground Public Utility Warning Signs: Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.
12. ~~House or Building Address:~~ ~~Any sign that sets forth the house or building address, provided that the individual characters of the signs do not exceed six inches in height.~~
13. Sandwich Boards: Any portable sign that advertises daily specials or sales for a business. Such signs shall not be located in the public right-of-way or block pedestrian traffic, and shall be moved

**Comment [MHW6]:** These are signs such as drive-through menus, etc., and the additional regulations are to ensure they do not become mini freestanding signs.

**Comment [MHW7]:** Signs related to an approved home occupancy

**Comment [MHW8]:** These are the signs that are located on the main entrances of subdivisions

**Comment [MHW9]:** These are the signs that are typically displayed during construction of a project.

indoors at the end of business hours. Such signs shall be permitted in the B-1, B-2, B-3U, B-4, B-4E, or MOR Zoning Districts, and shall not exceed eight square feet in area and four feet in height.

Comment [MHW10]: See memo

## **Section IX-6. Use of Noncommercial Signs in Business and Industrial Zoning Districts**

- A. Permanent noncommercial signs shall be permitted in all commercial and industrial zoning districts in accordance with the established sign standards by district and by sign type specified in Table IX-1 through Table IX-4 and Table IX-6 and shall require a sign permit. However, with the exception of time and temperature signs up to 26 square feet in area, the erection of such signs authorized by this section waives the right to erect any permitted commercial signs of the same type authorized by this Article.
- B. Temporary noncommercial signs may be erected without a permit and without affecting the right to erect any permitted commercial sign or permanent noncommercial sign. Such temporary noncommercial sign shall be limited to six square feet in area.
- C. *Community Event Signs Requiring a Permit:*
1. No community event sign shall be erected or maintained on or over any property owned or controlled by the City or public right-of-way by any person without first obtaining a permit issued by the Zoning Administrator, who shall observe the requirements and restrictions of this subsection of this Article in approving or disapproving the method of display, location, number and sizes of signs. The Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of \$200,000 prior to issuance of a permit.
  2. *Zoning Districts Allowed:*
    - a) B-4, Central Business
    - b) B-4E, Central Business-Expansion
  3. *Numbers and Sizes of Signs:*
    - a) Permits shall be granted for no more than ten community event signs to be displayed on any day. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this section, each organization shall receive a permit for a pro rate number of such signs.
    - b) Community event signs shall be no larger than 50 square feet in display area.
  4. *Length of Time of Display:*
    - a) Community event signs shall be displayed for not more than a consecutive 30 day period.
    - b) No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such



signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

5. *Electronic Display of Community Events Sign.* Permanent signs providing notice of community events on a continuous basis by means of electronic display may be permitted with Zoning Administrator approval, subject to the placement and size limitations contained within this subsection. ~~Community events information and/or time/temperature announcement must constitute more than 50% of the sign content in order to be considered a noncommercial sign. Commercial related information may otherwise be displayed, but shall not exceed 49% of the sign content.~~ The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

**Comment [MHW11]:** Content regulations are typically not legal for signs. The other regulations for these types of signs should ensure that they are not abused.

- a) The sign must display a preponderance of community event messages in volume, number, and frequency;
- b) Illumination from the sign will not cause a nuisance to any nearby residential district or use;
- c) The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard; and
- d) The sign shall not be located within 450 feet of another community event electronic display sign.
- e) The sign shall not be located within 100 feet of a residential district or use. (Ord. No. 2002-02-011, 02-04-02)
- d) The maximum area of a led display shall not exceed 25 square feet. This counts against the total sign allowance for a business frontage.

## Section IX-7. Prohibited Signs

A. The following signs are specifically prohibited by this Ordinance:

1. Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;
2. Any sign which contains or is an imitation of an official traffic sign or signal, except for private traffic direction signs specifically permitted in Section IX-5.B.6;
3. Any sign which moves or rotates in any way provided, however, that a sign which revolves 360° degrees but does not exceed eight revolutions per minute is permitted, except within 50 feet of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home;
4. Any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-4.G, Section IX-5, or Section IX-6; (Ord. No. 2002-02-011, 02-04-02)
5. Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Section IX-4 through Section IX-6;

6. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;
7. Any sign not in compliance with the requirements of Section IX-4 through Section IX-6.
8. Any portable sign, except sandwich boards as defined in Section IX-5. (Ord. No. 9495-81, 3-6-95)

**B. Removal of Prohibited Signs:**

1. If a permanent sign shall become prohibited under Section IX-7.A.6, notice shall be given to the land owner, and business owner, under Section IX-9.C, and he/she shall have 15 days from the date of notice in which to remedy or remove the sign.
2. All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)

**Section IX-8. Permits for Signs**

- A. *Requirements.* It shall be unlawful for any person to install, construct, erect, alter, reconstruct, or relocate any sign or outdoor advertising sign structure without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by Section XI-8 of this Ordinance, unless such signs or outdoor advertising sign structures are permitted without a permit by Section IX-5.B.

Relocation or reconstruction of signs or outdoor advertising sign structures to conform with the requirements of this Ordinance, when such signs or outdoor advertising sign structures existed on April 15, 1985, is excepted from the requirement for a permit as described, provided such signs and outdoor advertising sign structures conform to all requirements of this Ordinance thereafter. A permit is required for relocation of nonconforming signs and outdoor advertising sign structures as provided in Section X-9.B.6 of this Ordinance.

- B. *Application for a Permit.* Application for a sign permit shall be filed by the owner of the sign or an outdoor advertising sign structure, or by his/her agent, with the Zoning Administrator of the City of Urbana. The application shall contain the following information:

1. Name, address and telephone number of the owner of the sign or outdoor advertising sign structure and agent, if any;
2. Location of building, structure, or lot to which or upon which the sign or outdoor advertising sign structure is to be attached or erected;
3. Position of the sign or outdoor advertising sign structure in relation to nearby buildings or structures;
4. Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs require a permit, for temporary signs permitted in Section IX-4, for signs the fair market value of which is less than \$500 and which are erected in compliance with a standard method, the plans for which are now with the City, or for signs or

outdoor advertising sign structures where drawings are already on file with the Zoning Administrator;

5. Name of person, firm, corporation, or association erecting sign or outdoor advertising sign structure;
  6. Evidence of written consent of the owner of the building, structure, or land to which or on which the sign or outdoor advertising sign structure is to be erected;
  7. Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City. (Ord. No. 9495-81, 3-6-95)
- C. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign or outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the condition of the sign or outdoor advertising sign structure with respect to its safety and location, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign or outdoor advertising sign structure.
- D. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.
- E. *Permit Exceptions.* The following operations shall not be considered as “installing, constructing, erecting, altering, reconstructing, relocating,” or creating a sign or outdoor advertising sign structure and shall not require a permit, notwithstanding the foregoing requirements of Section IX-8.A:
1. The changing of the advertising copy, facial panel or panels, or message on an outdoor advertising sign structure, painted or printed sign or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
  2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.
  3. Existing OASS’s (other than those to be removed by Settlement Agreement arising out of litigation in Case No. 76-C-1070) may continue to be maintained in all respects; may be rebuilt for any reason; but may not be enlarged.
- F. *Issuance of Permit.* The permit shall be issued by the Zoning Administrator within 30 days of application once all of the above requirements are met.

## **Section IX-9. Enforcement and Penalties**

- A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.
- B. Whenever it shall appear to the Zoning Administrator that any permanent sign or outdoor advertising sign structure has been constructed or erected, or is being maintained in violation of any of the terms

of this Ordinance, or after a permit for a sign or outdoor advertising sign structure has been revoked or become void, or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure or the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than 20 days nor more than 60 days.

If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within 24 hours or receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

Upon failure of the sign or outdoor advertising sign structure owner or the person or business responsible for the temporary sign display to comply with the terms of the notice of violation, the Zoning Administrator or his/her authorized representative is authorized and empowered to remove, alter, or repair the sign or outdoor advertising sign structure in question so as to make it conform with this Ordinance and charge the expenses for such work to the person named in the notice.

Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed a sign or outdoor advertising sign structure immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. (Ord. No. 9495-81, 3-6-95)

- C. The owner of the sign shall remove it if such a sign identifies the location of a product, place, activity, person, institution, or business that no longer exists at that location. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.
- D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.

## **Section IX-10. Outdoor Advertising Sign Structures Moratorium**

- A. Statement of Purpose – The purposes of the regulations contained in this Article are as follows:
  - 1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purpose of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.

2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:
    - a) Review issues of potential benefits and costs to the community.
    - b) Review the ramifications of OASS regulation with respect to relevant legislation and case law.
    - c) Review the ramifications of OASS regulation with respect to relevant legislation and case law.
    - d) Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
    - e) Review the influence of OASS regulation of other communities.
  3. Review potential amendments to the current regulations such as: The advantages and disadvantages for “cap and replace” type restrictions and/or limitations on the total number of allowable OASS.
    - a) Increase in the spacing requirement between OASS
    - b) Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.
    - c) Treatment of OASS as principal uses.
    - d) Improvements to existing landscape and appearance regulations for OASS
    - e) Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)
  4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
  5. Review potential application of new technologies for OASS display, including tri-vision messaging.
  6. Review consistency of OASS regulations with the City’s Comprehensive Plan and Redevelopment Plans.
  7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
  8. Consider changes to permitting procedures.
  9. Review the impact of existing OASS’s on downtown and methods of reducing the impact of future development of OASS’s on the downtown business area.
- B. *Boundaries.* The Interim Development Ordinance (IDO) would apply to all property within the Urbana City limits (and any property that may be annexed during the period of the moratorium) that permit the construction and operation of an OASS. These areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley

Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue, as set forth in the Urbana Zoning Ordinance.

- C. *Use Regulations.* The IDO will prevent the issuance of all permits for OASS, other than those that meet the requirements for the variations and exceptions listed below. The IDO would not apply to other types of signs.
- D. *Duration.* The IDO will be in effect for 365 calendar days from the date of adoption by the City Council, as amended.
- E. *Variation or Exception.* The proposed amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur while the IDO is in effect. Under the proposal, permits for OASS may be allowed under the following circumstances:
  - 1. *Previously Approved* - Those OASS that have been previously approved but not yet erected, for which substantially completed applications were received prior to the adoption of Resolution 2004-08-018R, and/or which are referenced as a part of a previously approved development agreement or annexation agreement shall not be covered by the moratorium.
  - 2. *Replacement* - The Zoning Administrator may authorize issuance of a permit to replace an existing OASS if said OASS is damaged, through no fault of the owner, to the extent that complete removal and replacement is required.
  - 3. *Repair* - The Zoning Administrator shall allow permits for repair and maintenance of existing OASS, particularly where issues of safety or blight are present.
  - 4. *Hardship* - The Zoning Administrator may authorize the issuance of a permit for a new OASS when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.

(Ord. No. 2004-09-126, 09-28-04)

**TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS<sup>1</sup>**

Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign	Location of Sign
B-1 Neighborhood Business  (Ord. No. 2004-03-029, 04-30-04)	<del>Each business is permitted one freestanding sign</del> <u>One per business</u> , except that no freestanding sign is permitted if a projecting or roof sign exists on the lot. <del>In the case where</del> <u>If</u> a lot has two frontages, one sign per frontage is permitted provided the cumulative square footage of both <del>freestanding signs</del> does not exceed 32 square feet in area.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-2 Neighborhood Business Arterial	<del>Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for up to each additional 300 feet of business frontage thereafter; except that no free-standing sign is permitted if a projecting or roof sign exists on the same frontage.</del>	32 square feet <u>50 square feet if combined or monument</u>	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3 General Business  B-4 Central Business		50 square feet <u>75 square feet if combined or monument</u>	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 feet maximum	
IN Industrial		<del>450</del> <u>100</u> square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 40 feet maximum (See note below)	
B-4E Central Business Expansion	<del>Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for each additional 300 feet of frontage thereafter; except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.</del>	50 square feet <u>75 square feet if combined or monument</u>	5 feet within front setback; 19 feet at minimum setback line and 1 foot per 2 feet additional setback up to a maximum of 30 feet.	Signs shall not extend over the public right-of-way. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3U General Business - University	<del>Each business is permitted one sign per business frontage, except that no free-standing sign is permitted if a projecting sign exists on the same frontage.</del>	32 square feet	8 feet	Signs shall not extend within 5 feet of any property line.
MOR Mixed Office Residential			5 feet	Signs shall not extend within one foot of any property line nor constitute a traffic hazard as determined by the Development Review Board or any city ordinance.

**Comment [MHW12]:** Provides an incentive to combine signs or do a monument sign

NOTE: If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 500 feet from any residential district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half mile away along the highway, but not to exceed a height of 75 feet and an area of 150 square feet.

<sup>1</sup>For buildings with multiple businesses, refer to Table IX-1. Freestanding Shopping Center Signs.

<sup>2</sup>Combined Sign: If a property has two business frontages, a single sign may be constructed with a larger maximum area as defined in Table IX-1.  
Monument Sign: If a monument sign (as defined in Article II) is proposed, said sign may be constructed with a larger maximum area as defined in Table IX-1.



**TABLE IX-2. STANDARDS FOR WALL SIGNS AND WALL-MOUNTED SIGNS**

District Permitted	Maximum Number Permitted	Total Maximum Area Of Wall Signs per Frontage	Maximum Height and Location of Signs
R-6B Restricted Business  B-1 Neighborhood Business  B-2 Neighborhood Business-Arterial  B-3U General Business – University	No Limit	<u>8</u> 40% of wall area, <del>not to exceed 150 sq. ft. maximum</del>	Signs shall not <del>project extend</del> beyond the top or ends of the wall surface on which they are placed.  In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zone and is not separated by a right-of-way. (Ord. No. 2004-03-029, 04-30-04)
B-3 General Business  B-4 Central Business  B-4E Central Business Expansion		10% of wall area, <del>not to exceed 175 sq. ft. maximum</del>	
IN Industrial		<u>10</u> 45% of wall area, <del>not to exceed 200 sq. ft. maximum</del>	
MOR Mixed Office Residential		<u>8</u> 40% of wall area, <del>not to exceed 75 sq. ft. maximum</del>	

**Comment [MHW13]:** For larger stores, a 175 sq. ft. sign is inadequate. In lower business districts, the 10% rule will generally come in below the maximum.

**TABLE IX-3. STANDARDS FOR PROJECTING SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height and Projection of Sign	Location of Sign
B-1 Neighborhood Business  B-2 Neighborhood Business - Arterial  B-3U General Business - University  B-3 General Business  B-4E Central Business Expansion  CCD Campus Commercial  MOR Mixed Office Residential	One per business frontage, except that no projecting sign is permitted if a free-standing sign, roof sign, or canopy sign exists on the same frontage. Projected signs are not allowed above the first story.	32 square feet	8-foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the building to which it is attached.	Not to extend over any public right-of-way.
B-4 Central Business	See Note 1 regarding spacing requirements for projecting signs extending over the right-of-way in the B-4 District.	32 square feet; <del>40</del> 12 square feet if any portion extends over public right-of-way		In the B-4 District, projecting signs with a maximum area of <del>40</del> 12 square feet may project a maximum of 5 feet from the face of the building to which it is attached, or to within two feet from the curb face, whichever dimension is smaller. <sup>1</sup>
IN Industrial		75 square feet		

**Comment [MHW14]:** A more common sign size

Note 1: Projecting signs extending over the right-of-way shall not be lit internally; the dimension between the two principal faces (i.e., the thickness or depth) shall not be greater than six inches; and a minimum separation of 20 feet must be maintained between such signs; however in no case should more than one such sign per business frontage be permitted. (Ord. No.2002-09-111, 06-17-02)

**TABLE IX-4. STANDARDS FOR ROOF SIGNS**

District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-3 General Business	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	50 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-4 Central Business		<del>75</del> <u>50</u> square feet		
B-4E Central Business Expansion			11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	
IN Industrial		400 <u>75</u> square feet		

**TABLE IX-5. STANDARDS FOR FUTURE NEW OUTDOOR ADVERTISING SIGN STRUCTURES**

Districts Permitted	Type	Maximum Number Permitted	Maximum Area of OASS	Maximum Height of OASS	Location of OASS and Separation	Design Criteria
Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue <sup>2,4,5</sup>	Wall	One per wall provided no other exterior wall signs are on display.	300 sq.ft.	Not to project above roofline or edges of wall upon which OASS is mounted.	OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts <sup>12</sup> . No OASS shall be permitted within 500 feet of any Residential, CRE or AG Zoning District. Further, such OASS's shall not be located within 300 feet of any free-standing or wall mounted OASS. <sup>3</sup>	See footnotes 8,9, and 13
	Free-standing	2 <u>faces</u> per OASS	300 sq.ft. (back-to-back displays shall be deemed to be a single structure) <sup>1</sup>	IN – 40 feet <sup>2</sup> B-3, B-4 – 35 feet, B-4E – 35 feet <sup>11</sup>	Same as wall OASS's.	See footnotes 7,8,9,10, and 13

**Comment [MHW15]:** Consistency with Note 2 below

Notes: No outdoor advertising sign structure shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana.

1. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.
2. If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within 2,000 feet of the center line of such highway, and (3) more than 500 feet from any residential district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half mile on the highway or a maximum height of 75, feet, whichever is less, and the sign may have an area not greater than 300 square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid-Primary Highways.
3. For purposes of determining separation measurements, the following shall apply:
  - a. Separation measurements between OASS's shall be measured along same side of a street.
  - b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.
  - c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.

4. Said FAI and FAP areas include Routes 45, 150, and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.
5. OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred feet (100') of the centerline of Vine Street.
6. This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.
7. Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-6.A.2.(h), (i), (j), (k), (l), and (n). OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1., Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed.
8. All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, as determined by the zoning Administrator based on the Comprehensive Sign Regulations.
9. OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).
10. OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).
11. No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located.
12. In the B-3 Zoning District, OASS may encroach five feet into the ten side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3.
13. OASS are limited to two standard structures, as indicated in the definition.
  - a. The "30 sheet poster panel," or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately 12 feet by twenty-five 25 feet, containing 300 square feet of total display area;
  - b. The "junior panel" whose outside dimensions, including trim, if any but excluding the base, apron, supports and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.
  - c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions that deviate from the standardized dimension by no more than 20%.

**TABLE IX-6. STANDARDS FOR SIGNS ATTACHED TO CANOPIES AND ENTRANCE STRUCTURES<sup>1</sup>**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign	Location of Sign
R-6B Restricted Business  B-1 Neighborhood Business  B-2 Neighborhood Business Arterial  B-3U General Business University  MOR Mixed Office Residential	One sign per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.	40 <del>15</del> square feet	9 foot minimum clearance to ground	No sign may project more than 2 feet from any canopy, or other such structure.
B-3 General Business  B-4 Central Business  B-4E Central Business Expansion		45 <del>25</del> square feet		
IN Industrial		20 <del>25</del> square feet		

<sup>1</sup> These standards do not apply to gas station canopies. See Table IX-2 for wall-sign standards and Section IX-3.E for regulations related to gas station canopies.

**Comment [MHW16]:** Clarify current practice

**TABLE IX-7. STANDARDS FOR PROPERTY SALE AND RENTAL SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Free-standing Sign (See Note 2)	Location of Sign
R-1 and R-2 Single-Family & R-3 Single & Two-Family Residential	One per dwelling	3 square feet	5 feet	10-foot minimum setback from curb line but wholly upon the premises.
R-4, R-5, & R-6 Multiple Family Residential  R-6B Restricted Business  R-7 University Residential	One per apartment building or dwelling	10 square feet	10 feet	10-foot minimum setback from curb line but wholly upon the premises.
AG Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1 Neighborhood Business  B-2 Neighborhood Business Arterial  B-3U General Business University  MOR Mixed Office Residential	One per frontage			
B-3 General Business  B-4 Central Business  B-4E Central Business Expansion	One per frontage (See Note 1)	50 square feet	25 feet	
IN Industrial		450 <del>100</del> square feet		

Notes: 1. An apartment complex, shopping center, highway plaza, or industrial complex is permitted one sign per frontage, up to 200 feet, and one additional sign for each 300 feet thereafter. 2. Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed.

**TABLE IX-8. STANDARDS FOR SUBDIVISION SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
R-1 & R-2 Single-Family & R-3 Single- & Two-Family Residential	One sign per street bordering or entering the subdivision	50 square feet	10 feet	10-foot minimum setback wholly upon the premises.
R-4, R-5, R-6 Multiple Family Residential R-6B, Restricted Business & R-7, University Residential				Signs shall conform to the setback requirements for structures in applicable district.
AG Agriculture  B-1 Neighborhood Business  B-2 Neighborhood Business Arterial  B-3 General Business  B-3U General Business University				
MOR Mixed Office Residential				
B-4 Central Business  B-4E Central Business Expansion		75 square feet	15 feet	
IN Industrial		100 square feet	20 feet	



**TABLE IX-9. FREESTANDING SHOPPING CENTER SIGNS**

Class of Shopping Center/ <u>PUD</u>	Districts Permitted	Maximum Number Permitted	Maximum Area <sup>1</sup>	Maximum Height	Location	Individual <sup>3</sup> Business May List
Shopping Center – <u>General</u>  <u>(minimum four acres and 50,000 square feet of building area)</u>	R-6B B-2 B-3 B-3U B-4 B-4E IN	Two signs per frontage	150 square feet, for shopping center located on lots greater than five acres  In addition, 50 additional square feet may be permitted for use as a directory	30 feet at minimum setback line plus one additional foot per 2 feet additional setback thereafter up to 40 feet maximum	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.	Yes
Shopping Center - <u>Convenience</u>  <u>(between one and four acres and 12,000 – 50,000 square feet of building area)</u>	R-6B B-1 B-2 B-3 B-3U B-4 B-4E IN		75 <del>100</del> square feet <sup>2</sup>			

**Comment [MHW17]:** Clarification between the two types of shopping centers (per Article II)

**Comment [MHW18]:** See memo

Notes:

<sup>1</sup> Maximum area refers to combined area of both signs, or of one sign if there is only one.

<sup>2</sup> Size of sign may be increased to 150 square feet under special use procedures.

<sup>3</sup> Individual businesses may list, but an individual listing may not exceed 50% of the area of any face of the sign.

## ARTICLE X. NONCONFORMITIES

- Section X-1. Continuation of Nonconformities**
- Section X-2. Extension or Expansion of Nonconformities**
- Section X-3. Change of Nonconforming Use**
- Section X-4. Discontinuance or Abandonment of Nonconformities**
- Section X-5. Repair of a Building or Structure Occupied by a Nonconforming Use**
- Section X-6. Termination of a Nonconforming Use of Land**
- Section X-7. Termination of a Nonconforming Use of a Building or Structure**
- Section X-8. Reconstruction of Nonconformities**
- Section X-9. Nonconforming Signs**
- Section X-10. Nonconformities Created Through Government Acquisition**

### Section X-1. Continuation of Nonconformities

- A. Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this Article and of Section XI-6.C. This Article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this Ordinance which was not lawfully existing on January 6, 1980, or lawfully existing on the date this Ordinance became effective as to such structure, building, use, lot, or land. Any nonconformity which conformed with the provisions of any previous Zoning Ordinance applicable to it, or which was rendered nonconforming by an amendment to this Ordinance, shall be considered lawful, and may continue as a nonconformity under the provisions of this Ordinance.

If a building, structure, land or use thereof, which hereafter becomes subject to the provisions of this Ordinance, whether by annexation to the City of Urbana or otherwise, does not conform with all applicable provisions of this Ordinance, it shall be considered lawful, and may continue as a nonconformity under the provisions of this Article. No building, structure, lot, land or use thereof, which does not conform to the applicable regulations of this Ordinance, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful, or be permitted to continue under the provisions of this Ordinance.

- B. The regulations of this Article pertaining to a building or structure occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but also to a building of which the nonconforming use occupies only a portion.

### Section X-2. Extension or Expansion of Nonconformities

- A. No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use, and in no case shall any addition be made which will provide for the expansion of the nonconforming use.
- B. No nonconforming use of land, except accessory parking, shall be extended or expanded.
- C. No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in Section X-8. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

### **Section X-3. Change of Nonconforming Use**

- A. Except as otherwise provided, the substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a Certificate of Occupancy issued by the Zoning Administrator, as provided in Section XI-6. The application for a Certificate of Occupancy for such a substitution or addition shall be referred to the ~~Zoning Board of Appeals~~ Board of Zoning Appeals, which shall, within 30 days after receiving the application, direct the Zoning Administrator whether to grant the Certificate of Occupancy. The Board shall authorize the issuance of a Certificate of Occupancy for such an addition or substitution only if, in the judgement of the Board, such addition or substitution is equally or more appropriate to the district in which it is located than the present use, and such substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located, and if it complies with all parking regulations applicable to the new use. No such substitution shall have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7.
- B. If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use, as provided in paragraph A above, then the Board of Zoning Appeals may authorize the issuance of a permit for the conversion, structural alteration, enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.
- C. Whenever a nonconforming use of a building or structure or land is substituted for another nonconforming use, then the use shall not thereafter revert to the prior use, nor be substituted for by any other nonconforming use, except in accordance with the provisions of Section X-3.A ~~paragraph A above~~.

### **Section X-4. Discontinuance or Abandonment of Nonconformities**

- A. If a nonconforming use of land is discontinued for a period of more than six months, it shall be presumed to be abandoned, and the land shall not thereafter be used for any use that does not conform to the use regulations of this Ordinance. If a nonconforming use of a building is discontinued for a period of more than 12 months for any reason other than damage of the building by fire, explosion, or Act of God, or for a period of more than 18 months due to damage to the building by fire, explosion, or Act of God, then the use shall not thereafter be resumed or re-established, and the building shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance.
- B. If the use of a building, structure, or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not thereafter be changed to a use which does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided in Section X-3.A and Section X-3.B ~~above~~.

### **Section X-5. Repair of a Building or Structure Occupied by a Nonconforming Use**

Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.

**Section X-6. Termination of a Nonconforming Use of Land**

Except as otherwise provided in Section XIII-2 and Section IX-8, any nonconforming use of land, as herein defined, may be continued only for a period of five years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of five years from the date upon which such use becomes nonconforming. The Board of Zoning Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five years. The term “use of land” includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

**Section X-7. Termination of a Nonconforming Use of a Building or Structure**

A. If on January 16, 1980 or on the date on which this Ordinance becomes effective with regard to particular land, any main building other than a dwelling is occupied by a nonconforming use as herein defined, or is being erected or substantially converted, enlarged, or structurally altered for such a use, then such use may be continued only until the applicable date set forth in Table X-1, and the building shall not thereafter be used for any purpose which does not conform with the use regulations of the district in which it is located.

**TABLE X-1. TERMINATION OF NONCONFORMING USE OF A BUILDING OR STRUCTURE**

<i>Date of Completion of Building or of the Last Substantial Conversion, Enlargement, or Structural Alteration, or of Annexation to the City of Urbana, whichever is most recent.</i>		
<i>After</i>	<i>Before</i>	<i>Termination Date</i>
-----	January 1, 1949	January 1, 1989
December 31, 1948	January 1, 1954	January 1, 1994
December 31, 1953	January 1, 1959	January 1, 1999
December 31, 1958	January 1, 1964	January 1, 2004
December 31, 1963	January 1, 1969	January 1, 2009
December 31, 1968	January 1, 1974	January 1, 2014
December 31, 1973	January 1, 1979	January, 1, 2019
December 31, 1978	January 1, 1980	January 1, 2024

- B. If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within 40 years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within 30 years after the use becomes nonconforming, whichever is later.
- C. For purposes of this section, a building shall be deemed to have been completed at the time the building, or any portion thereof, was original occupied by a use. A substantial conversion, enlargement, or structural alteration shall be deemed to have taken place only if a building permit was issued by the City of Urbana for such work.
- D. The nonconforming use of a building for dwelling purposes is not subject to the provisions of Section X-7 paragraphs A, B, and C above, and such use may continue subject to the following:

1. Until it is discontinued or abandoned ~~and~~, except as provided for in Section X-8.

### Section X-8. Reconstruction of Nonconformities

- A. If a building or structure occupied by a nonconforming use is damaged by fire, explosion, Act of God, or other sudden damage or destruction, then it shall not be reconstructed or repaired if the cost of the reconstruction or repair of the building would exceed 60% of the fair market value of the building or structure immediately prior to the damage, unless its use thereafter is fully conforming to this Ordinance. Except in the case of a nonconforming dwelling, such reconstruction or repair shall not have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7. However, Section X-7.D shall control as to permitted occupancy in a dwelling unit.
- B. Any duplex, which is legally in existence, as an allowable and conforming use on January 6, 1980 shall be permitted to continue by right until such time as such use is voluntarily abandoned.
- C. In those lots zoned R-2 under the Zoning Ordinance and Map in effect immediately prior to January 6, 1980, and which said lots are zoned R-4 under this Ordinance, those legally conforming structures on such lots having an FAR higher than 0.5 on January 6, 1980 shall be permitted to continue by right and may be rebuilt or reconstructed to their existing FAR and OSR provided, however, all other developmental regulations of the R-4 District shall be complied with.
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out ~~Section X-8.A paragraph A above~~, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7.A. The owner of the damaged building may, at his/her own option and at his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two appraisal reports shall be referred to the Board of Zoning Appeals for its resolution.
- E. Any dormitory in the R-7 District which is a conforming use or legally nonconforming structure as of November 7, 1983; and any rooming house in the R-7 District which is a conforming use or legally nonconforming structure as of June 15, 1991; which is damaged by fire, explosion, Act of God, or other sudden damage or destruction, shall be permitted by right to be rebuilt to the same setback lines established by the existing building foundation and to the same floor area and height of the existing building; and must have, at a minimum, the same number of parking spaces that existed at the time of damage according to the building official's records.

### Section X-9. Nonconforming Signs

- A. Signs that do not conform to the provisions of Article IX as of January 6, 1980, or thereafter, are nonconforming uses.
- B. Unless otherwise authorized by the Zoning Board of Appeals ~~Board of Zoning Appeals~~, a nonconforming sign or outdoor advertising sign structure may not be:
  1. Changed to another nonconforming sign;
  2. Structurally altered so as to prolong the life of the sign;
  3. Expanded;
  4. Re-established after the sign has been removed from the site ~~its removal~~ for 90 days;

Comment [MHW1]: Clarification

5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost at the time of the damage or destruction;
  6. Relocated unless such relocation brings the sign into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9.C.1 and Section X-9.C.2.
- C. All nonconforming signs shall be removed or brought into conformity with this Ordinance within the following time periods:
1. For all nonconforming signs: five years from the effective date of annexation or five years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign controlled by this Article need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.
  2. For all signs existing prior to January 7, 1980, rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal or sudden damage or sudden destruction or other Act of God where the cost of damage exceeds 60% of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.
  3. In light of the final Judgement Order rendered by Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois, in the suit entitled "C & U Poster Advertising Co., Inc., et al vs. City of Urbana, et al", No. 76-C-1070, and in light of the Settlement Agreement entered into between the parties, which requires the removal of certain (otherwise nonconforming) outdoor advertising sign structures, outdoor advertising sign structures are not subject to amortization or removal under this section.

## **Section X-10. Nonconformities Created Through Government Acquisition**

- A. If the owner of a parcel that is affected by reason of a government acquisition, either by eminent domain or under threat of eminent domain, of all or a portion of such owner's land asserts that his/her use, building or structure is adversely affected by such government acquisition, and such owner desires to move all or any portion of his/her rights to continue the use, building or structure on the same or an adjoining parcel, regardless of the conforming status of such use, building or structure, such permission to move may be granted by the Zoning Administrator if the Zoning Administrator determines that allowing such move does not increase congestion in streets or endanger the health, safety, morals or general welfare of the area to which the use, building or structure is relocated or otherwise cause additional violation of the Zoning Ordinance. Relocation of any nonconforming use, building, or structure shall not be any greater in extent or intensity than the current use, building, or structure and shall be relocated as proximate to the existing use, building or structure as is practical.

(Ord. No. 2003-03-019, 03/03/03)

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

- Section XI-1. Zoning Administrator**
- Section XI-2. Plan Commission**
- Section XI-3. Zoning Board of Zoning Appeals**
- Section XI-4. City Council**
- Section XI-5. Building Permits**
- Section XI-6. Certificates of Occupancy**
- Section XI-7. Amendments**
- Section XI-8. Fees**
- Section XI-9. Fines**
- Section XI-10. Notification Requirements**
- Section XI-11. Protest Procedures**
- Section XI-12. Development Review Board**
- Section XI-13. Boneyard Creek Commissioner**
- Section XI-14. Changes of Zoning, Variances and other Modifications of the Zoning Ordinance in an Annexation Agreement**

### **Section XI-1. Zoning Administrator**

- A. Enforcement of this Ordinance. This Ordinance shall be administered and enforced by the Zoning Administrator, appointed by the Mayor, by and with the advice and consent of the City Council. The Zoning Administrator may be provided with the assistance of such persons as the City Council may direct.
- B. Duties of the Zoning Administrator: The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance, and shall:
  - 1. Issue all building permits and Creekway permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
  - 2. Issue all Certificates of Occupancy where authorized by this Ordinance, and keep permanent and accurate records thereof;
  - 3. Issue all special use permits, where authorized by the City Council according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions or standards specified therein;
  - 4. Issue all conditional use permits, where authorized by the Board of Zoning Appeals, according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions and standards specified therein;
  - 5. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
  - 6. Conduct such inspections of principal and accessory structures and uses as may be necessary to determine compliance with this Ordinance;

7. Maintain permanent and accurate records pertaining to variances granted, modified, or denied by the Board of Zoning Appeals, and of their other decisions and actions;
8. Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this Ordinance, or by the City Council;
9. In the event that any regulations and standards of this Ordinance are being violated, notify in writing, the perpetrator of such violation, indicating the nature of the violation, and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of any illegal use of any land or structure, or any additional change or alteration thereto, except as permitted by this Ordinance, or the discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to ensure compliance with or to prevent violation of its regulations and standards. The notice requirements of this subparagraph are not a prerequisite for any such administrative or court actions by the Zoning Administrator and the City Attorney with respect to any violation. The notice requirements of this ~~Section subparagraph B-9~~ do not apply to parking tickets issued pursuant to Section VIII-4.
10. The Zoning Administrator, after investigation and recommendation, may refer the matter to the City Attorney, who shall, in turn, institute any appropriate action or proceeding in law or equity to restrain, correct, or abate such violation, or to recover an appropriate fine for violation of this Ordinance.
11. In the event that the provisions of Section VIII-4 are being violated, the Zoning Administrator shall cause a parking citation to be issued.

(Ord. No. 2005-01-010, 01-28-05)

## **Section XI-2. Plan Commission**

- A. *Appointment and Membership.* Refer to Chapter 18 of the Urbana City Code.
- B. *Proceedings of the Plan Commission.*
  1. All meetings of the Plan Commission shall be held at the call of the Chairman, at such times and places within the City of Urbana as the Plan Commission may determine. In no case shall a period of more than three months elapse between meetings of the Plan Commission.
  2. All meetings of the Plan Commission shall be open to the public except as allowed by “An Act in Relation to Meetings” (Open Meeting Act), as approved on July 11, 1957, as subsequently amended.
  3. The presence of a majority of the members of the Plan Commission shall constitute a quorum at a meeting of the Plan Commission. No action shall be taken by the Plan Commission unless a quorum is present.
  4. The Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.
  5. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.



6. Every rule, regulation, amendment, order, requirement, decision, or determination of the Plan Commission shall, without undue delay, be filed in the Office of the City Clerk, and shall be a public record.
  7. In the performance of its duties, the Plan Commission may incur such expenditures as are authorized by the City Council.
  8. The City Planner, or his/her representative, shall serve as Secretary to the Plan Commission.
  9. The City Planner shall advise the Urbana Plan Commission and shall make oral or written recommendations as necessary concerning zoning matters and other business of the Plan Commission.
- C. *Powers and Duties of the Plan Commission.* The Plan Commission shall have the following powers and duties:
1. To prepare and recommend to the City Council a comprehensive plan for the City and its peripheral area and, from time to time, to review and propose any needed amendments to the plan;
  2. To prepare and recommend to the City Council, from time to time, plans for specific improvements in pursuance of the official comprehensive plan;
  3. To consider all amendments to the Urbana Zoning Ordinance, and make recommendations thereon to the City Council, as provided in Section XI-7 of this Article;
  4. To consider all proposed special uses, and make recommendations thereon to the City Council, as provided in Article VII of the Urbana Zoning Ordinance;
  5. To review subdivision plans and make recommendations thereon to the City Council, as provided in Chapter 21 entitled "Subdivisions and Other Land Developments" of the Urbana City Code;
  6. To review the zoning and special use cases before the Champaign County Zoning Board of Appeals which are located within one and one-half miles of the limits of the City of Urbana, and textual amendments to the Champaign County Zoning Ordinance under considerations by the Champaign County Zoning Board of Appeals, and to make recommendations thereon to the City Council;
  7. To consider any proposed annexation agreement which prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, and make recommendations thereon to the City Council as provided for in Section XI-14 of this Article. (Ord. No. 9495-95, 4-17-95)
  8. Such other responsibilities as may be specifically delegated to the Plan Commission by the City Council, or by the Urbana Zoning Ordinance.

**Section XI-3. Zoning Board of Appeals ~~Board of Zoning Appeals~~**

The word "Board", when used in this section, shall be construed to refer to the Urbana Zoning Board of Appeals ~~Board of Zoning Appeals~~, sometimes also known as and referred to herein as Zoning Board of Appeals.

**Comment [MHW1]:** Many of the changes to this section are for consistency with the ZBA Rules of Procedure adopted earlier this year.

A. *Appointment and Membership*

1. The ~~Zoning Board of Appeals~~ ~~Board of Zoning Appeals~~ shall consist of seven members, including the Chair, all of whom shall be residents of the City of Urbana. All members shall be appointed by the Mayor, subject to confirmation by the City Council.
2. The members of the Board serving on the effective date of this Ordinance are hereby appointed to the Board in the same capacity at the time the Ordinance becomes effective, for the term each respectively held. The successor to each member so appointed shall serve for a term of five years.
3. The Chair of the Board shall be designated by the Mayor, with the consent of the City Council. The Chair, in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.
4. The City Council shall have the power to remove any member of the Board for cause, after public hearing, held after at least ten days notice to the member concerned of the charges against him/her.

B. *Proceedings of the Board*

1. All meetings of the Board shall be held at the call of the Chair, or as determined by the rules of the Board, at such times and places within the City of Urbana as the Board may determine.
2. All meetings of the Board shall be held in a public place designated by the Board, and shall be open to the public, except as allowed by "An Act in Relation to Meetings" (Open Meetings Act), as approved on July 11, 1957, as subsequently amended. At any meeting of the Board or at any hearing held by the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
3. The Board shall adopt rules necessary for the conduct of its affairs and consistent with the provision of this Ordinance and the laws of the State of Illinois; ~~provided, however, that~~
4. Authorizations. ~~The concurring vote of at least four members of the Board, or at least three members if five or fewer members of the Board are present, shall be necessary as follows to:~~
  - a) All decisions shall be made by a roll call vote and shall require at least a majority of a quorum.
  - b) Conditional use requests may be granted by a simple majority.
  - c) Conditional use requests in which a valid written protest has been filed with the Secretary of the Board require a 2/3 vote.
  - d) Minor Variance requests may be granted by a simple majority.
  - e) Major Variance requests require a 2/3 vote and if so voted upon shall be forwarded to the Urbana City Council for final approval.
  - f) Appeals may be granted by a simple majority.
  - a) ~~Reverse any order, requirement, decision, or determination of the Zoning Administrator;~~

- b) ~~Decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance;~~
- c) ~~Permit any variance in the application of the regulations imposed by this Ordinance, as provided in Section XI-3.C.~~

5. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
6. The presence of a majority of the members of the Board shall constitute a quorum at a meeting of the Board. No action shall be taken by the Board unless a quorum is present.
7. Every rule, regulation, amendment, order, requirement, decision, or determination of the Board shall be signed by the Chair or Acting Chair, attested by the Secretary, and filed in the Office of the Board. The minutes, files, and records of the Board shall be open to inspection by the public at all reasonable times, in the Office of the Zoning Administrator.
8. In the performance of its duties, the Board may incur such expenditures as are authorized by the City Council.
9. The Director of the Department of Community Development Services, or his/her representative, shall serve as Secretary to the Board.
10. Except for the Board's recommendation on a major variance, no decision of the Board shall be subject to review, modification, or reversal by the City Council or any City official, but shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Review Act. (Ord. No. 1999-07-064, 07-06-99)

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

1. On all matters specifically referred to it by the provisions of this Ordinance, including the review and approval or disapproval of requests for conditional uses, as specified in Section VII-2 and Section VII-3 of this Ordinance.
2. On requests for variances or variations from the terms of this Ordinance.
  - a) *Authorization.* The Board is authorized to grant a minor variance and, in accordance with Section XI-3.C.2.(d), ~~below~~, recommend approval of a major ~~minor~~ variance to the City Council. Under no circumstances shall the Board grant a variance to allow a use not permitted either by right, ~~or~~ by special use permit or by conditional use permit under the terms of this Ordinance in the district involved, or any use expressly or implicitly prohibited by the terms of this Ordinance in the district involved, except in the case of an appeal regarding the decision of the Zoning Administrator, pursuant to Section XI-1.B. (Ord. No. 1999-07-064, 07-06-99)
  - b) *Minor Variances.* After the Board considers the finding of fact, the Board shall have the authority to grant variations for the following purposes only and no other:
    - (1) To permit a variance of the depth of a required front or rear yard or the width of a required side yard except that the variance shall not operate to reduce the required yards by greater than 25% of the requirements.

- (2) To permit the creation of a new lot with less lot area than required except that the variance shall not operate to reduce the required lot area by greater than 10%.
- (3) To permit the creation of a new lot with less lot width than required except that the variance shall not operate to reduce the required lot width by greater than 15%.
- (4) To permit a 5% increase in the required floor area ratio and a 5% decrease in the required open space ratio.
- (5) To permit up to a 25% decrease in the number of parking spaces required.
- (6) To permit the Zoning Administrator to approve a building permit or Certificate of Occupancy allowing the substitution of one nonconforming use for another in accordance with Section X-3.
- (7) To permit accessory off-street parking in a location other than the zoning lot of the principal use or within 600 feet, as provided in Section VIII-4.B and Section V-3.G.
- (8) To permit the postponement of the termination of a nonconforming use of land, as required by Section X-6, for a period not to exceed five years.
- (9) To allow a sign to exceed the maximum height or area, as provided in Section IX-4 ~~through Section IX-6, IX-5 and IX-6~~ by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.
- (10) To grant a variance from the provisions of ~~Section X-9.B paragraph B of Section X-9~~ entitled "Nonconforming Signs", so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming outdoor advertising sign structure where such change, alteration, re-establishment, or maintenance shall not increase the size of the outdoor advertising sign structure, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the Board of Zoning Appeals shall in any way postpone the time for removal of the nonconforming outdoor advertising sign structure as provided in Section X-9.C, beyond the time when the original outdoor advertising sign structure which was permitted to be changed, altered, re-established or maintained hereunder would have been required to be removed.

c) *Variance Criteria*

~~*Commentary: A variance is a safety valve that relieves the pressure created when a particular application of the Zoning Ordinance produces consequences that are harsher than needed to achieve the desired planning for the community. Although variances are intended to allow a means of avoiding unreasonable results, variances should not be "easy" to obtain. Granting a variance is a matter of grace; refusal is not a denial of a "legal right."*~~

Comment [MHW2]: No need for the commentary

- (1) A minor variance is recognized as having potential impact on only the immediate neighborhood and adjoining properties, whereas a major variance is recognized as having potential impact on the area larger than the immediate neighborhood or one that may affect enforcement of the zoning ordinance elsewhere in the City.

~~*Commentary: The Zoning Ordinance recognizes that the potential impact of a major variance is likely to be much greater than the impact of a minor variance. For this*~~

~~reason, minor variances are delegated to the Board of Zoning Appeals. Although minor variance requests also deserve close examination, because the potential impact is less, they may be granted by meeting less stringent standards than a major variance would require.~~

- (2) In either a minor or major variance the Board and/or the City Council must make specific findings of fact that are specific to the property or the variance in question by describing the special circumstances or special practical difficulties that exist in carrying out the strict application of the ordinance and why, if granted, the variance will serve the public interest, or will not unreasonably hinder and impair the public interest.

~~Commentary: The Ordinance seeks to bring forth the detailed analysis and description of how application of the Ordinance to the parcel involved produces an undesirable result which requires the granting of a variance, and equally important, an explanation of the effect the granting of the variance will have on the public interest. The unique circumstances must relate to the particular property for which relief is sought, not the owner's personal situation, alone. A variance should be granted only where the petitioner's situation is unique, where it does not threaten the Comprehensive Plan, is not detrimental to the over-all planning for the community and will not violate the spirit of the Zoning Ordinance.~~

- (3) 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:

~~Commentary: If application of the ordinance produces too many undesirable results, a text amendment should be considered rather than granting repeated variances. The extent of the difficulty created by the zoning regulation must be weighed: is the burden only upon the applicant's property, thereby making a variance possibly appropriate, or does the burden also exist on other properties in the locality indicating that the proper relief would be an amendment to the ordinance? (This does not mean the variance request before the Zoning Board of Appeals should be denied until a text amendment is granted.) The proper order of analysis would be to first analyze the circumstances to determine if the problem presented is caused by something unique about the parcel concerned, e.g., an odd-shaped parcel. When this threshold is passed, then apply the other factors to determine if, on balance, a variance should be granted. The analysis should focus on balancing the harm, if any, to the public good intended to be served by the requirements sought to be waived against the benefit to the Petitioner if they are waived. In so doing, utilize the factors set forth below:~~

- (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;

~~Commentary: The intent of this criterion is to avoid application of the Ordinance that would result in depriving the petitioner of rights commonly enjoyed by other lands or structures in the same district while not awarding the petitioner special privileges. To grant a variance improperly is really singling out a particular parcel for unmerited~~

~~special treatment. For example, the presence of a nonconforming use or the cost of compliance alone does not justify a variance or the fact that the property owner began work on the proposed use without a permit does not justify a variance. Note that the cost of compliance may be a consideration in conjunction with other factors that would justify a variance.~~

- (b) The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the Petitioner;

~~Commentary: The intent is to acknowledge that the Petitioner may face a situation that he/she did not knowingly create in order to circumvent the City Ordinances.~~

- (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.

Comment [MHW3]: See memo

~~Commentary: While the minimum deviation is generally the best for all, there may be circumstances where the minimum deviation is not the best solution.~~

d) Major Variance Procedures

- (1) Apart from and in addition to the variances specified in Section XI-3.C.2.(c) above, the Board shall consider major variances that are consistent with the intent of this Ordinance. Said variances will be forwarded to the City Council only if the Board recommends their approval by a two-thirds vote of the members present and voting. If two-thirds of the Board does not reach a favorable recommendation, the variance is denied and the Board's findings will be the final administrative decision on such variance. The City Council shall have the authority to grant or deny major variance requests that the Board forwards in conformance with the procedures outlined below.
- (2) The Administrative Secretary to the Board shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested major variance for the Board Chair's signature. If the Board's decision is to forward the variance to the City Council with a recommendation for approval, the Administrative Secretary of the Board shall forward to the Urbana City Council the Board's decision sheet, the variance application, relevant case information, the names and addresses of all persons appearing before the Board and summaries of their testimony.
- (3) After receiving the findings and recommendations of the Zoning Board of Appeals, the Council shall consider and decide whether or not to grant the major variance. If the Council decides to grant the major variance requested, it shall do so by adopting an ordinance reciting the findings of fact which support their decision and setting forth any conditions the Council deems necessary or desirable. The Council may take additional testimony or other evidence regarding the requested major variance.

- (4) The Council must approve or deny the variance request within 120 days of the date of the Board meeting at which the Board first recommends approval of the variance to the City Council. Failure of the Council to approve or deny the variance within these aforesaid 120 days shall be deemed the same as Council approval.
  - (5) The consideration of a major variance shall not preclude the Board from granting a lesser, minor variance on the same case if it is within their authority to do so as outlined in Section XI-3.C.2.(c) ~~above~~, if such minor variance is in substantial conformance with the intent of the major variance requested and is supported by the Board's findings. If such minor variance is then granted in the manner set forth above, City Council approval is not required.
  - (6) The Urbana Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a major variance request. If the Council approved the variance, the Zoning Administrator shall forward a copy of the ordinance approving the variance to the petitioner and record a copy of the ordinance with the Champaign County Recorder' Office.
  - (7) The major variance shall be subject to protest procedures outlined in Section XI-11.
- e) *Conditions.* In granting a variance, the Board or City Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.
- f) *Procedure on Request for Variation*
- (1) A written application for a variance shall be submitted to the Secretary of the Board, presenting evidence regarding the variance request and relative to the findings of fact outlined in Section XI-3.C.2.(c). (Ord. No. 1999-07-064, 07-06-99)
  - (2) Each application for a variance shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8 of this Article.
  - (3) Applicants for any proposed variance shall include the necessary information specified in Section XI-10 so that notification requirements for a public hearing as specified in Section XI-10 of the Urbana Zoning Ordinance can be satisfied.
  - (4) The Board shall hold a public hearing to consider a variance.
  - (5) The Board may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement or adjournment, another public notice regarding the variance need not be published.

#### D. Appeals

The following shall govern for all appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance. Any such appeal may be taken to the Board by any person aggrieved thereby, or by any officer, department, board, or bureau of the City, and shall be considered according to the following procedures.

- (1) The appeal shall be taken by filing a notice of appeal with the secretary of the Board. The notice of appeal shall describe the order, requirement, decision, or determination

appealed from and shall specify the grounds for the appeal. The appeal shall be taken within 45 days ~~such time limits~~ as prescribed by the State Zoning Act (~~presently~~ 65 ILCS 5\11-13-12).

- (2) The Secretary of the Board shall, upon receipt of the notice of appeal, obtain from the Zoning Administrator all the documents and files which constitute the record upon which the action appealed from was taken.
- (3) The Chair shall fix a reasonable time, not more than 30 days in the future, for the hearing on the appeal, and inform the Secretary of the time and place that the hearing shall be held. The Secretary shall give due notice of the hearing in writing to the appellant, to the Zoning Administrator, to the members of the Board, and to any other person directly interested in the outcome of the appeal.
- (4) At least 15 days, but not more than 30 days, notice of the time and place of the hearing on the appeal shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property involved in the appeal, if any, and a brief description of the issue being appealed.
- (5) The hearing shall be held in accordance with the procedures established by the Board, and the Board shall decide the appeal within a reasonable time after the hearing; provided, however, that a hearing may be postponed or continued, or a decision postponed, as may be necessary, in the judgement of the Board, in order to give a case adequate consideration.
- (6) The Board shall not, by its decision on an appeal, permit a variation in the application of this Ordinance; provided, however, that this shall not limit an appeal and a request for a variance from going forward simultaneously.
- (7) Upon the filing of an appeal, no further permits of any kind shall be issued by the City of Urbana with respect to the parcel of land or improvements to which the matter appealed from related, nor shall the City commence any actions at law against the person who filed the appeal for matters involved in such appeal, until the Zoning Board of Appeals ~~Board of Zoning Appeals~~ renders its decision; provided, however, that if, in the opinion of the Zoning Administrator, delay incident to a hearing before the Board would constitute an imminent danger to life or property, the City may file a complaint for equitable relief or extraordinary legal relief. If an appeal is taken from the issuance of any permit, the permittee may pursue his efforts under such permit at his own risk. (Ord. No. 1999-07-064, 07-07-99)

#### **Section XI-4. City Council**

In the administration and enforcement of this Ordinance, it shall be the duty and responsibility of the City Council to do the following:

- A. Consider all appointments made by the Mayor to the Plan Commission, Zoning Board of Appeals ~~Board of Zoning Appeals~~, and the position of the Zoning Administrator, as provided in Section XI-1 through Section XI-3; and, ~~XI-2 and XI-3;~~



- B. Decide upon, and take any necessary action arising from such decisions, all proposed amendments to this Ordinance, as provided in Section XI-7; and
- C. Decide upon all requested special use permits and, if the decision is favorable, authorize the Zoning Administrator to issue a special use permit as provided in Article VII; and
- D. Review subdivision plats, as provided in the Subdivision Regulations of the City Code; and
- E. Consider and decide upon any and all proposed changes in zoning, variances, or other modifications in the application of the Zoning Ordinance which are required as part of a proposed annexation agreement; and (Ord. No. 9495-95, 4-17-95; Ord. No. 9596-58, 11-20-95)
- F. Any other duties and responsibilities assigned to the City Council by this Ordinance. (Ord. No. 9596-58, 11-20-95)

### **Section XI-5. Building Permits**

- A. A building permit shall be obtained by the owner of any property, from the Zoning Administrator, before starting:
  - 1. To construct or erect a new principal or accessory structure or part thereof;
  - 2. To extend, enlarge, move, alter structurally, or reconstruct a principal or accessory structure or part thereof.
- B. *Application Procedure for Building Permits*
  - 1. An application for a permit shall be submitted in such form as the Zoning Administrator shall prescribe. The application shall contain the full name and address of the applicant and of the owner of the property and, if the owner is a corporate body, of its responsible officer.
  - 2. The owner or lessee of the property, the agent of either shall make the application, or the architect, engineer, or builder employed in connection with the proposed work. If a person other than the owner in fee makes such application, it shall be accompanied by an affidavit of the owner in fee, authorizing such application.
  - 3. Nothing in this Code shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued. Such amendments shall be filed with, and be deemed a part of, the original application, if approved before the Certificate of Occupancy has been issued; otherwise, a new application for the alteration shall be made and a new building permit secured.
  - 4. Each application for a permit shall be accompanied by a plat, in duplicate, drawn to scale and showing the actual dimensions of the lot to be built upon, the size and location of the structures to be erected or altered, and such other information as may be necessary to provide for the enforcement of this Ordinance. Any variance, conditional use permit, or special use permit, which may have been granted for the proposed building, structure, or use, shall be noted upon the application.
  - 5. The Zoning Administrator shall examine applications for permits within a reasonable time after filing. If, after examination, he/she finds no objections to the same, and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, and that the

proposed construction or work will be safe, he/she shall approve such application and issue a permit for the proposed work as soon as practicable. Every permit issued in accordance with these provisions shall have the signature of the Zoning Administrator or his/her authorized subordinate affixed thereto. If his/her examination reveals otherwise, he/she shall reject such application, note his/her findings in a written report to be attached to the application, and deliver a copy to the applicant.

6. The Zoning Administrator may revoke a permit or Certificate of Occupancy or approval issued, if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit, certificate, or approval was based.
7. The Zoning Administrator may issue a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, provided that adequate information has been submitted for the same, and has been found in compliance with this Ordinance.
8. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereto.
9. It shall be unlawful to reduce or diminish the area of a lot or plat for which a plot plan has been filed and has been used as the basis for a permit, unless a revised plat plan showing the proposed changes in conditions shall have been filed and approved; however, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
10. A permit under which no work is commenced within six months after issuance shall expire by limitation, and a new permit shall be secured before work is started. Written notice of the expiration shall be given to the applicant.
11. If the work described on the building permit shall not have been substantially completed within one year from the issuance thereof, the permit shall expire and be canceled by the Zoning Administrator, who shall furnish written notice of the expiration to the applicant, together with notice that further work as described on the expired permit shall not proceed unless and until a new permit shall have been issued, provided, however, that for commercial, institutional, and industrial buildings, the permit shall extend for such additional period as set forth in the application for the building permit as the time necessary to complete the building.
12. A copy of the permit shall be kept on the premises for public inspection until the completion of the work. The Zoning Administrator shall require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.
13. Normal repairs not involving structural alterations may be made without a permit.
14. No building permit shall be issued until an application for a Certificate of Occupancy for the same property has been filed. Such application shall include the estimated or approximate time of completion of the work for which the building permit was issued.

## **Section XI-6. Certificates of Occupancy**

### *A. Generally*

Upon completion of any construction, reconstruction, structural alteration, enlargement, expansion, or other work on a building or structure for which a building permit is required, as provided in Section XI-

5, the Zoning Administrator shall consider the previously submitted application for a Certificate of Occupancy. No such building or structure shall be occupied, and no change shall be made in the use of any land, structure, or building, until a Certificate of Occupancy authorizing such occupancy or use has been issued by the Zoning Administrator. An application for a Certificate of Occupancy shall be made by the owner of the building or land, or by his/her agent, and shall state the precise purpose for which the building, structure, or land will be occupied or used.

*B. Certificates of Occupancy for Conforming Uses, Buildings, and Structures*

1. The application for a Certificate of Occupancy for a conforming use shall state that all proposed uses are conforming, and that all applicable parking and landscaping/screening requirements are fully met, and shall include any necessary supporting information to document these facts.
2. If the application for a Certificate of Occupancy was made at the time of the application for a building permit, the Zoning Administrator shall not issue the Certificate of Occupancy unless the building or structure, as built, enlarged, extended, structurally altered, reconstructed or moved, complies with all plans and specifications included in the application for a building permit. Any variance, which may have been granted for the building or structure, shall be noted on the application, and on the Certificate, if issued.
3. If the application for a Certificate of Occupancy involves a change of use, the Zoning Administrator shall not issue the Certificate of Occupancy unless the proposed use or uses is conforming in the district in which it is proposed to be located, except as otherwise provided in this section. If a special use permit or conditional use permit was granted to authorize the proposed use, it shall be so noted on the applications, and on the Certificate of Occupancy, if issued.
4. The Certificate of Occupancy issued by the Zoning Administrator shall state upon its face the precise purpose or purposes for which the building, structure, or land shall be used.
5. Any transfer of ownership of the building, structure, or land that does not involve a change of use shall automatically affect a transfer of the Certificate of Occupancy to the new owner.
6. The Zoning Administrator shall return one copy of the Certificate of Occupancy, duly signed, to the applicant and retain the original copy.
7. A provisional Certificate of Occupancy may be issued for the occupancy of the premises, for a definite period of time not to exceed 90 days, provided that they can be occupied without danger to health or safety, under any of the following conditions:
  - a) All requirements of this Ordinance are likely to be met within 90 days or less; or
  - b) The Zoning Administrator has determined that strike, national emergency, weather, or Act of God has prevented or will delay completion of the building structure.

*C. Certificates of Occupancy for Nonconformities*

1. The owner of any nonconformity may, at any time, apply for a Certificate of Occupancy to continue as a nonconformity under the provisions of Article X of this Ordinance. Upon written notification, by certified mail with return receipt requested, by the Zoning Administrator of the noncompliance of a building, structure, or land, or use thereof, with the provisions of this Ordinance, the owner thereof shall apply for a Certificate of Occupancy within 60 days.

2. No Certificate of Occupancy for a nonconformity shall be issued until the applicant demonstrates that the nonconformity existed on January 6, 1980, or on the date when this Ordinance became effective as to such building, structure, or land, or that the building, structure, or land, or use thereof, was rendered nonconforming by an amendment to this Ordinance subsequent to such date.
3. The application for a Certificate of Occupancy for a nonconforming use, and the Certificate, if issued, shall state the precise purpose or purposes for which the building, structure, or land was occupied or used, and the date on which each nonconforming use was established.
4. The application for a Certificate of Occupancy for a nonconforming building, structure, or land, and the Certificate, if issued, shall, for every applicable developmental regulation, including parking requirements, with respect to which the building, structure, or land is nonconforming, cite the regulation as specified in this Ordinance, and state the extent to which the building, structure, or land meets this requirement. The Certificate shall also state the date of construction of the building or structure, or the date of a more recent conversion, enlargement, expansion, or structural alteration which effected such nonconformity.
5. The application for a Certificate of Occupancy involving both a nonconforming use and a nonconforming building, structure, or land shall meet the requirements of ~~both paragraphs~~ Section XI-6.C.3 and Section XI-6.C.4.
6. When issued, the Certificate of Occupancy shall thereafter be considered proof that the building, structure, or land, or use thereof, has, and has had, nonconforming status, under the terms of this Ordinance, from the date stipulated on the Certificate.
7. Any transfer of ownership of the building, structure, or land, which does not involve a change of use, shall automatically affect a transfer of the Certificate of Occupancy to the new owner.
8. Failure to comply with the requirements of this section shall constitute prima-facie evidence that the building, structure, or land, or use thereof, is illegal, rather than nonconforming.

## Section XI-7. Amendments

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

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

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

- B. Each such application, except those submitted by either the City Council, the Plan Commission, the Board of Zoning Appeals, the City Attorney, or the Zoning Administrator, shall be accompanied by a fee, to be paid by the applicant as provided in Section XI-8 of this Article.
- C. Applicants for any proposed amendment to this Ordinance shall meet notification requirements for a public hearing specified in Section XI-10 of this Ordinance.
- D. The public hearing shall be held according to the procedures established by the Plan Commission. Any person may appear and speak in person, or by agent or attorney. Upon conclusion of the public hearing, the Commission only with the unanimous consent of the members present may take action. If action is not taken, written testimony received within ten days after the close of the public hearing shall be considered.
- E. The Plan Commission may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement, continuation, or adjournment, further publication of such action need not be made.
- F. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment. The City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance.
- G. Procedures for protest of any proposed change in the classification of land are specified in Section XI-11 of this Ordinance.
- H. At its discretion, the Plan Commission may refuse to consider a request for an amendment to this Ordinance, if such request is identical to or substantially similar to a proposed amendment considered within the past year. Notwithstanding this, however, the City Council may direct the Plan Commission to consider any proposed amendment to this Ordinance.

### **Section XI-8. Fees**

The schedule of fees for various actions taken under the provisions of this Ordinance shall be as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.

### **Section XI-9. Fines**

- A. *General Penalty; Continuing Violations; Persons Responsible.*
  - 1. In all cases where the same offense is made punishable or is created by different clauses or sections of the Urbana Zoning Ordinance, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
  - 2. Except as expressly stated elsewhere in this Ordinance, any person violating any of the provisions of this Ordinance, shall upon conviction thereof be fined not less than \$50 per day per violation, nor more than \$1,000 per day per violation. No total fine in any individual case except a parking violation under Section VIII-4 shall be less than \$500 for a first conviction of any provision

of the Zoning Ordinance, \$750 for a second conviction, and \$1,000 for a third or subsequent conviction, irrespective of the number of days of the violation, unless the court finds that the violator is an indigent person.

3. Whenever in the Urbana Zoning Ordinance the doing of any act or omission to do any act constitutes a violation, and the section violated is listed in Section XI-9.C, any person who shall be convicted of any such violation shall be fined not less than the minimum fine set forth in Section XI-9.C nor more than \$500 for each offense.
4. In case of an amendment of any section of the Urbana Zoning Ordinance containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.
5. A separate offense shall be deemed committed on each day during or on which a violation of the Urbana Zoning Ordinance occurs or continues.
6. No provision of the Urbana Zoning Ordinance designating the duties of any officer or employees shall be construed as to make such officer or employee liable for any fine or penalty provided in the Urbana Zoning Ordinance for a failure to perform such duty, unless the intention of the Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
7. Except for Section VIII-4, the owners of the land or structure upon which a violation of this Ordinance has occurred or is occurring shall be prima-facie responsible for such violations of this Ordinance which occur on property owned by such person; provided, however, the foregoing shall not be construed to relieve the occupants, or any of them, of the land upon which the zoning violation has occurred or is occurring of the responsibility for such violation under this Ordinance.
8. Pursuant to Section VIII-4, the owners of the vehicle, as determined by the records of the Secretary of State, which is parked in violation of that section shall be prima-facie responsible for such violations; provided, however, the foregoing shall not be construed to relieve the owner or occupant of the land upon which the violation occurred of responsibility for such violation under this Ordinance.

*B. Settlement of Violation Prior to Suit Being Filed; Minimum Fines*

1. A person accused of violating a section of the Urbana Zoning Ordinance set forth in Section XI-9.C paragraph C of this section may be permitted to pay the minimum fine which is set forth in Section XI-9.C paragraph C of this section as settlement of such violation if payment is made in the following manner:  
  
Payment shall be made within 14 days after the date that the Notice to Appear was issued to the person accused of such violation. A payment shall be considered made within said 14 days if the payment is actually received by the City's Finance Department by 5:00 P.M. on the 14<sup>th</sup> day following the date the Notice to Appear was issued.
2. If a person pays the minimum fine pursuant to this section, then the City Attorney shall file no Complaint charging the person with the particular violation.
3. The minimum fine for those violations listed in Section XI-9.C paragraph C of this Section shall be as set forth in paragraph C of this section in lieu of the minimum fine set forth in other provisions of the Urbana Zoning Ordinance.

C. *Minimum Fine Schedule for Certain Violations*

1. The minimum fine for parking in violation of Section VIII-4 is \$25.
2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is \$25.

(Ord. No. 2005-01-010, 01-28-05)

**Section XI-10. Notification Requirements**

- A. At least 15 days, but no more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed conditional use permit, mobile home park, planned unit development, special use permit, waiver of parking, variance, amendment, annexation agreement proposing a rezoning, or combination thereof shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the common street address, if any, and, if applicable, the legal description of the property for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be paid by the petitioner, except in the case of an annexation agreement, and is in addition to the application fee.
- B. Any applicant for any public hearing under this Zoning Ordinance shall furnish the Secretary of the body conducting the hearing with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. ~~In addition, the petitioner shall include a list of the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in each direction of the property for which the application for action is requested. The measurement of all public roads, streets, alleys, and other public ways shall be excluded in determining the two hundred fifty foot requirement. If any part of a condominium property is located within 250 feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Secretary.~~ Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall give written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. ~~Said letter shall be sent to the last known taxpayers as described above.~~ If after a bona fide effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied.

Comment [MHW4]: The City does this, not the petitioner

Comment [MHW5]: Again, a City responsibility

C. *Notice by Sign*

1. In any case where a property owner, or a person acting on behalf of said property owner, is requesting a public hearing under this Ordinance for any zoning action concerning that property, the property owner shall permit staff of the Department of Community Development Services to post a sign on said property, visible from adjacent roadways, to notify the public about the public hearing. In cases where someone other than the owner or someone acting on the owner's behalf is the applicant for the public hearing, the required sign shall be posted by staff of the Department of Community Development Services on the public right of way adjoining the subject property. Said sign or signs shall be posted not less than 15 days but not more than 30 days prior to the date of the opening of the public hearing. A good faith effort shall be made to keep the signs in

place until the date of commencement of the public hearing. Said signs shall be removed no later than ten days after the completion of the final public hearing.

2. The required sign shall contain the words “NOTICE OF PUBLIC HEARING” at the top of the sign. The sign shall indicate the nature of the zoning change being requested and the time, date, and location of the public hearing. In addition, the sign shall indicate the phone number of the Department of Community Development Services.
3. The City Planner may waive the requirement to post the sign in cases involving multiple lots to avoid confusing the public or to avoid an unreasonable burden on the staff of Community Development Services. Said waiver shall be made a part of the record of the case.
4. A good faith effort shall be made to comply with the requirements of Section XI-10.C.1 and Section C.2 above. However, compliance with those requirements shall not be regarded as jurisdictional. (Ord. No. 9495-80, 3-6-95; Ord. No. 9596-58, 11-20-95)

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

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

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

A written protest shall be considered valid if it is signed by either the owners of 40% of the subject lots of the public hearing or the owners of 40% of the lots, any part of which are included within the area defined by a line extended 250 feet outward in all directions from the perimeter of the land subject to the action on the public hearing. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the 250 foot measurement. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least 50% of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing the document, and identify the property within the protest area that each signatory owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way. The owner of property shall be considered to be any of the following:

*The record owner of the fee title; the contract seller and the contract buyer of such property; or those with beneficial interest in a land trust.*

## **Section XI-12. Development Review Board**

### *A. Creation and Purpose*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.



2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.
3. The Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
  - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area; and
  - b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines; and
  - c. Determine if proposed development plans meet the intent of the district as stated in Section IV-2.H.

**B. Powers and Duties.** The Development Review Board shall have the following powers:

1. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.A.2. The Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-12.G.
3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

**C. Membership**

1. The Development Review Board shall consist of seven members. A quorum of the Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
  - a. A member of the Urbana Plan Commission;
  - b. A member of the Urbana Historic Preservation Commission;
  - c. A licensed architect;
  - d. A resident of property in the MOR, Mixed-Office Residential Zoning District;
  - e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning District;
  - f. A local developer;

g. An owner of a local small business with fewer than 40 employees.

2. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
  - a. Take minutes of each Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
  - b. Provide administrative and technical assistance to the Development Review Board to assist it in making the decisions and findings as provided herein;
  - c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
  - d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
  - e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of Development Review Board members;
  - f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
  - g. Have no vote.

E. *Meetings.*

1. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.

2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. *Decisions.*

1. Every Board member present must vote “aye” or “nay” unless that Board member abstains due to an announced conflict of interest.
2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. Approval of a site plan shall require a two-thirds majority vote and shall be calculated on the basis of those voting members present and not abstaining, however, in no instance shall fewer than four “aye” votes constitute a two-thirds majority.

G. *Application and Site Plan Submittal Requirements*

1. A request for site plan approval by the 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 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. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
4. The Development Review Board may require additional information necessary to consider applications.

H. *Development Review Board Review Procedures*

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.
2. After reviewing the proposed site plan according to the criteria in Section XI-12.1, the Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall cause the Secretary of the Board to appeal the request to the Zoning Board of Appeals ~~Board of Zoning Appeals~~ in accordance with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII Section VII-4 ~~Section VII-4~~. The Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals ~~Board of Zoning Appeals~~ in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals ~~Board of Zoning Appeals~~ shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless a building permit or Certificate of Occupancy is issued ~~an application is made for a building permit or Certificate of Occupancy~~ within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

- I. *Site Plan Review Criteria.* Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.
  1. *Compatibility with Surrounding Neighborhood.* Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2.H. In reviewing proposals the Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.
  2. *Parking and Access.* Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.
  3. *Screening and Landscaping.* Proposals shall demonstrate the preservation of existing natural features where practical. The Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. The Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.
  4. *Site Details.* Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.
  5. *Design Guidelines.* The Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.J.
- J. *Design Guidelines Review.* In reviewing development proposals in the M.O.R., Mixed-Office Residential Zoning District, the Development Review Board shall determine conformance with all of the guidelines contained in the adopted M.O.R., Mixed-Office Residential Design Guidelines, including such factors as architectural appearance, massing, placement of structures, orientation, openings, outdoor living space, landscaping, parking areas, building materials, and architectural details, as well as the overall compatibility of the proposal with the residential character of the district. In addition to proposals demonstrating conformance with the adopted Design Guidelines for the district as specified in Section XI-12.J and compatibility with the residential character of the district, the following design items shall be required:
  1. The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage.

2. Facades with street frontage shall contain window openings and shall not be blank.
3. Parking shall be located behind the principal structure and not in the façade zone.

The Design Guidelines shall be adopted under a separate ordinance and shall be housed in the City of Urbana Community Development Services Department. Any Proposed amendments to the "M.O.R., Mixed-Office Residential Zoning District Design Guidelines" shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

(Ord. No. 2003-11-120, 11/25/03)

### **Section XI-13. Boneyard Creek Commissioner**

- A. Upon the effective date of this amendment, there is hereby created the position of Boneyard Creek Commissioner to assist in the administration of the Creekway Permit System in conformance with Section XIII-4 of this Ordinance.
- B. The Boneyard Creek Commissioner shall be a resident of the City of Urbana, and he or she shall be appointed by the Mayor, subject to confirmation by the City Council.
- C. The Boneyard Creek Commissioner shall be appointed based on his/her qualifications, including education and experience in evaluating plans and evidence submitted.
- D. The Boneyard Creek Commissioner shall serve a term of three years.
- E. The City Council shall have the power to remove the Boneyard Creek Commissioner for cause, after public hearing, held after at least ten days of notice to the Commissioner of the charges against him/her. (Ord. No. 9495-33, 10-14-94; Ord. No. 9596-58, 11-20-95)

### **Section XI-14. Changes of Zoning, Variances, and Other Modifications of the Zoning Ordinance in an Annexation Agreement**

- A. If a proposed annexation agreement prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, the Plan Commission shall conduct a public hearing concerning the proposed agreement according to the procedures established by the Plan Commission. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed agreement. The City Council shall then conduct a public hearing to consider the proposed annexation agreement and the recommendation of the Plan Commission.
- B. All other proposed annexation agreements proposing any other variances from or modifications to the application of the Zoning Ordinance to the subject property at the time of annexation, shall be submitted directly to the City Council for consideration of those variances or modifications at a public hearing, without the need for any prior action by any City Board or Commission otherwise authorized or empowered to consider such variances or modifications.
- C. If the Council's decision on a proposed annexation agreement is favorable, it shall adopt the agreement by ordinance. The ordinance shall expressly approve of the implementation of any and all

zoning changes, variances, conditional uses, or other modifications in the application of the Zoning Ordinance to the property, when annexed, which are required by the agreement. Upon execution of the annexation agreement by all parties to the agreement, any zoning changes, variances, or other modifications in the application of the Zoning Ordinance which are required by the agreement shall be deemed approved without any further action by any other City Board or Commission otherwise authorized or empowered to consider and/or grant such changes, variances, or modification. For example, a conditional use is usually authorized by the Zoning Board of Appeals. However, in the case of an annexation agreement, the City Council may authorize a conditional use as part of the annexation agreement, without having the request heard by the Zoning Board of Appeals. (Ord. No. 9697-154, 6-16-97)

- D. The City Planner or designee shall fix the date and time for all public hearings before the City Council required under this section and notice thereof shall be published in the manner required under 65 ILCS 5/11-15.1-3 of the Municipal Code. Notice for all public hearings before the Urbana Plan Commission under this section shall be published and mailed to surrounding property owners in the same manner as is required under Section XI-10 for a hearing to consider a proposed zoning map amendment. If no hearing before the Urbana Plan Commission is required under this Section, and the first public hearing is before the City Council, notice for that public hearing shall be mailed to surrounding property owners in the same manner as is required under Section XI-10 for a hearing before the Urbana Plan Commission to consider a proposed zoning map amendment. Any notice required to be mailed to surrounding property owners under this Section shall be deemed to be a courtesy to said persons and shall not be deemed jurisdictional. (Ord. No. 9495-95, 4-17-95, Ord. No. 9596-58, 11-20-95)

## ARTICLE XII. HISTORIC PRESERVATION ORDINANCE

- Section XII-1. Statement of Purpose
- Section XII-2. Definitions
- Section XII-3. Historic Preservation Commission
- Section XII-4. Historic Districts
- Section XII-5. Historic Landmarks
- Section XII-6. Certificate of Appropriateness
- Section XII-7. Affirmation of Existing Zoning
- Section XII-8. Building Permits Previously Issued
- Section XII-9. Penalties
- Section XII-10. National Register of Historic Places

Comment [MHW1]: Moved from appendix A to formal section

### Section XII-1. Statement of Purpose

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic, architectural and/or landscape characteristics of Urbana, which represent elements of the city's cultural, social, economic, political and architectural history; and
2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Urbana's landmarks and historic areas;
3. Stabilizing and improving the property value of Urbana's landmarks and historic areas;
4. Promoting restoration and rehabilitation by encouraging investment in historic resources;
5. Ensuring that all of the economic benefits resulting from preservation, including tax incentives, new jobs and renewed buildings, are available to our citizens; and
6. Preserving the character of historic neighborhoods and especially Urbana's historic downtown buildings and facades.

### Section XII-2. Definitions

*Alteration:* Any act or process that changes one or more of the exterior architectural features of the structure, including, but not limited to, the erection, construction, reconstruction, demolition, or relocation of any structure.

*Appurtenances:* The area surrounding a landmark or a building or structure within a historic district. This shall include, but not be limited to: fences, statues, signs, pavement and outbuildings visible from a public street or sidewalk.

*Architectural Review Guidelines:* A standard of design quality that will preserve the historic and architectural character of a landmark or a structure within a designated historic district.

*Area:* A specific geographic division of the City of Urbana.



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

*Certificate of Appropriateness:* A certificate approving of plans for alteration, relocation, construction, removal or demolition of either a designated landmark; or a structure within a designated historic district.

*Certificate of Economic Hardship:* A certificate authorizing an alteration, relocation, construction, removal or demolition even though a Certificate of Appropriateness previously has been denied.

*Chair:* The Chair of the Urbana Historic Preservation Commission.

*Conservation Right:* Per Chapter 765 of the Illinois Compiled Statutes Section 120, Paragraph 1, a conservation right includes easements, covenants, deed restrictions or any other type of less than full fee simple interest that may be used to protect a landmark or historic district.

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

*Contributing:* A building, structure, site or object that adds to the historical associations, architectural qualities, or archaeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses integrity or is capable of yielding important information about the period. Although most commonly used in historic district designations, this term may also be used when a property is considered for landmark status which includes more than one resource, such as a house and a garage.

*Council:* The City Council of the City of Urbana.

*Demolition:* Any act or process that destroys in part or in whole a landmark, or a site or structure within a designated historic district.

*Exterior Architectural Features:* The architectural character and general composition of the exterior of a building or structure, including but not limited to the type and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, ornamental details, and appurtenant elements.

*Historic:* Related to the City's architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage.

*Historic District:* An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects which may or may not be landmarks that contribute to the overall historic characteristics of the designated area.

*Parcel Owner:* An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.

*Improvement:* Any building, structure, bridge, work of art, parking space, parking lot, public infrastructure, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

*Landmark:* A property, building, structure, site or object which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Urbana designated pursuant to procedures prescribed herein.

*Minor Works:* Repairs that do not require a building permit or exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole.

*Noncontributing:* A building, structure site or object which may be part of a landmark or district, but does not possess historic, architectural or archaeological significance or integrity per se; however, the relationship of these buildings, structures, sites or objects to those that are contributing may be important to the preservation of the landmark or district. Inclusion of these properties within a historic district subjects these properties to those design review standards and guidelines applicable to noncontributing properties.

*Object:* Constructions that are primarily artistic in nature and are relatively small in scale, including those constructions that are associated with a specific setting or environment.

*Owner(s) or Record:* The person(s) or corporation or other entity in whose name(s) the property is held according to the last recorded deed in the records of the Champaign County Recorder.

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

*Preservation Commission:* Urbana Historic Preservation Commission.

*Preservation Commissioners:* Members of the Urbana Historic Preservation Commission.

*Registered Preference:* A parcel owner's written indication as to their choice of whether or not their property should be designated as a landmark or included within a district.

*Rehabilitation:* The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

*Relocation:* Any repositioning of a building, structure or object on its site or moving it to another site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing buildings, structures, sites or objects.

*Secretary:* Representative of the Community Development Services Department of the City of Urbana designated to provide staff support to the Historic Preservation Commission.

*Structure:* Any building, or other construction, which requires attachment to the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

*Valid Protest:* Valid protest is a document signed by the requisite number of parcel owners respecting each parcel which document expresses a protest against the designation of such parcel as either a landmark or a designation of the proposed area of that historical district in which such district the parcel is located.

### **Section XII-3. Historic Preservation Commission**

- A. *Preservation Commission Created.* There is hereby created the Urbana Historic Preservation Commission, consisting of seven members. One member may reside in the 1 ½ mile extra-territorial jurisdictional area of Urbana while the rest must be residents of the City of Urbana. The Preservation Commission shall be appointed by the Mayor of Urbana and approved by the City Council. Members shall be appointed on the basis of expertise, experience or interest in the areas of architecture, architectural history, building construction or engineering, finance, historic preservation, geography, landscape architecture, law, neighborhood organizing, planning, real estate or another related field. Preservation Commissioners shall serve without compensation and shall serve terms of three years. Initially, Preservation Commissioners shall serve staggered terms of three persons for three years, two persons for two years, and two persons for one year.
- B. *Purpose.* The Preservation Commission is created for the purpose of:
1. Identifying such buildings, structures, sites, objects or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;
  2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;
  3. Protecting the historical characteristics of landmarks or districts by , reviewing proposed changes to their exterior architectural appearances;
  4. Educating the public on the opportunities presented by historic preservation; and
  5. Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic parcels or buildings, structures, sites or objects.
- C. *Officers.* There shall be a Chair and a Vice-Chair elected by the Preservation Commission, who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.
1. *The Chair Shall Preside over Meetings.* In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
  2. *Secretary.* The Secretary of the Preservation Commission shall be a representative of the Department of Community Development Services of the City of Urbana. The Secretary shall:
    - a) Take minutes of each Preservation Commission meeting, an original of which shall be kept in the office of the Department of Community Development Services;
    - b) Provide administrative and technical assistance to the Preservation Commission to assist it in making the decisions and findings as provided herein;

- c) Publish and distribute to the Preservation Commissioners copies of the minutes, reports and decisions of the Preservation Commission;
- d) Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
- e) Advise the Mayor of vacancies on the Preservation Commission and expiring terms of Preservation Commissioners;
- f) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on all appeals from decisions of the Preservation Commission and on any other matters requiring Council consideration; and
- g) Have no vote.

D. *Meetings*

- 1. A quorum shall consist of a majority of the members of the Preservation Commission then holding office, but not less than three.
- 2. Recommendations regarding the designation of landmarks and historic districts as herein provided shall require a majority vote of all Commissioners then holding office. All other decisions or actions of the Preservation Commission shall be made by a majority vote of those members present at any meeting where a quorum exists.
- 3. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair. There shall be a minimum of four meetings per year.
- 4. If a Preservation Commissioner's abstention is not based upon an asserted conflict of interest, then such vote shall be recorded as an abstention, but the Chair of the Preservation Commission shall rule that such vote goes with the majority of those votes actually cast as an aye or a nay vote.
- 5. All meetings shall conform to the requirements of the Open Meetings Act.
- 6. No action shall be taken by the Preservation Commission which in any manner could deprive or restrict the owner of the subject property of its use, modification, maintenance, disposition or demolition until such property owner shall first have had the opportunity to be heard at public meeting(s) of the Preservation Commission, as provided herein.

E. *Vacancies.* The Mayor shall declare vacant the seat of any Preservation Commissioner who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, the Mayor shall appoint a successor with approval of the City Council.

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

- 1. To adopt its own procedural regulations.
- 2. To conduct an ongoing survey to identify Urbana's historically and architecturally significant buildings, structures, sites, objects and districts.

3. To investigate, hold public hearings and designate or recommend designation of landmarks and historic districts.
4. To keep a register of all buildings, structures, sites, objects or districts that have been designated under this ordinance, including all information required for each designation.
5. To determine an appropriate system of plaques and markers to identify historic landmarks and districts and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
6. To nominate landmarks and historic districts to the National Register of Historic Places.
7. To inform and educate the citizens of Urbana concerning the historic and architectural heritage of the City.
8. To hold public hearings and to review building permit applications for new construction within historic districts and for additions to, alterations, relocations, removal or demolition of designated landmarks or buildings, structures, sites or objects within historic districts, and to issue or deny Certificates of Appropriateness for such actions. The Preservation Commission may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions.
9. To consider and make decisions upon applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.
10. To apply criteria as set forth herein for the alteration, construction, relocation or removal of landmarks or buildings, structures, sites or objects within historic districts.
11. To review and comment upon submitted applications for zoning amendments, special use permits, conditional use permits, Mixed Office Residential District provisions, or zoning variances for properties contiguous to or separated only by public right-of-way from designated landmarks and historic districts. The Zoning Administrator shall send notification of such applications to the Preservation Commission for comment prior to the date of the hearing by the Plan Commission, the Board of Zoning Appeals, or the City Council.
12. To testify before all boards and commissions, including the Building Safety Code Board of Appeals, the Community Development Commission, the Plan Commission, the Property Maintenance Code Board of Appeals, and the Board of Zoning Appeals on any matter affecting historically or architecturally significant buildings, structures, sites, objects and areas. The Chair or the Chair's designee shall give such testimony on behalf of the Preservation Commission.
13. To administer on behalf of the City of Urbana, upon designation by the City Council, any property or full or partial interest in real property, including a conservation right as that term is used in Chapter 765 of the Illinois Compiled Statutes Section 120, Paragraph 1, which the City may possess or accept as a gift or otherwise.
14. To recommend application for, acceptance of, and administration of such gifts, grants and money as may be appropriate for the purpose of this ordinance to the Urbana City Council.
15. To consider amendments to the preservation component of the Comprehensive Plan of the City of Urbana and to recommend action upon such amendments to the Plan Commission and the City Council.

16. To periodically review the Urbana Zoning Ordinance and to recommend to the Plan Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or buildings, structures, sites or objects within historic districts.
17. To recommend certification of designated historic districts to the Illinois Historic Preservation Agency.
18. To recommend prospective Preservation Commissioners to the Mayor in order to fill vacancies on the Preservation Commission.
19. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

#### **Section XII-4. Historic Districts**

- A. *Historic District Nomination.* Nominations shall be made to the Preservation Commission by means of a completed application form provided by the Preservation Commission. A filing fee may be required with this application form. The application and filing fee shall not be accepted until the Secretary considers it complete. The Secretary shall have five working days to review an application for completeness.
1. Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission.
  2. A completed application form for historic district nominations must be accompanied by signatures of parcel owners representing no less than ~~at least~~ 25% of the parcels within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a parcel shall be, if a sole owner, by his or her signature, and if multiple owners, by the owners representing no less than ~~at least~~ 50% of the title interest in the property. If the affected property is owned by a corporation or partnership, a signed resolution must be submitted indicating an endorsement. Each parcel is considered independently, regardless of single ownership of multiple parcels.
  3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
    - a) The name and address of the owner of record of each property proposed for designation;
    - b) A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;
    - c) A map delineating the boundaries and location of the district proposed for designation;
    - d) A written statement describing the district and setting forth the reasons the district may be eligible for nomination, including a statement indicating which of the criteria in Section XII-4.C.1 are met by the nomination; and
    - e) An application fee as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.

- B. *Notice to Property Owners of Applications.* Upon receipt of an accepted application for designation of a historic district, the Secretary or his/her designee shall notify parcel owners within the proposed district of the time and date of the Commission meeting where preliminary review of the application will occur. If there are multiple owners for one parcel, each owner shall be sent a meeting notice. Such notification shall be given at least ten days in advance, by U.S. mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the property owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
- C. *Criteria for Designation of a Historic District.* The Preservation Commission shall, upon such investigation as it deems necessary, make a preliminary determination as to whether a historic district meets one or more of the following criteria necessary for designation.
1. *Historic District Criteria:*
    - a) A significant number of buildings, structures, sites or objects meeting any of the standards in Section XII-5.C.1.
    - b) An area containing a contiguous grouping of properties having a sense of cohesiveness expressed through a style, period or method of construction.
    - c) An area of sufficient historical integrity to convey a sense of historical time and place.
  2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered. But if contiguity is interrupted, areas may be considered as separate districts. The Preservation Commission may amend, but not extend the boundaries of the proposed historic district.
  3. The preliminary determination as to whether a proposed historic district meets one or more of the foregoing criteria shall be made within 35 days of filing of the application with the Preservation Commission. The Secretary or his/her designee shall notify the applicant in writing of the preliminary determination for the nomination. The letter shall specify the date of said determination.
- D. *Notification of Public Hearing on Historic District Designation.* The Preservation Commission shall commence a public hearing within 45 days following the date of the preliminary determination that a historic district meets one or more of the criteria in Section XII-4.C.1 ~~herein~~. Within 15 days following the preliminary determination, but not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:
1. *Notice by Mail.* The Secretary of the Preservation Commission shall mail a copy of the preliminary determination, the date of the public hearing, and a form to express their preference on behalf of each of the parcels within a proposed historic district with regard to the proposed designation. Notification shall be mailed U.S. first-class postage pre-paid to:
    - a) The address of the property affected, by certified mail;
    - b) The address of the person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments;
    - c) The address, if any, shown on the last recorded deed of the property affected directing where the tax bill should be sent; and

d) If the property affected is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.

2. *Notice by Publication.* At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed historic district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street address(es), if any, and, a description of the proposed district boundaries for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be in addition to the fee and will be billed to the applicant.
3. *Notice by Sign.* The Department of Community Development Services shall make a good faith effort to post notice by sign in accordance with Section XI-10.C of the Urbana Zoning Ordinance.

E. *Protests Against Designation of Historic District.*

1. *Determination of Protest on Behalf of a Parcel.* The manner by which parcel owners protest designations shall be at their sole discretion, but a valid protest must be in writing and must be signed by the requisite number of parcel owners for such parcel as follows:
  - a) If a sole owner, then protest must be signed by the sole owner; or
  - b) If multiple owners, then protest must be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take three of such joint owners to sign the protest for it to be valid.
  - c) There shall be one registered preference for each historic parcel within the proposed district. For example, if an owner owns four historic parcels, each parcel would have one vote.
2. For a written protest to be valid, the owners of at least 40% of the parcels within the proposed district must indicate their opposition to the nomination. Said protest shall be filed with the City Clerk by 5:00 p.m. on the Wednesday preceding the City Council meeting at which the designation will be considered.

F. *Public Hearing on Designation of Historic District*

1. At the Preservation Commission public hearing, the Preservation Commission shall take testimony presented by the nominator(s), the owner(s), and any other parties who wish to be heard on the application of the criteria for designation enumerated in Section XII-4.C.1. In addition, the Preservation Commission shall consider all written comments received by the Preservation Commission prior to or during the hearing. It shall be the responsibility of the nominator(s) to provide evidence of suitability for historic district status as well as documentation of such evidence.
2. The Preservation Commission shall review and evaluate all submitted information according to the applicable criteria set forth in Section XII-4.C.1 herein.
3. The Preservation Commission shall identify all contributing and noncontributing buildings, structures, sites or objects within the proposed historic district that are listed in the application.
4. During the public hearing, the Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further processed. But if contiguity of the district is interrupted, areas may be considered as



separate districts. However, the Preservation Commission may amend, but not extend the boundaries of the proposed historic district.

G. *Decisions on Designation.* A recommendation of the Commission on designation shall be made within 60 days following the date of the public hearing.

1. If the Preservation Commission determines to recommend designation of the proposed historic district, it shall do so by a majority vote of the Preservation Commissioners then holding office.
2. The Preservation Commission's recommendation shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and a report of the Commission's findings. Said recommendation will then be forwarded to the Urbana City Council.
3. The parcel owners shall be sent a copy of the Preservation Commission's recommendation within 15 days by pre-paid U.S. first class mail postage. If there are multiple owners for one parcel, each owner shall be sent a copy of the recommendation.
4. The Secretary shall send a copy of the Preservation Commission recommendation and the accompanying report to:

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

5. If there is no filed protest to the proposed historic district and the City Council determines that the proposed historic district should be approved, it shall do so by enacting an ordinance in accordance with the voting requirements of a majority vote of the quorum.
6. If there is a filed protest to the proposed historic district and the City Council determines that the proposed historic district should be approved, it shall do so by enacting an ordinance in accordance with the voting requirements of a two-thirds "affirmative" vote of all the Alderpersons then holding office.
7. No application relating to the same property or district may be filed during the 12 months following a denial by the Urbana City Council.
8. A parcel can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic parcel vote in another proposed historic district.
9. An existing historic district may be expanded in the same manner in which a historic district is designated, except those parcels within the existing historic district that are restricted in accordance with Section XII-4.G.7, ~~above~~.

H. *Amendment of Designation.* Once a historic district designation has been made by the Preservation Commission or City Council, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation.

I. *Historic Districts*

1. *Joseph Royer Historic District: 801 W. Oregon and 701 S. Busey*
2. *Buena Vista Historic District: 1 thru 8 Buena Vista Court*
3. *Any others that may be designated*

## Section XII-5. Historic Landmarks

- A. *Historic Landmark Nomination.* Nominations shall be made to the Preservation Commission on a completed application form provided by the Preservation Commission. The Secretary or his/her designee shall not accept an application or filing fee until it is considered complete. The Secretary shall have five working days to review an application for completeness.
1. Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission.
  2. Owner approval shall not be required for historic landmark nomination or designation.
  3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
    - a) The name and address of the owner of record of each property proposed for designation;
    - b) A legal description, common street address, and tax parcel identification number of the property proposed for designation;
    - c) A map delineating the boundaries and location of the property proposed for designation;
    - d) A written statement describing the property and setting forth the reasons the landmark may be eligible for nomination, including a statement indicating which of the criteria in Section XII-5.C.1 are met by the nomination; and
    - e) An application fee as found in Chapter 14 of the Urbana City Code, as may be amended from time to time by the Urbana City Council.
- B. *Notice to Property Owners of Application.* Once an application for designation of a landmark is accepted, the Secretary or his/her designee shall notify the parcel owner(s) of the proposed landmark of the time and date of the Commission meeting where preliminary review of the application will occur. Such notification shall be given at least ten days in advance, by U.S. first-class postage prepaid mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the property owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
- C. *Criteria for Designation of a Landmark.* The Preservation Commission shall, upon such investigation as it deems necessary, make a preliminary determination as to whether or not a proposed landmark is eligible for designation.
1. *Landmark Criteria.* A proposed landmark must meet one or more of the following criteria for designation:
    - a) Significant value as part of the architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage of the nation, state, or community.
    - b) Associated with an important person or event in national, state or local history.
    - c) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous materials, while retaining ~~and which retains~~ a high degree of integrity.

- d) Notable work of a master builder, designer, architect or artist whose individual genius has influenced an area.
  - e) Identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.
  - f) Character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures with a high level of integrity or architectural significance.
  - g) Located in an area that has yielded, or may be likely to yield, information important in history or prehistory.
2. The Preservation Commission may find that portions of the nomination do not meet the criteria necessary for designation, in which case such portions shall not be further considered.
  3. The preliminary determination as to whether a proposed landmark meets one or more of the foregoing criteria shall be made by vote of the Preservation Commission within 35 days of the filing of an accepted application. The Secretary or his/her designee shall notify the applicant in writing of the preliminary determination for the nomination. The letter shall specify a date of said determination.
- D. *Notification of Public Hearing to Consider Landmark Designation.* The Preservation Commission shall commence a public hearing within 45 days following the date of the preliminary determination that a proposed landmark meets one or more of the criteria in Section XII-5.C.1 ~~herein~~. Within 15 days following the preliminary determination but not less than ten days before a public hearing on the proposal, the following forms of notice shall be made by U.S. first class mail postage pre-paid:
1. *Notice by mail.* The Secretary of the Preservation Commission shall mail a copy of the preliminary determination, the date of the public hearing, and a registered preference form to each of the owners of a proposed landmark. Notification shall be mailed to:
    - a) The address of the property affected;
    - b) The address of the person who last paid the general taxes on the property affected according to the records of the Champaign County Supervisor of Assessments;
    - c) The address, if any, shown on the last recorded deed directing where the tax bill should be sent; and
    - d) If the subject parcel is being purchased under contract for deed and a memorandum of such contract has been recorded with the Champaign County Recorder, then such contract buyers shall be notified at the address of the property affected.
  2. *Notice by Publication.* At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed landmark shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street address, if any, and, if available, the legal description of the property for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be in addition to the application fee and will be billed to the applicant.

3. *Notice by Sign.* The Department of Community Development Service shall make a good faith effort to post notice by sign in accordance with Section XI-10.C herein.

E. *Protests Against Designation of Historic Landmark*

1. *Protest from Subject Property Owner.* Individual parcel owner(s) may protest the nomination of their property as a historic landmark in the form of a signed Registered Preference. The Registered Preference must be signed by the requisite number of owners for such parcel as follows:
  - a) If a sole owner, then protest must be signed by the sole owner; or
  - b) If multiple owners, then the Registered Preference must be signed by the owners representing at least 50% of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take two of such joint owners to sign the protest for it to be valid.
  - c) If owned by a corporation or partnership, a signed resolution must accompany the Registered Preference.
2. Registered Preferences opposing the nomination of a historic landmark must be submitted to the Secretary of the Preservation Commission no less than two full working days prior to the scheduled Preservation Commission hearing on the subject property.

3. *Amendment to Nomination.* Once a landmark designation has been made by the Preservation Commission or City Council, said designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.

Comment [MHW2]: Moved from below

F. *Decisions on Landmark Designation*

1. Historic Preservation Commission Authority:
  - a) If the landmark designation application was submitted by the owner of the subject property, or submitted by someone other than the owner but agreed to by the owner by means of a signed Registered Preference form, the Historic Preservation Commission may approve or deny said application by a majority vote of the Commissioners then holding office. A decision shall be made within 60 days following the date of commencement of the public hearing.
  - b) If the landmark designation was submitted by someone other than the property owner and the owner has submitted a Registered Preference against the nomination, the Historic Preservation Commission shall recommend the Urbana City Council approve or deny said application by a majority vote of the Commissioners then holding office. Said recommendation shall be forwarded to the Urbana City Council within 60 days following the date of commencement of the public hearing. The Preservation Commission's recommendation shall be in writing and shall be accompanied by a report summarizing the evidence presented at the hearing and setting forth findings. Said recommendation shall then be forwarded to the Urbana City Council for consideration at the next City Council meeting.
  - c) The landmark parcel owners shall be notified by a letter containing a copy of the recommendation ~~either after 15 days after~~ of the Historic Preservation Commission decision ~~or 15 days~~ prior to the City Council meeting when designation will be considered.

Table XII-1: Project Level Of Review for Contributing Structures

Type of Project	Certificate of Appropriateness Review	
	No Review	Administrative (minor works) HP Commission
	(10 days)	(within 35 days)
Change in exterior paint schemes	X	
Repair of existing exterior architectural features	X	
Replacement of existing outside storage	X	
Landscaping	X	
Site repairs:		
walkways	X	
steps	X	
driveways	X	
Site modifications:		
storage sheds (less than 100 sq. ft.)	X	
air conditioners	X	
mechanical and electrical service equipment		X
Improvements, alterations, renovations not requiring a building permit (including but not limited to):		
screening		X
siding replacement		X
erection, alteration, or removal of access ramps or lifts		X
replacement of fences		X
application of same type of roofing materials		X
Installation of, or change in:		
storm doors and storm windows		X
screens		X
<u>fences</u>		X
Demolition		X
Construction		X
Change of (including but not limited to):		
brick walkway		X
colored, leaded or beveled glass		X
driveway		X
gutters		X
landscape wall		X
ornamentation		X
permanent sign		X
porch/deck/steps		X
roof		X
siding		X
shutters		X
doors and windows		X

*Certificate of Appropriateness (COA):* A certificate approving of plans for alteration, relocation, construction, removal, or demolition of either a designated landmark, or a building, structure or object within a designated historic district.

*Minor Works:* Repairs that do not require a building permit or exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole.

Table XII-2: Project Level Of Review For Non-Contributing Structures

Type of Project	Structures less than 50 years of Age at the time of designation			Structures more than 50 Years of Age at the time of designation		
	Certificate of Appropriateness Review			Certificate of Appropriateness Review		
	No Review	Administrative (minor works) (within 10 days)	HP Commission (within 35 days)	No Review	Administrative (minor works) (within 10 days)	HP Commission (within 35 days)
Change in exterior paint schemes	X			X		
Repair of existing exterior architectural features	X			X		
Replacement of existing outside storage	X			X		
Landscaping	X			X		
Site repairs:						
walkways	X			X		
steps	X			X		
driveways	X			X		
Site modifications:						
storage sheds (less than 100 sq. ft.)	X			X		
air conditioners	X			X		
mechanical and electrical service equipment	X			X		
Improvements, alterations, renovations not requiring a building permit (including but not limited to):						
screening	X			X		
siding replacement	X			X		
erection, alteration, or removal of access ramps	X			X		
replacement of fences		X			X	
application of same type of roofing materials	X			X		
Installation of, or change in:						
storm doors and storm windows	X				X	
screens	X			X		
fences		X			X	
Demolition			X			X
Construction			X			X
Change of (including but not limited to):						
brick walkway	X				X	
colored, leaded or beveled glass	X				X	
driveway		X			X	
gutters	X			X		
landscape wall		X			X	
ornamentation		X				X
permanent sign		X			X	
porch/deck/steps		X			X	
roof		X				X
siding		X			X	
shutters	X				X	
doors and windows		X			X	

~~Certificate of Appropriateness (COA): –A certificate approving of plans for alteration, relocation, construction, removal–~~

~~or demolition of either a designated landmark, or a building, structure or object within a designated historic district.–~~

~~Minor Works: –Repairs that do not require a building permit or exterior changes that do not involve substantial alterations,–~~

~~additions, or removals that could impair the integrity of the property and/or the district as a whole.–~~

These definitions are already in Section XII-2.

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

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

2. *City Council Authority*

- a) If the landmark designation application was submitted by someone other than the owner of the subject property and the owner has submitted a Registered Preference against the nomination, the Urbana City Council shall approve or deny said application by enacting an ordinance in accordance with the voting requirements of a two thirds majority vote of all the Alderpersons then holding office.
- b) No application relating to the same property may be filed during the 12 months following such a denial by the Urbana City Council.

G. ~~*Amendment to Nomination.* – Once a landmark designation has been made by the Preservation Commission or City Council, said designation may be amended or rescinded by the same procedure and according to the same criteria set forth herein for designation.~~

H. *Historic Landmarks*

- 1. Tiernan's Block/Masonic Temple: 115 W. Main Street
- 2. The Lindley House: 312 W. Green Street
- 3. The Gothic Revival Cottage: 108 N. Webber Street
- 4. Busey's Hall/Princess Theater: 120 thru 124 W. Main Street
- 5. Ricker House: 612 W. Green Street
- 6. Any others that may be designated

**Section XII-6. Certificate of Appropriateness Review**

A. *Scope of Certificate of Appropriateness.* A Certificate of Appropriateness is required for any alteration, relocation, construction, removal or demolition that affects the exterior architectural appearance of any landmark or any building, structure, site or object within a historic district regardless of whether a building permit is required for such action. Contributing and noncontributing properties will be subject to the level of review found in Table XII-1 and Table XII-2. In accordance with Table XII-1 and Table XII-2, those activities or projects listed under "no review" shall not require a Certificate of Appropriateness. In the event that a proposed activity or project is considered a minor work, the Zoning Administrator together with the Chair or Vice Chair is authorized to issue a Certificate of Appropriateness on behalf of the Preservation Commission. Those projects or activities not considered minor works would be subject to review by the Preservation Commission. The Certificate of Appropriateness review shall be required for activities once a preliminary determination is made that a parcel or district will be considered by the Preservation Commission.



B. *Review Criteria for Certificate of Appropriateness*

1. In making a determination whether to issue or deny a Certificate of Appropriateness, if the proposed activities cannot be considered “minor works” as identified in Table XII-1 and Table XII-2, the Preservation Commission shall consider, among other things, the effect of the proposed alteration, relocation, construction, removal or demolition upon the exterior architectural features and upon the historic value, characteristics and significance of the landmark or of the historic district.

2. The criteria to be used by the Preservation Commission in making its determination shall include, but not be limited to:

The maintenance of the significant original qualities or character of the buildings, structures, sites or objects including, if significant, its appurtenances. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.

The compatibility of proposed new additions and new construction to the original architecture or the landmark or styles within the historic district shall be evaluated against the following general guidelines:

- a) *Height*: The height of the proposed building or structure or additions or alterations should be compatible with surrounding buildings or structures.
  - b) *Proportions of structure’s front façade*: The proportion between the width and height of the proposed building or structure should be compatible with nearby buildings or structures.
  - c) *Proportions of openings into the facility*: The proportions and relationships between doors and windows should be compatible with existing buildings and structures.
  - d) *Relationship of building masses and spaces*: The relationship of a building or structure to the open space between it and adjoining buildings or structures should be compatible.
  - e) *Roof shapes*: The design of the roof should be compatible with that of adjoining buildings and structures.
  - f) *Appurtenances*: Use of appurtenances should be sensitive to the individual building or structure, its occupants and their needs.
  - g) *Scale of building or structure*: The scale of the building or structure should be compatible with that of surrounding buildings or structures.
  - h) *Directional expression of front elevation*: Street façades should blend in with other buildings and structures with regard to directional expression when adjacent buildings or structures have a dominant horizontal or vertical expression.
3. The Secretary of the Interior’s “Standards for Historic Preservation Projects,” as revised from time to time, as follows:
    - a) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment.

- b) The distinguishing historic qualities or character of a building, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- c) All buildings, structures, sites and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- d) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site or object and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- e) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, site or object shall be treated with sensitivity.
- f) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, sites or objects.
- g) The surface cleaning of buildings, structures, sites or objects shall be undertaken utilizing the gentlest means possible. Sandblasting and other cleaning methods that may damage the historic building materials shall not be undertaken.
- h) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- j) Wherever possible, new additions or alterations to buildings or structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would remain unimpaired.

C. *Review Process for Certificate of Appropriateness*

1. Any application for a building permit, including plans and specifications when required by the building permit, for designated landmarks or for buildings, structures, sites or objects within designated historic districts, shall be sent by the Building Safety Division to the Zoning Administrator and Chair within ten working days of receipt of the building permit application by the Building Safety Division. The building permit application shall be considered the application for Certificate of Appropriateness unless the applicant completes a separate application for Certificate of Appropriateness. Applications that are not part of a building permit application shall be submitted to the Zoning Administrator. Application forms for Certificate of Appropriateness shall be available from the Department of Community Development Services.

2. The Zoning Administrator and Chair, upon receipt of the completed application, shall determine whether the proposed activity requires a Certificate of Appropriateness. A determination by either the Zoning Administrator or Chair that the proposed activity requires a Certificate of Appropriateness shall cause a continuation of the review process. A determination by both the Zoning Administrator and Chair that the proposed activity does not require a Certificate of Appropriateness shall halt the review process. Written notification of such decision shall be forwarded to the applicant, the Building Safety Manager and the Preservation Commission within ten days of receipt of the application.
3. If the Zoning Administrator and Chair determine that the proposed activity requires a Certificate of Appropriateness, the Zoning Administrator and Chair shall then determine whether or not the proposed activity constitutes a minor work as defined in this Article. If both the Zoning Administrator and Chair determine that the activity constitutes a minor work and conforms to the criteria for a Certificate of Appropriateness, the Zoning Administrator and Chair shall approve the application. Written notification of such decision shall be forwarded to the applicant, the Building Safety Manager and the Preservation Commission within ten days of receipt of the application. If either the Zoning Administrator or the Chair determines that the activity does not conform to the criteria for a Certificate of Appropriateness or does not constitute a minor work, then application for Certificate of Appropriateness shall be forwarded to the Preservation Commission for review within 35 days of receipt of the application.

Within 35 days of receipt of the application for Certificate of Appropriateness or Certificate of Economic Hardship, the Preservation Commission shall schedule a public hearing for consideration of the application. The Department of Community Development Services shall make a good faith effort to post notice by sign in accordance with Section XI-10.C herein.

4. If the Preservation Commission determines that the work proposed in the application is consistent with the review criteria in Section XII-6.C ~~XII-6(e)~~ with or without certain conditions, they may approve a Certificate of Appropriateness with or without conditions by means of a resolution to be passed by a majority vote of those Commissioners currently holding office. Copies of the resolution shall be sent to the owner(s) of record, the Building Safety Division, and the Urbana City Council.
5. If the Preservation Commission finds that the proposed work is not consistent with the review criteria listed in Section XII-6.C ~~XII-6(e)~~, it shall disapprove the application by resolution passed by a majority vote of those Commissioners currently holding office and shall so advise the applicant and the Building Safety Division in writing within 10 days following this decision, and in accordance to the following:
  - a) The Preservation Commission shall state briefly its reasons for denial in writing and may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, scale, material, color of material, location or other elements of appearance of the buildings, structures, sites or objects involved. The Secretary shall forward recommendations by the Preservation Commission to the Building Safety Manager and the applicant in those cases where a building permit is required.
  - b) In cases of denial accompanied by recommendation, the applicant may amend the application and be heard again before the Preservation Commission, if within 60 days of the date of receipt of notice of disapproval of the application the applicant amends the application to conform to the recommendations. The applicant shall be heard at the next regular meeting of the Preservation Commission after receipt of the amended application and the reservation Commission shall approve or disapprove the amended application by resolution passed by a majority vote of those Commissioners currently holding office.

D. *Certificate of Economic Hardship*

1. Notwithstanding any of the provisions of this Article to the contrary, the Preservation Commission may consider issuance of a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.
2. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Preservation Commission in making a determination on the application:
  - a) The amount paid for the property, the date of purchase and identification of the party from whom the property was purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
  - b) The assessed value of the land and improvements thereon according to the two most recent assessments.
  - c) Real estate taxes paid for the previous two years.
  - d) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
  - e) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
  - f) Any listing of the property for sale or rent, price asked and offers received, if any.
  - g) Any consideration given by the owner as to profitable adaptive uses for the property.
  - h) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any during the same period.
  - i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
  - j) The cost of the proposed work and the cost of alternatives.
  - k) Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, as may be reasonably necessary for a determination as to whether the property can be reasonably used to yield a reasonable return to present or future owners.
3. If the Preservation Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 90 days. During this period of delay, the Preservation Commission shall consider alternative proposals to allow for a reasonable beneficial use or a reasonable economic return for the property, or to otherwise preserve the subject property.
4. If by the end of this 90 day period, the Preservation Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Preservation Commission shall

issue a Certificate of Economic Hardship approving the proposed work. The Preservation Commission's failure to grant the Certificate of Economic Hardship shall be deemed to be a denial of the application.

*E. Appeal of Certificate of Appropriateness or Certificate of Economic Hardship*

1. When a Certificate of Appropriateness or a Certificate of Economic Hardship is approved or denied for either a landmark or a building, structure, site or object within a historic district, the applicant or any property owner within the district or any person with financial interest in the property may, within 30 days of the final action by the Preservation Commission, appeal the Preservation Commission's decision to the City Council.
2. Notification of appeal shall be given in accordance with Section XI-10 of this Ordinance.
3. The City Council may affirm or revise the decision by a majority vote of the Council members currently holding office after due consideration of the facts contained in the record submitted to the Council by the Preservation Commission. The Council may overturn the Preservation Commission's decision by a majority vote of the Council members currently holding office.
4. If the Council decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant and the Building Safety Division within seven days of the Council's decision and the Building Safety Division then shall begin review of the permit within 15 days.
5. If the Council concurs with the Preservation Commission's decision not to issue a Certificate of Appropriateness or a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Building Safety Division of this decision within seven days.

*F. Special Emergency and Life Safety Circumstances*

1. If emergency circumstances affect a landmark or a building, structure, site or object within a historic district in a way that requires immediate relief, repair or demolition, the Urbana Fire Chief or Building Safety Division Manager shall certify that such conditions exist and said conditions shall be eliminated as quickly as is practicable. Emergencies are defined as life or health-threatening conditions requiring immediate attention.
2. In a non-emergency circumstance, where the Urbana Fire Chief or Building Safety Division Manager shall require exterior alterations in an existing use to conform to life safety or other codes, a Certificate of Appropriateness shall be required. In the event that irreconcilable conflicts arise between such codes and this Article, the Preservation Commission shall grant permission to conform to those codes even if a Certificate of Appropriateness would not otherwise be issued.

**Section XII-7. Affirmation of Existing Zoning**

This Article does not modify or negate the existing zoning of any property in the City of Urbana. Furthermore, nothing contained in this Article relieves any person of the duty of complying with all other statutes, laws, ordinances and regulations. Nor is anything in this Article XII intended to amend the powers of any other regulatory body of the City.

## Section XII-8. Building Permits Previously Issued

The provisions of this Article shall not apply to a structure for which a building permit has been applied for, or issued, prior to the date the Secretary of the Commission receives a nomination for a landmark or historic district designation pertaining to said structure. Such exemption shall remain in force until the date that a certificate of occupancy is issued for said building permit.

## Section XII-9. Penalties

- A. Any person, firm or corporation who alters, demolishes, repairs or relocates any landmark or any building, structure, site or object within a historic district without complying with the provisions of this Article shall be required to restore the building, structure, site or object to its appearance prior to the violation. Any action to enforce this section shall be brought by the City Attorney, his designee or by designated representatives of the Department of Community Development Services. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.
- B. Any person, firm or corporation knowingly violating this article of this ordinance, upon conviction, shall be fined not less than \$50 nor more than \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 2005-01-010, 01/28/05)

## Appendix A

### Section XII-10. National Register of Historic Places

**Comment [MHW3]:** Reformatted this section from an appendix to a formal section

- A. *Criteria for Evaluation.* The Preservation Commission shall use the guidelines of the National Register for Historic Places for evaluating potential sites for National Register nomination.
- B. The following criteria are designed to guide the states, federal agencies and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and national historic landmarks) for the National Register:
  - 1. The quality of significance in American history, architecture, archeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and
  - 2. That are associated with events that have made a significant contribution to the board patterns or our history; or
  - 3. That are associated with the lives of persons significant in our past; or
  - 4. That embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - 5. That has yielded, or may be likely to yield, information important in prehistory or history.
- C. Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and

properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
3. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived; or
6. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
7. A property achieving significance within the past 50 years if it is of exceptional importance. (Ord. No. 9798-112, 06-06-98)

## ARTICLE XIII. Special Development Provisions

**Comment [MHW1]:** I'm sure there is a better title. Unless noted below, this article includes existing sections that were not modified.

### Section XIII-1. Telecommunications Facilities, Towers and Antennas

#### Section XIII-2. Mobile Home Parks

#### Section XIII-3. Planned Unit Developments

#### Section XIII-4. Special Procedures in the Boneyard Creek District

### Section XIII-1. Telecommunications Facilities, Towers and Antennas

#### A. Telecommunications Definitions

~~Abandonment:~~ (as applied to Section XIII-1. ~~Telecommunications Facilities, Towers, and Antennas~~) (1) to cease operation for a period of 60 or more consecutive days; or (2) to reduce the effective radiated power of an antenna by 75% for 60 or more consecutive days; or (3) to relocate an antenna at a point less than 80% of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by 75% for 60 or more consecutive days. (Ord. No. 9798-44, 9-15-97)

*Alternative Tower Structure:* Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (Ord. No. 9798-44, 9-15-97)

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

*Antenna Height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Ord. No. 9798-44, 9-15-97)

*Antenna Support Structure:* Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio, telephonic, or television signals. (Ord. No. 9798-44, 9-15-97)

~~Applicant (as it applies to telecommunications structure):~~ Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City. (Ord. No. 9798-44, 9-15-97) (Ord. No. 1999-06-045, 06-11-99)



**Backhaul Network:** Lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network. (Ord. No. 9798-44, 9-15-97)

**Camouflaged:** A personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, new structure, tower, or mount within trees so as to be significantly screened from view. (Ord. No. 9798-44, 9-15-97)

**COW:** "Cell on Wheels." (Ord. No. 9798-44, 9-15-97)

**Cell Site or Site:** A tract or parcel of land that contains telecommunications service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications services. (Ord. No. 9798-44, 9-15-97)

**Collocation:** The use of a personal wireless service facility or cell site by more than one personal wireless service provider. (Ord. No. 9798-44, 9-15-97)

**EIA:** The Electronics Industry Association. (Ord. No. 9798-44, 9-15-97)

**Modification:** The significant changing of any portion of personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design or height or placement of antenna on an antenna support structure. (Ord. No. 9798-44, 9-15-97)

**Mount:** The structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts: (i) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building. (ii) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower. (iii) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges. (Ord. No. 9798-44, 9-15-97)

**Personal Wireless Service, Personal Wireless Service Facilities, and Facilities** used in this Title, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services. (Ord. No. 9798-44, 9-15-97)

**Pre-Existing Towers and Pre-Existing Antennas:** Any tower or antenna for which a building permit or special use permit has been properly issued or is considered legally nonconforming prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. (Ord. No. 9798-44, 9-15-97)

**Residential Zoning Districts:** The AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, MOR, B-1 and B-2 Zoning Districts for the purposes of enforcing Section XIII ~~entitled "Telecommunications Facilities, Towers and Antennas."~~ (Ord. No. 9798-44, 9-15-97)

**Security Barrier:** A wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass. (Ord. No. 9798-44, 9-15-97)

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

*Tower Height.* When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. (Ord. No. 9798-44, 9-15-97)

*Unlicensed Wireless Services.* Commercial mobile services that operate on public frequencies and do not need a FCC license. (Ord. No. 9798-44, 9-15-97)

B. *Purpose.* The purpose of this ordinance is to establish general guidelines for the siting of wireless communications, radio and television towers, and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety with respect to communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Urbana shall give due consideration to the City of Urbana's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

C. *Applicability.*

1. *New Towers and Antennas.* All new towers or antennas in the City of Urbana will be subject to these regulations, except as provided in this Article.
2. *Pre-existing Towers or Antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than those which specifically apply to pre-existing towers or antennas.

D. *Exemptions.* The following are considered exempt telecommunications facilities and are not governed by this Section:

1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding 25 feet;
2. A ground or building mounted citizens band radio antenna including any mast, if the permanent height (post and antenna) does not exceed 35 feet;

3. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed 50 feet;
4. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance;
5. Mobile services providing public information coverage of news events of a temporary nature;
6. Hand held devices such as walkie-talkies, garage door openers, and similar devices as determined by the Zoning Administrator;
7. City government owned and operated receive and/or transmit telemetry station antennas for supervisor control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations, and/or irrigation systems with heights not exceeding 35 feet;
8. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission;
9. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale;
10. Radar systems for military and civilian communication;
11. Wireless radio utilized for temporary emergency communications in the event of disaster;
12. Licensed amateur (ham) radio facilities as provided herein;
13. Satellite dish antennas less than one meter in diameter for residential uses and less than two meters in diameter for commercial or industrial uses, including direct to home satellite services, when used as an accessory use of the property;
14. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennas, towers, or buildings) provided that compliance with the standards of this ordinance are maintained;
15. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity;
16. A "Cell on Wheels" (COW) or other temporary Personal Wireless Telecommunications Facility shall be permitted for a maximum of 30 days or during an emergency declared by the City.

E. General Requirements.

1. *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Subdivision regulations will not apply. The lease shall be created by a plat of survey to accompany permit applications.
2. *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot unless there are unusual geographic or public health, safety, and welfare or other public policy considerations. A plat of survey shall accompany any permit application.
3. *Inventory of Existing Sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Administrator or his or her designee an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Urbana or within one and one half mile of the boundary thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator or his or her designee may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Urbana, provided, however, that the Zoning Administrator or his or her designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Recognition of Industry Site Selection Criteria: In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. The City recognizes that specific locations within that general area are evaluated by the industry providers using the following criteria which are not listed in order of priority:
  - a. Topography as it relates to line of sight transmissions for optimum efficiency.
  - b. Availability of road access.
  - c. Availability of electric power.
  - d. Availability of land-based telephone lines or microwave link capability.
  - e. Leasable lands, and landlords who desire facilities to be located on their properties consistent with zoning regulations.
  - f. Screening potential of existing vegetation, structures, and topographic features.
  - g. Zoning that will allow low power mobile radio service facilities.
  - h. Compatibility with adjacent land uses.
  - i. The minimum number of sites to cover the desired area.

- j. The greatest amount of coverage, consistent with physical requirements.
  - k. Opportunities to mitigate possible visual impact.
  - l. Availability of suitable existing structures for antenna mounting.
5. *Setbacks.* The following setback requirements shall apply to all towers, provided, however, that the Zoning Administrator (in the case of administrative approval) or the City Council (in the case of a special use approval) may approve a reduction of the standard setback if the goals of this Ordinance would be better served thereby. Setback distance requirements will include right-of-way widths, if applicable.
- a. Guys wires and accessory buildings in all zoning districts must satisfy the minimum zoning district setback requirements for principal buildings, including average front yard setbacks, for the entire parcel, even if a portion of the parcel is being leased for the tower, unless there are unusual geographic or public health, safety and welfare or other public policy considerations.
  - b. Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless here are unusual geographic or public health, safety, and welfare or other public policy considerations.
  - c. Towers in the IN district must satisfy the setback requirements of the IN zoning district for principal buildings except that a tower shall not be placed closer than one hundred percent (100%) of its height from any residential zoned land or land use building set back line.
  - d. Towers in the B-3, B-3U, or MIC districts shall satisfy the setback requirements of that district for principal buildings except that no tower shall be placed closer than 150% of its height from any residential zoned lot or land use building set back line.
6. *Height Limitations.* Towers in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, or MOR districts shall be restricted to 50 feet in height unless said height limitation is varied by the Zoning Administrator (in the case of an administratively approved permit) or the City Council (in the case of an approved special use permit) to allow co-location or if the goals of this Ordinance would be better served thereby.
7. *Separation Distances Between Towers.* If an applicant requests a permit for a new tower within 1,500 feet of an existing tower, the applicant must provide evidence that the existing tower cannot accommodate the new antenna requested.
8. *Radio and Television Towers and Stations in the B-4 Zoning District:* Minimum lot size are applicable to freestanding towers and stations, but not to those within buildings of other uses. ~~For~~ Any radio or television tower or antenna which requires an obstruction notice to the Federal Aeronautics Administration (FAA) under the requirements of the Federal Aviation Regulations, the findings of the FAA, if any, shall be made part of an application for a special use ~~permit~~. The Plan Commission and City Council shall consider any findings of the FAA in determining whether a tower constitutes a hazard to aviation or the flight operations of any airport. (Ord. No. 1999-06-045, 06-22-99)

- F. *Location Preference.* The order of preference for locating new personal wireless service facilities shall be as follows:
1. *First Preference.* Use of such facilities by the City of Urbana and placement of antennas and towers on property owned by the City of Urbana and which comply with the requirements of this Article including:
    - a. The facilities will not interfere with the purpose for which the City-owned property is intended;
    - b. The facilities will have no significant adverse impact on surrounding private property;
    - c. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
    - d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of removing the facilities;
    - e. The antennas or tower will not interfere with other users who have a higher priority as discussed in this Article;
    - f. Unless otherwise agreed, the applicant must agree that upon the occurrence of issues affecting public health, safety, or welfare, and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;
    - g. The applicant must reimburse the City for any related costs, such as attorney expenses, which the City incurs because of the presence of the applicant's facilities;
    - h. The applicant must obtain all necessary land use approvals; and
    - i. The applicant must cooperate with the City's objective to promote collocations and thus limit the number of cell sites requested, or camouflage the site.
  2. *Second Preference Location – Other Public Agencies.* The order of preference after City usage shall be as follows:
    - a. Public safety agencies, including law enforcement, fire; and ambulance services, which are not part of the City and private entities with a public safety agreement with the City;
    - b. Other governmental agencies, for uses which are not related to public safety except parks and schools;
    - c. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), radio and television services, specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.

3. *Other Preference Locations.* The order of preference after placement on publicly-owned property shall be as follows:
  - a. Place antennas on appropriate rights of ways and existing structures, such as buildings, towers, water towers, and smokestacks;
  - b. Place antennas and towers in districts zoned IN Industrial, if towers are greater than 250 feet from residential land use or zoning;
  - c. Place antennas and towers in districts zoned OP Office Park or B-3 General Business which do not adjoin or adversely impact residential neighborhoods and are greater than 250 feet from residential land use or zoning;
  - d. Place antennas and towers on other non-residential property;
  - e. Place antenna and towers in B-4 Central Business District or the Medical Institutional Campus MIC zoned areas if on existing structures or buildings greater than 35 feet in height;
  - f. Place antennas on multi-family residential structures which exceed 35 feet in height and are located in the R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, R-7 University Residential, B-3 General Business, or B-4 Central Business zoning districts;
  - g. Place antennas and towers in R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Medium Density Multiple Family, R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, and R-7 University Residential zones only If (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, utility facilities, or other appropriate public facilities, excluding medians in the right-of-ways.
  
4. *Application Requirements.* The following requirements shall also apply for all applications:
  - a) An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.
  - b) Applicants are required to demonstrate by providing proof of certified mailings or other reasonable means: (i) that they have contacted the owners of reasonably suitable structures which are ten feet less than the design height of the tower within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.
  - c) The information submitted by the applicant shall include: (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty-five feet (35') within one-quarter mile of the

proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

G. *Site Selection Criteria.*

1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate by engineering certification that the height requested is the minimum height necessary to fulfill the site's function so that sufficient height will be included for collocation of one other provider.
2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.
3. Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
4. In all zoning districts, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district. In all zoning districts, towers shall be significantly screened by placing them among existing trees to the extent that it does not result in significant signal degradation.

H. *Aesthetics.* Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color or such shades as are appropriate and compatible with the surrounding environment, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, be screened with live plantings and include evergreen vegetation with a minimum height of six feet, at the time of planting, placed densely as to form a screen, subject to the City Arborist's approval and sufficient to reduce the visual obtrusiveness of said structures. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Fencing for equipment enclosures must be of residential quality such as wood privacy fencing or if chain-link is used, must be screened with evergreen vegetation that will reach a height of six feet within one year of its planting.



- I. *Lighting.* Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- J. *State or Federal Requirements.* All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- K. *Building Codes: Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Building Codes, as amended from time to time, whichever is more stringent. If, upon inspection, the City of Urbana concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- L. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Urbana irrespective of municipal and county jurisdictional boundaries.
- M. *Essential Services.* Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be requested or permitted as essential services, public utilities, or private utilities.
- N. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Urbana have been obtained and shall file a copy of all required franchises with the Zoning Administrator or his or her designee.
- O. *Signs.* No signs shall be allowed on an antenna, tower, or equipment enclosures other than identification signs not exceeding one square foot in area.
- P. *Building and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Article and applicable Building Codes.
- Q. *Administratively Approved Uses*
  - 1. *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.
    - a) The Zoning Administrator or his or her designee may administratively approve the uses as provided in this Article.

- b) Each applicant for administrative approval shall apply to the Zoning Administrator or his or her designee providing the information required in this Article and a nonrefundable fee as established by ordinance of City Council to reimburse the City or Urbana for the costs of reviewing the application.
  - c) The Zoning Administrator or his or her designee shall review the application for administrative approval and determine if the proposed use complies with the terms of this Article.
  - d) The Zoning Administrator or his or her designee shall respond to each such complete application within 30 days after receiving it by either approving or denying the application. If the Zoning Administrator or his or her designee fails to respond to the applicant within said 30 days, then the application shall be deemed approved.
  - e) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances between towers by up to 50%.
  - f) In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - g) If an administrative approval is denied, the applicant may file an appeal to the Zoning Board of Appeals as provided for in the Urbana Zoning Ordinance.
2. *List of Administratively Approved Uses.* The Zoning Administrator, or his or her designee, may approve the following uses after conducting an administrative review:
- a) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Urbana, greater than 250 feet from any residential zoning district or land use, provided a license or lease authorizing such antenna or tower has been approved by the City or Urbana and provided there is compliance with this article.
  - b) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the IN, Industrial or B-3, General Business or OP, Office Park zoning districts and greater than 250 feet from any residential zoning district or land use.
  - c) Locating antennas on existing structures or towers consistent Section XIII-1.Q.3.(d) ~~with the terms of subsection (1) below:~~
3. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator or his or her designee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, greater than 35 feet provided:
- a) The antenna does not extend more than 35 feet above the highest point of the structure;

- b) The antenna complies with all applicable Federal Communications Commission and Federal Aviation Administration regulations; and
- c) The antenna complies with all applicable Building Codes.
- d) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator or his or her designee and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
  - (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator or his or her designee allows reconstruction as a monopole.
  - (2) Height.
    - (A) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
    - (B) The height change referred to herein may only occur one time per communication tower.
    - (C) The additional height referred to herein shall not require an additional distance separation as set forth herein. The tower's pre-modification height shall be used to calculate such distance separations.
  - (3) On-site location.
    - (A) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
    - (B) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
    - (C) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers as provided herein. The relocation of a tower hereunder shall in no way be deemed to cause a separation distance.
    - (D) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned property shall only be permitted with approval by the Zoning Administrator or his or her designee.
- e) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers with antennas which are no more than 24 inches in height attached to poles, light standards, existing wireline systems, such as conventional cable or telephone systems, or similar technology that does not require the use of towers.

R. *Special Use Permits.*

1. Uses Requiring Special Use Permit.

- a) Antennas with towers on City-owned and controlled property if tower location is less than 250 feet from residential land use or zoning.
- b) Antennas with towers in any Zoning District, except R-6B, B-3, B-3U, or IN. AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts.
- c) Antennas with towers in the IN Industrial, B-3 General Business, and OP Office Park Zoning Districts if towers are less than 250 feet from residential land use or zoning.
- d) Equipment enclosures in any Zoning District, except R-6B, B-3, B-3U, or IN the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts, which are not located on an existing structure as allowed herein and if the enclosure is less than one hundred feet (100 feet) from residential zoning or land use. Special use permits may be granted for equipment enclosures as part of a special use permit allowing a tower.

Comment [MHW2]: Clarification for zoning purposes

Comment [MHW3]: Clarification for zoning purposes

2. The following provisions shall govern the recommendations of the Plan Commission and the issuance of special use permits for towers or antennas by the Urbana City Council:

- a) If the tower or antenna is not a permitted use under this Article or permitted to be approved administratively pursuant to this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- b) Applications for special use permits under this Article shall be subject to the procedures and requirements of Article VII of the Zoning Ordinance, except as modified in the Article.
- c) In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a structural engineer licensed by the State of Illinois.
- e) An applicant for a special use permit shall submit the information required herein and a non-refundable fee as established by ordinance of the City Council to reimburse the City of Urbana for the costs of reviewing the application.
- f) *Residential District Term Limitations.* Every ordinance granting approval of a special use permit for a personal wireless services antenna or antenna support structure in a residential district may provide that:
  - (1) Where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and

- (2) The Special Use shall be subject to review by the City Council, at ~~five~~(5) year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the Special Use at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change.

### 3. Towers

- a) *Required Submittals.* In addition to any information required for applications for special use permits pursuant to Article VII of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:
  - (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in this Article, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or his or her designee to be necessary to assess compliance with this ordinance.
  - (2) Legal description of the parent tract and leased parcel or subdivision or survey plat (if applicable).
  - (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  - (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to this Article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - (5) A landscape plan showing specific landscape materials.
  - (6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
  - (7) A description of compliance with this Article and all applicable federal, state, or local laws.
  - (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(11) A description of the feasible location(s) of future towers or antennas within the City of Urbana based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. *Factors Considered in Granting Special Use Permits for Towers.* In addition to any standards for consideration of special use permit applications pursuant to Article VII of the Zoning Ordinance, the Plan Commission and City Council shall consider the following factors when recommending that the City Council waive or reduce the burden on the applicant of one or more of these criteria if the Plan Commission concludes that the goals of this ordinance are better served thereby:

- a) Height of the proposed tower;
- b) Proximity of the tower to residential structures and residential district boundaries;
- c) Nature of uses on adjacent and nearby properties;
- d) Surrounding topography;
- e) Surrounding tree coverage and foliage;
- f) Proposed ingress and egress; and
- g) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Article.

5. *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission and City Council that no existing tower, structure, or alternative technology exists that does not require the use of towers or structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.
6. *Security Fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Plan Commission may recommend or the City Council may waive such requirements, as it deems appropriate.
7. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided however, that the Plan Commission may recommend or the City Council may waive such requirements if the goals of this ordinance would be better served thereby.
- a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
  - b) In locations where the visual impact of the tower would be minimal, the Plan Commission may recommend and the City Council may waive the landscaping requirement.
  - c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a be sufficient buffer.

S. *Equipment Enclosures, Buildings, or Other Equipment Storage.*

1. *Antennas Mounted on Structures or Rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following unless there are public health, safety, and welfare or other public policy considerations:
- a) The cabinet or structure shall not contain more than 240 square feet of gross floor area or be more than twelve feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related equipment structure, if over 350 feet square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25% of the roof area and shall be architecturally compatible with the existing structure.
  - c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

- d) Providers will submit certification of a structural engineer licensed by the State of Illinois that the building can safely support the equipment cabinet.
2. *Antennas Mounted on Utility Poles or Light Poles.* Where antennas are greater than 24 inches in height and located in the public right-of-way or where towers will be located in the public right-of-way, the equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- a) The equipment cabinet or structure must meet the setback requirements of a principal structure, except that the Zoning Administrator (for administratively approved locations) or the City Council (for special use permits) may vary this requirement if it is deemed to be technically infeasible.
  - b) *Antennas Located on Towers.* The related equipment enclosure shall not contain more than 350 square feet of gross floor area or be more than 15 feet in height, and shall be located in accordance with the minimum requirements of the zoning district in which they are located. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
  - c) *Modification of Building Size Requirements.* The requirements herein may also be modified by the Zoning Administrator or his or her designee in the case of administratively approved uses or recommended by the Plan Commission and approved by City Council in the case of uses permitted by special use to encourage collocation.

T. *Removal of Abandoned Antennas and Towers*

- 1. *Removal of Abandoned Antennas and Towers.* Any antenna or tower that is abandoned as defined herein shall be removed within 180 days of receipt of notice from the City of Urbana notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 180 days shall be grounds for the city to cause removal of ~~remove~~ the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- 2. The Owner of any approved antenna or tower shall post a bond or other surety payable to the City of Urbana, equivalent to the cost of demolition or removal of the approved facility in the event said owner is unable or unwilling to remove an abandoned antenna or tower in conformance with the provisions hereof. The City of Urbana will have the right, at intervals no more often than every three years, to require that the bond amount be increased to reflect changes in the Chicago Metropolitan Area Consumer Price Index (all consumers) during the prior three year period.

U. *Nonconforming Uses*

- 1. *Not Expansion of Nonconforming Use.* Notwithstanding anything in this Article to the contrary, towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article, shall not be deemed to constitute the expansion of a nonconforming use or structure.



2. *Pre-existing Towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.
3. *Rebuilding Damaged or Destroyed Nonconforming Towers of Antennas.* Notwithstanding anything in this Article to the contrary, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in this Article. The type, height, and location of the on-site tower ~~on-site~~ and antennas thereon shall be of the same type and characteristics as the original facilities. Building permits to rebuild shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facilities are damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

## **Section XIII-2. Mobile Home Parks**

### *A. Mobile Home Park Definitions.*

1. *Mobile Home:* A movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components, for repeated towing. Removal of wheels, towing devices, or any other alteration does not qualify a mobile home as a conventional single-family dwelling unless such alterations enable the unit to meet the Building, Plumbing, and Electrical Ordinances of the City of Urbana.
2. *Mobile Home Park:* A contiguous parcel of land planned and improved for the placement of five or more mobile homes.
3. *Mobile Home Park Service Building:* A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for use by mobile home park occupants.
4. *Mobile Home Site:* A parcel of land clearly delineated on the mobile home park site plan, intended for the placement of an individual mobile home and for the exclusive use of its occupants.
5. *Mobile Home Stand:* That part of an individual mobile home site that has been constructed for the placement of a mobile home.

- B. Mobile home parks, containing mobile homes for residential purposes and the accessory facilities subordinate thereto, require the approval of a Special Use Permit subject to Sections VII-4 and VII-5. In addition, the following procedures and standards shall apply: ~~are a special use subject to the following procedures and standards:~~
- C. *Application Procedure.* It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a “mobile home park” shall be accomplished in accordance with the procedures indicated herein.
1. *Preliminary Conferences.* Prior to the preparation of formal application, the applicant should meet with the Secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.
  2. *Preliminary Development Plan Submission*
    - a) Twelve copies of a preliminary development plan, with supporting data, shall be submitted to the Secretary of the Urbana Plan Commission. One copy shall be returned to the petitioner after the Commission’s review.
    - b) The preliminary development plan must include, either in the form of drawings or written statements, all of the following information:
      - (1) The name, location or address, owner, and designer of the proposed development; it shall thereafter be the responsibility of the owner and operator of the mobile home park to notify in writing the Secretary of the Urbana Plan Commission of any change in their names and addresses;
      - (2) A legal description of the site proposed for development;
      - (3) Location of all property lines, existing streets, easements, utilities, and any other significant features;
      - (4) Date, north arrow, and graphic scale (not less than one inch equal to 100 feet) on all drawings submitted;
      - (5) Indication and location of existing conditions on the tract, including:
        - (A) Contour lines at a minimum of five-foot intervals;
        - (B) Watercourses and existing drainage facilities; and
        - (C) Existing structures, trees, and vegetation, with an indication of those that will be removed and those that will be retained as part of the development;

- (6) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities, and existing zoning;
  - (7) A site plan, indicating, among other things, the general location of the following:
    - (A) All buildings, structures, mobile home stands, and other improvements;
    - (B) Common open spaces;
    - (C) Off-street parking facilities and the number of spaces to be provided;
    - (D) Sidewalks;
    - (E) Illuminated areas;
    - (F) Use of open space being provided;
    - (G) Indication as to which streets will be public and which private;
    - (H) All utilities, including storm drainage, sanitary sewers, and water service; and
    - (I) Such other documents explaining unusual circumstances as the Plan Commission may require.
  - (8) Quantitative data indicating the following:
    - (A) Total number of mobile homes;
    - (B) Approximate gross density;
    - (C) Total amount of open space provided in the tract, as a percentage of the total site acreage, and in square feet or acres; and
    - (D) Such other calculations as the Plan Commission may require.
  - (9) A development schedule indicating:
    - (A) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - (B) The approximate dates when the development of each of the stages in the development will be completed; and
    - (C) The area and location of common open space that will be provided at each stage.
3. *Preliminary Development Plan Review.* Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the Chairman of the Plan Commission shall set a public hearing date in accordance with the

procedures for considering a special use. Within ~~60~~ 30 days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, shall continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council for consideration.

In formulating its recommendation, the Plan Commission shall consider whether the facts set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed mobile home park would be in harmony with the general purpose and intent of this Ordinance, and that the proposed use would not be unreasonably injurious or detrimental to the district in which it would be located, or to surrounding districts and uses, or otherwise injurious or detrimental to the public welfare. The Plan Commission may include with its recommendation such conditions and requirements as it considers appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

- a) Regulation of the location, extent, density, and intensity of the proposed mobile home park;
- b) Requirement of screening of the mobile home park by means of fences, walls, or vegetation;
- c) Stipulation of mobile home site and site development requirements;
- d) Regulation of vehicular access;
- e) ~~Require~~ Conformance to health, safety, and sanitation requirements, as necessary;
- f) Increasing the required yards; and
- g) Any other conditions deemed necessary to affect the purposes of this Ordinance.

4. *Preliminary Development Plan Approval*

- a) The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
- b) Approval by ordinance of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. Council approval of the preliminary development plan shall be valid for a period of 12 months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5,

below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.

- c) Procedures for protest of any proposed mobile home park are specified in Section XI-11 of this Ordinance. (Ord. No. 8788-28, § 5, 10-5-87)

5. *Final Development Plan Submission*

- a) Within 12 months following the passage of the ordinance approving the preliminary development plan by the City Council, the applicant shall file the final development plan in accordance with Section XI-7 of this Ordinance. ~~the procedure for filing zoning amendments~~. Five copies of the final development plan shall be filed, containing all data, information, and plans as required herein.

Comment [MHW4]: Clarification

- b) The final development plan shall include but not be limited to the following:

- (1) All the material required in the preliminary development plan submission;
- (2) An accurate legal description and property survey by a registered land surveyor, of the entire area included within the proposed mobile home park;
- (3) Delineation of the location of all mobile home stands to be constructed;
- (4) Pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the mobile home park development;
- (5) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
- (6) Accurate tabulations on the use of the area, including land area, number of mobile homes per acre, buildings and other community facilities, total common open space, and total number of parking spaces provided;
- (7) Any other plans or specifications which may be necessary for final engineering evaluation of drainage, street design, and other facilities deemed necessary by the City Engineer ~~or the Plan Commission~~.

- 6. *Final Development Plan Review*. Upon receipt of the final development mobile home park plan, the Plan Commission shall review the submitted documents and ascertain whether the final development plan substantially conforms to the regulations of this section, and is consistent with the approved preliminary development plan. Upon review of the final development plan, the Plan Commission shall forward to the City Council the final development plan and any necessary supporting information, along with its recommendation.

- 7. *Final Development Plan Approval and Recording*. The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and may vote whether or not to approve the final development plan ~~shall vote whether or not to approve the~~

~~plan.~~ In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance ~~paragraph VII-4-A(4)(c)~~ shall apply.

Upon approval by ordinance of the final development Plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically null and void ~~withdrawn and held for naught~~.

After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

8. *Combined Preliminary and Final Development Plan Review.* The applicant may submit a combined preliminary and final mobile home park plan to the City, in lieu of the procedure provided for above. Such submission shall include all of the material required for both the preliminary development plan submission and the final development plan submission. Upon receipt of the combined mobile home park application, the required material to be presented, and the payment of the applicable fee, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 30 days after the public hearing, the Plan Commission shall recommend approval or disapproval or, at the request of the applicant, continue discussion pertaining to the preliminary and final mobile home park plan. The preliminary and final mobile home park plan, the recommendations of the Plan Commission thereon, and any necessary supporting information shall be forwarded to the City Council.
9. *Combined Preliminary and Final Development Plan Approval.* The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. In approving a combined plan, the City Council may impose any conditions, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

In case of a written protest against the proposed plan, the provisions of ~~paragraph Section VII-4.A.(c)~~ shall apply. Upon approval by ordinance of the combined preliminary and final development plans by the City Council, the City Clerk, upon direction of the applicant and upon receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught. After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the mobile home park according to the approved plan. No construction shall begin

upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

D. *Development standards*

1. *General Provisions*

- a) No mobile home park shall be located in an area where the conditions of the soil, ground water level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.
- b) No mobile home park shall be located so that is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.
- c) Ingress and egress to a mobile home park shall be provided in such a manner as to facilitate access by emergency vehicles and shall be designed to provide efficient and safe traffic circulation both within and outside the mobile home park.
- d) No part of any mobile home park shall be used for nonresidential purposes, except customary accessory uses that are required to serve directly the mobile home park residents and for the maintenance of the mobile home park. No commercial mobile home sales shall be permitted in any mobile home park.

2. *Size and Density of Mobile Home Park.* No mobile home park shall contain an area of less than five acres or a density of more than eight mobile home sites for each gross acre of land, provided, however that mobile home parks in existence on February 5, 1973, which have a total area of less than five acres or a total density of more than eight mobile home sites for each gross acre of land may continue to operate, except as otherwise provided herein.

Existing mobile home parks may be altered to bring such parks into greater conformity with this Article. However, no additions or alterations may be made to any existing mobile home park unless such addition or alteration is in conformity with this Article, and unless the total area of the mobile home park, including such additions or alterations, consists of at least three acres.

3. *Required Yards and Screening for Mobile Home Park Exterior Boundary*

- a) All mobile home stands shall maintain a setback of no less than 45 feet from the right-of-way line of Interstate, United States or State of Illinois highways, and a setback of no less than 35 feet from the right-of-way line of any other highway or street which borders the mobile home park.
- b) There shall be minimum side and rear yards of 15 feet, measured from the mobile home, except where Section XIII-4.B.3 paragraph a), above, is applicable.
- c) All mobile home park boundaries adjacent to existing residential development shall be provided with a six foot high fence of sufficient density to limit substantially the view from outside the mobile home park of any mobile homes, accessory structures, and other uses placed in the mobile home park. All other boundaries shall be provided with screen planting, which is estimated by the Zoning Administrator to reach a height of eight feet after three

years, and is estimated to have sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park. However, if residential development amounting to three or more dwelling units occurs within 250 feet of the boundary of the park within the three-year time limit mentioned above, a fence six feet high and of sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park shall be placed by the mobile home park owner or developer along the boundary where such residential development occurs. All fences or screen plantings shall be continually maintained to meet the requirements of this section. Under unusual circumstances, the Plan Commission may recommend that all or portions of these screening requirements be waived.

4. *Required Recreation Space.* Not less than 10% of the gross site area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be conveniently located on the site and readily accessible to all mobile home occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and administrative offices). Single parcels of outdoor recreation space containing less than 6,000 square feet, or with a minimum average width of less than 30 feet shall not be included as meeting the 10% requirements stated above, but are not otherwise restricted.
5. *Mobile Home Site Requirements*
  - a) The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be 15 feet. If parking is provided on the street adjacent to the mobile home, a minimum distance of ten feet from the parking area shall be provided.
  - b) There shall be a rear yard provided for each mobile home of at least ten feet. The rear yard is the yard farthest from the street.
  - c) The minimum distance between mobile homes shall be 20 feet, excluding hitches and steps. Bay windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear yard requirements.
  - d) All mobile home sites rented or used in a mobile home park shall contain a contiguous area of at least 3,200 square feet.
  - e) Mobile home park operators shall maintain a copy of the current plot plan of the mobile home park, indicating specific locations of all mobile home stands, in the office of the Zoning Administrator.
  - f) A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate the mobile home to be located thereon. A mobile home stand shall be a solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind, or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four such ground anchor connections shall be provided for each mobile home of 51 feet or less in length, and six such ground anchor connections shall be provided for each mobile home exceeding 51 feet in length.



- g) Each mobile home site shall be provided with an outdoor living space on the site to supplement the interior living space of the mobile home. Such outdoor living space must be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a single usable surface adjacent to the mobile home. The area of the outdoor living space shall be a minimum of 160 square feet, with a minimum dimension of eight feet.
- h) The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting. The area thereby enclosed may be used for storage of nonflammable objects and materials.
- i) A minimum of two hard-surfaced parking spaces shall be provided for each mobile home site. One of these parking spaces may be provided off the site, provided such parking space is not more than 200 feet from the mobile home site served, and is not located on public street right-of-way.

6. *Street Requirements*

- a) All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.
- b) Public street dedications within or abutting mobile home parks may be required, and shall be made in accordance with the subdivision regulations. No mobile home site shall have direct access onto a dedicated public street.
- c) Entrance drives into mobile home parks shall have direct access to a public street, and shall be designed to have free traffic flow onto such public streets. No parking or mobile home site access driveway shall be permitted off an entrance drive for a distance of 50 feet from a public right-of-way.
- d) The internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector private streets. Cul-de-sac private streets shall be limited to a length of 300 feet.
- e) Minimum pavement widths for private streets, including curbs, shall be as required herein; however, center paving for cul-de-sac turnarounds shall be in accordance with the Urbana Subdivision Ordinance.
  - (1) Collector streets                      31 feet
  - (2) Minor streets                            24 feet
  - (3) Cul-de-sac turnarounds            80 feet diameter
- f) With respect to design and construction standards, the provisions of the Subdivision Ordinance shall apply to private streets, except as otherwise provided herein.

- g) Parking spaces shall not be located within the required private street pavement width. Parking on the sides of minor streets is permitted, provided that the required 24 feet of pavement remains unobstructed for travel.

7. *Street Lighting*

- a) Streetlights shall be designed to produce a minimum of 0.1 foot-candle at every point within the street system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of street abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 foot-candle.
- b) All gas or electric service to the street lighting system shall be located underground.

8. *Pedestrian Walkways*

- a) Individual walks to each mobile home stand from paved streets or parking areas are required, and shall be a minimum of two feet in width. An individual walkway may be combined with a required on-site parking space, provided the total paved width of such a walkway and parking space shall not be less than ten feet.
- b) Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.
- c) Individual and common walks shall be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a continuous surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.
- d) No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

9. *Utilities and Required Services*

a) *Water Supply Distribution System*

- (1) All mobile home sites shall be provided with a public water supply.
- (2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

b) *Sewer Systems*

- (1) All mobile home sites shall be provided with a sewage collection system, which shall be connected to the Urbana-Champaign Sanitary District.
- (2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

c) *Storm Drainage System*

- (1) Storm sewers should be designed to conform with the current edition in use of the "State of Illinois Manual." The design frequency shall be a "five-year storm."
- (2) The construction of the storm sewers should conform to the current edition in use of the "Standard Specifications for Water and Sewer Main Construction in Illinois," approved by the Illinois Society of Professional Engineers and the Associated General Contractors of Illinois.
- (3) The maximum length of flow on the surface is to be more than 1000 feet. However, the design criteria should allow no more than a seven-inch depth of water on paved surfaces and no more than an eighteen-inch depth of water in sodded open swales. All storm runoff shall be carried in an underground drainage system after it has flowed the maximum length on the surface.
- (4) If the design flow is greater than could be handled by a closed, smooth circular storm sewer having a diameter no larger in inches than ten inches plus one inch for each acre in the mobile home park area, the owner may be allowed to use an open ditch. This open drainage should be designed with no steeper than three horizontal to one vertical side slopes, and those side slopes should be sodded. The design of the channel should be such that it would not scour under design flow. Ditches with intermittent flow shall be designed so as not to pond water more than one day after flow has stopped.

d) *Solid Waste Disposal*

- (1) All refuse shall be stored in watertight containers located on each mobile home site or within 150 feet thereof.
- (2) Refuse shall be collected regularly and transported to a disposal site in compliance with State law. Incineration of any refuse or vegetation is prohibited.
- (3) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

e) *Electrical Distribution System*

- (1) Electrical installations in mobile home parks shall conform to the Urbana City Electrical Code, and the following regulations.
- (2) The electrical distribution system in all mobile home parks shall be underground.
- (3) Mobile home site feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/140 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at mobile home sites.
- (4) The total load for a mobile home park shall be calculated on the basis of 16,000 watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and services are as follows:

**Table XIII-1. Electrical Distribution Load**

<i>Number of Mobile Home Site Services</i>	<i>Demand Factor (Percent)</i>
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

f) *Telephone Service and Television Systems*

- (1) All telephone service shall be underground.
- (2) When a master television antenna service or cable television service is provided for the mobile home park, the distribution of such services to mobile home sites shall be underground.

g) *Fire Protection*

- (1) Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.
- (2) Approved fire hydrants shall be located throughout the mobile home park, and shall be located not more than 500 feet from any mobile home. Each of two hydrants, when operated simultaneously, shall deliver a minimum of 500 gallons of water per minute at a pressure of 20 pounds per square inch for a period of four hours.
- (3) Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health regulations.

10. All mobile home parks shall provide the following service buildings and other community facilities:

- a) A management office;
- b) Maintenance storage facilities;

c) Other facilities as may be required by State law.

11. *Conformity to Development Schedule.* The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or reasonably progressed, or no approved use as a mobile home park has been established in the mobile home park within one year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse and shall be void and no longer in effect. At its discretion and for good cause, the City Council may extend for one additional year the period for the beginning of construction, the establishment of an approved use as a mobile home park, or completion of a phase of development as indicated in the development schedule. If extension is approved for completion of a stage of development, the City Council may give consideration to extending the time limit for completion of subsequent stages. If a mobile home park development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicant, in writing, at the address given on the plan submitted, or at any subsequent address of which he/she has been notified, as provided in Section VII-4.A.2.(b).1.

E. *Effectiveness of Prior Mobile Home Park Approvals.* If construction of a mobile home park approved prior to February 5, 1973, has not commenced prior to February 5, 1974, all future construction shall conform to the standards and requirements of this section, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan. If construction of a mobile home park approved prior to February 5, 1973, is not completed by February 5, 1975, all future construction shall conform to all standards and requirements contained in this amendment, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan.

The mobile home park applicant shall submit information indicating compliance with all applicable standards for review by the City Engineer and Zoning Administrator. If all applicable regulations are met, the Zoning Administrator shall issue the special use permit for the mobile home park. If all regulations other than those excluded are not met, then the information shall be submitted to the Plan Commission for its review and recommendation on the adequacy of the development. The material submitted to the Plan Commission and the Plan Commission's recommendation shall be forwarded to the City Council for its review and final action.

F. *Compliance of Existing Mobile Homes and Existing Mobile Home Parks with Regulations*

1. Existing mobile home developments of less than five mobile homes shall be discontinued no later than February 5, 1980. In cases of hardship, such developments may be permitted to continue for a specific period of time, as provided in Section XI-3. (Ord. No. 8283-18, 9-7-82)

G. *Violations.* Violation of the terms and conditions of the special use permit for a mobile home park shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit, may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

### Section XIII-3. Planned Unit Developments

#### A. *Planned Unit Development Definitions.*

1. *Shopping Center/Commercial Planned Unit Development:* A complex of three or more business and commercial establishments, the whole planned, developed, and managed as a unit, sharing common parking facilities.

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

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

#### *Notes:*

2. A General or Convenience Shopping Center/Commercial PUD must be designed and developed according to the procedures and standards specified in Section VII-5.
3. *Planning.* Project conceived as a package, carrying out a specific theme and marketing strategy.
4. *Development.* Project built as a unit with all parties bound together by a cross easement agreement. Project may be phased but all construction conforms to overall approved plan.
5. *Management.* Project managed and maintained as a unit and presented to the public as such. (Ord. No. 8283-43, § 1, 1-17-83)

#### B. The general goals of a Planned Unit Development are:

1. To promote flexibility in design and permit planned diversification in the location of structures;
2. To promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy;
3. To preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion;
4. To provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
5. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

C. The uses permitted in a PUD are as follows:

1. Residential PUDs, permitted under the provisions of this section in the AG and R Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the AG or any R District. A maximum of 10% of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a conditional use in the B-1 Neighborhood Business District, including the required parking and any other accessory uses.
2. Commercial PUD/Shopping Centers, permitted under the provisions of this section in all the B and IN Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the B districts.
3. Industrial PUDs, permitted under the provisions of this section in the IN District, may include any use permitted by right or as a conditional use as a principal or accessory use in the IN District.
4. Any PUD may include portions of the CRE District, provided, however, that no structure shall be built, nor use established, in the CRE District which is not listed in Table V-1, Article V, as permitted either by right or as a conditional use in the CRE District.
5. Office Park PUDs, permitted in the Office Park Zoning District, may include any of the uses permitted by right, by conditional use or by special use in the Office Park Zoning District. (Ord. No. 9798-43, 11-17-97)
6. The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right.

D. *Procedure for PUD Submission and Approval.* The designation and approval of an area as a PUD shall be accomplished in accordance with the procedures indicated herein, as a special use.

1. *Preliminary Conference.* Prior to the preparation of a formal application, the applicant should meet with the Secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.
2. *Preliminary Development Plan Submission.* The applicant shall submit a completed PUD application to the Secretary of the Urbana Plan Commission, together with 12 copies of the preliminary development plan, and an application fee as provided in Section XI-8 of this Ordinance. The preliminary development plan shall contain all of the following materials:
  - a) The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants; the applicant shall promptly inform the Secretary of the Plan Commission of any change which may occur in this information prior to the approval of the final development plan by the Urbana City Council;
  - b) A legal description of the site proposed for development;

- c) A general area plan showing the intended use and future street locations for adjacent areas, when the proposed PUD is intended to represent a single phase of longer-range development;
- d) The location of all property lines, existing streets, easements, utilities, and any other significant physical features;
- e) Date, north arrow, and graphic scale (not less than one inch equal to 100 feet) of all drawings submitted;
- f) Present and proposed zoning;
- g) An indication of the existing conditions on the tract, including contour lines at intervals of five feet or less, watercourses and existing drainage facilities, wooded areas and isolated trees of six inches or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures, with an indication of those which will be removed and those which will be retained as part of the development;
- h) An indication of the area surrounding the site, showing land use, peculiar physical features, public facilities, and existing zoning;
- i) A site plan of the proposed development, indicating the general location of the following:
  - (1) All buildings, structures, and other improvements;
  - (2) Common open space;
  - (3) Off-street parking facilities and number of parking spaces to be provided;
  - (4) Sidewalks;
  - (5) Illuminated areas;
  - (6) Use of open space being provided;
  - (7) Screening or buffering of the development perimeters;
  - (8) Indication as to which areas and streets are intended to be public;
  - (9) All utilities, including storm drainage, sanitary sewer, and water service;
  - (10) Other documents, explaining other circumstances, as the Plan Commission may require.
- j) Quantitative data including the following:
  - (1) Total number of dwelling units (if applicable);
  - (2) Proposed lot coverage of buildings and structures, as a percentage of the total area;



- (3) Approximate gross and net residential densities, excluding all streets and roadways (if applicable);
  - (4) The floor area ratio and open space ratio;
  - (5) Other calculations, as the Plan Commission may require.
- k) Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural or engineering plans, but should be sufficient to show the developer's intent.
- l) A development schedule indicating:
- (1) The approximate date when construction of the project will begin;
  - (2) The stages in which the project will be built, and the approximate date when construction of each stage will begin;
  - (3) The approximate dates when the development of each of the stages will be completed;
  - (4) The area and location of common open spaces that will be provided at each stage.
- m) If the applicant intends to sell or lease all or a portion of the PUD after the project is approved, a statement shall be presented to the Commission, to stipulate the conditions of sale and maintenance of such developed properties, and to present any covenants, deed restrictions, or other similar agreements between the applicant and future owners.
3. *Preliminary Development Plan Review.* Upon receipt of the PUD application and the material required to be presented, and the payment of the applicable fees, the Chairman of the Plan Commission shall schedule, and the Plan Commission shall hold, a public hearing in accordance with the procedures for considering a special use. Within 30 days after completing the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall consider the proposed PUD in accordance with the definitions and goals of this section, the report and recommendations of the planning staff, and the minimum requirements set forth in this section. The Plan Commission shall forward to the City Council the preliminary development application and the preliminary development plan, together with its recommendation thereon. The recommendation may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the Plan Commission. Such a plan shall incorporate all revisions approved by the Plan Commission, and shall be submitted to them for their final review and approval before being forwarded to the City Council. In the event that a PUD would require a change of zoning, then an application for such a change may be submitted in conjunction with the PUD application, to be considered simultaneously with the PUD proposal, in accordance with the procedures for amending this Ordinance; provided, however, that the requested change of zoning shall not be granted except in conjunction with approval by the City Council of the final development plan of the PUD. If no construction has begun or no approved use been established in the PUD within one year from the

date of approval of the change of zoning and of the final development plan by the City Council, the change of zoning, as well as the approval of the final development plan, shall lapse and be void and no longer in effect.

4. *Preliminary Development Plan Approval.* Approval of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be express and in written form. Council approval shall be valid for six months from the date of passage of the ordinance; the City Council may at its discretion extend for an additional six months the validity of the preliminary approval.

In approving a preliminary development plan, the City Council may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant, or from those recommended by the Plan Commission. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the City Council, if this plan differs in any respect from that recommended by the Plan Commission. A copy shall be submitted to the Mayor for his/her signature. Procedures for protest of any proposed PUD are specified in Section XI-11 of this Ordinance. (Ord. No. 8788-28, § 5, 10-5-87)

5. *Final Development Plan Submission.* While the preliminary approval is still valid, the applicant shall file the final development plan, together with 12 copies of the final development plan, containing all information, plans, and data required herein for the entire area of the PUD given preliminary approval. The final PUD plan shall include but not be limited to the following:
  - a) All material required for the preliminary plan submission;
  - b) An accurate legal description and property survey by a registered land surveyor of the entire area included within the PUD;
  - c) Designation of the location of all proposed structures, and the internal uses to which each building shall be put, in sufficient detail to determine off-street parking requirements;
  - d) Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the PUD;
  - e) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
  - f) Accurate tabulations on the use of the area, including land area, number of buildings, number of dwelling units per acre (if applicable), total common open space, percentage of building coverage of the total area, percentage of paved area, and total number of parking spaces provided;
  - g) All curb cuts, driving lanes, parking and loading areas, public transportation points, street signs, and illuminated facilities for same;

- h) Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other facilities by the City Engineer or Plan Commission, as well as plans necessary for approval by the Zoning Administrator.
  - i) Location, height, and area of all proposed signs. Any proposed variation from location, height, and area standards permitted in Article IX, Comprehensive Sign Regulations, must be noted.
6. *Final Development Plan Review.* Upon receipt of the final PUD development plan, the Plan Commission shall review the submitted documents, and ascertain whether the final plans substantially conform to the approved preliminary development plan and the provisions of this section. Upon review of the final development plan, the Plan Commission shall forward to the City Council its recommendation, the final plan, and any necessary supporting information.
7. *Final Development Plan Approval.* The City Council shall consider the final development plan and the recommendation thereon of the Plan Commission, and shall vote whether or not to approve the plan. In case of a written protest against the proposed PUD at this stage, the provisions of ~~Section VII-5.C.4 paragraph VII-5-C(4)~~, above, shall apply.

Upon approval by duly enacted ordinance of the final development plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record the final development plan and all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six months following passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.

After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the PUD according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

8. *PUD Phases.* The final development approval may be granted in phases as approved by the City Council. Each final development approval of a phase shall be recorded in the same manner as a final development approval of the entire PUD.
9. *Performance Schedule.* The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or no approved use been established in the PUD within one year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse, and be void and no longer in effect. At its discretion and for good cause, the City Council may by ordinance extend for one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicants, at the address given on the plan submittal.

10. *Abandonment of PUD and Lapsing of PUD Approval.* Once the final development plan for a PUD is recorded, if the petitioner desires to abandon and vacate such final development plan, the petitioner shall petition the Urbana City Council for the passage of an ordinance vacating such final development plan. In considering such a request, the City Council may consult the Urbana Plan Commission. If such an ordinance is passed, the City Clerk shall record such vacation ordinance with the County Recorder, with the recording fee to be paid by the petitioner. Unless such vacation is approved by the City Council and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.

If the final approval of a PUD lapses under the provisions of this section, the City Council shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the City Clerk to record said vacation ordinance. (Ord. No. 8283-43, § 4, 1-17-83)

E. *PUD Standards*

1. *Minimum Size*

- a) *Industrial/Residential.* In order to qualify as an industrial or residential PUD, the parcel of land to be developed must comprise a total area of two hundred thousand (200,000) square feet of contiguous land under single ownership, or with the consent of the owners of all land to be included. However, on any lot or group of adjoining lots recorded prior to May 17, 1971, a PUD is permitted if:
    - (1) The lot or lots are surrounded on all sides by public streets, alleys, or other public land; or
    - (2) The lot or lots comprise one acre or more in area with a minimum dimension of 200 feet .
  - b) *Commercial.* A Commercial PUD/Shopping Center may be classified as a "General" or "Convenience" Shopping Center. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.
    - (1) General: Minimum of four acres and a combined building area of 50,000 square feet.
    - (2) Convenience: Minimum of one acre and having between 12,000 and 50,000 square feet of combined building area.
  - c) In order to qualify as an Office Park PUD, the parcel of land to be developed must comprise a total area of 100,000 square feet of contiguous area under single ownership, or with the consent of the owners of all land to be included. (Ord. No. 9798-43, 11-17-97)
2. *General Review Criteria.* The Plan Commission's review of the PUD preliminary and final applications and development plans, and the Commission's recommendations to the City Council, shall be based on the following general criteria:
    - a) The plan of the area proposed for the PUD shall be in general conformance with the adopted Comprehensive Plan of the City of Urbana;

- b) The use or uses within the PUD shall be compatible with surrounding land uses;
- c) The intensity of development shall impose no unreasonably adverse effects on surrounding property;
- d) Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and efficient and safe traffic circulation in the vicinity, and be consistent with the adopted Comprehensive Plan;
- e) Street construction, regardless of ownership, shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, except that the minimum pavement widths for a private street shall be 13 feet for the first lane of traffic in each direction, and 11 feet for each additional lane. Street construction plans and details shall be submitted to the City Engineer for his review. The City Engineer may submit his/her comments and recommendations, in writing, to the Plan Commission.
- f) Adequate and safe location of play areas for children as well as other recreational areas shall be provided in residential PUDs.
- g) Open spaces at external boundaries of the site shall be adequately landscaped and maintained.
- h) Buildings shall be oriented to insure adequate light and air.
- i) The provisions of all other sections of this Ordinance shall be met, unless specifically excluded by this section, or waived by the City Council.
- j) All construction shall conform to the requirements of all ordinances of the City of Urbana.

3. *Development Standards*

- a) All PUDs shall be subject to the standards contained in Table VII-2. Commercial uses in residential PUDs shall also be subject to the development standards of the residential district in which the PUD is located, to the parking requirements for the uses involved, and to the sign regulations for the B-1 Neighborhood Business District.
- b) Two off-street parking spaces shall be provided for each dwelling unit in the development. Each space must be located within the PUD, not farther than 300 feet from a ground floor entrance to the dwelling or to the building in which the dwelling unit is located.
- c) Provisions for fire protection and emergency access shall be subject to applicable codes, and shall be reviewed by the Urbana Fire Chief and Police Chief. The Fire Chief and Police Chief may submit in writing their recommendations, if any, to the Plan Commission.
- d) Exterior lighting within the PUD shall be of such quality as to promote safety and convenience, and shall conform to City ordinances.
- e) The minimum proportion of the gross site area in open space which is required to be commonly owned and maintained in residential PUDs is indicated in Table VII-2. Such

common open space may be dedicated to the public. At least 10% of the minimum required common open space in residential PUDs containing single-family and duplex houses, or 15% of residential PUDs including multiple-family dwellings, shall be devoted to active recreational use. The area of each parcel of open space to be used for active recreation shall not be less than 6,000 square feet, with a minimum dimension of 30 feet.

- f) All PUDs, regardless of zoning district, shall be provided with adequate public sanitary sewer service prior to occupancy. Refuse removal shall be provided to the entire development.
- g) If a PUD includes two or more zoning districts which have different development standards in Table VI-1, the standards for the entire PUD shall be the weighted average of the standards for each district, calculated in the proportion which the area of each district is to the entire PUD; except that the standards for maximum height, and setbacks related to height, shall be applied directly to each building, according to the standard for the district in which it is located.
- h) The electrical distribution system and all telephone service in all PUD developments shall be underground.
- i) In a new Commercial PUD/General Shopping Center, the developer may request and the Zoning Administrator consider and grant a reduction in required parking where the Zoning Administrator determines it is feasible given anticipated daily demand patterns of the proposed use. The Zoning Administrator may approve up to a 30% reduction in the total number of parking spaces constructed, provided the developer specifically identify the designated parking area left undeveloped and maintain it as open green space. To qualify for this deduction, the following conditions shall apply:
  - (1) The developer shall produce a site plan identifying the designated parking area to be left undeveloped and shall construct all site grading, storm-sewer, stormwater runoff, and detention facilities to the standards required for the full sized parking lot regardless of the reduced size initially built.
  - (2) The green space must be seeded or sodded prior to the issuance of a Certificate of Occupancy.
  - (3) If at a later date the Zoning Administrator determines that the PUD has sufficient parking demand, the petitioner may be required to expand the parking lot to the number of parking spaces initially required.
  - (4) If at a later date the petitioner determines that the PUD has sufficient parking demand, the petitioner may then apply for a building permit to expand the parking lot to the number of parking spaces initially required.
  - (5) No amendment to a PUD special use permit is required for approval of the parking lot expansion to fill the green space.
  - (6) In no way is this provision to be construed as a variance of any other zoning or development regulation.

A letter of agreement between the developer and City shall be prepared to allow execution of the above provisions within a reasonable timeframe, to identify the specific criterion under which the Zoning Administrator may require expansion of the parking lot, and to allow for an appeals procedure. (Ord. No. 200-11-135, 12-4-00)

- j) All other codes, ordinances, and rulings of the City, unless specifically modified by this section or by the City Council, shall be fully complied with. (Ord. No. 8283-43, § 5, 1-17-83; Ord. No. 8586-87, § 1, 5-19-86)

F. *Issuance of Permits*

1. *Required Certificates and Bonds.* Prior to final approval of the PUD, the applicant must comply with the following:
  - a) All common open space, upon mutual agreement of the City and the applicant, shall be:
    - (1) Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners or any one or more of them, by providing perpetual maintenance of all lands in common in the PUD. All lands so conveyed shall be subject to the right of the grantee to enforce maintenance and improvement of the common open space; or
    - (2) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or both.
    - (3) Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.
  - b) The construction and maintenance of all public facilities and improvements which are a part of the PUD shall be guaranteed to the City in cash or corporate surety bonds as approved by the City Attorney. The guarantee for construction shall be a sum equal to 120% of the estimated costs, as determined by the City Engineer. Maintenance shall be guaranteed to the City and extended for a period of 18 months after final acceptance of facilities by the City. The maintenance guarantee shall be made in a sum equal to 15% of the estimated cost of construction, and shall be made effective immediately upon acceptance of the public facility improvements. After such 18 months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
  - c) The applicant shall submit a certificate from the County Clerk, stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the PUD are unpaid or exist. Such certificate shall be made a part of the PUD documents prior to its submission to the Plan Commission for final recommendation.
  - d) Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the PUD.

- e) Public street right-of-way dedications shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, and the approved PUD plan. However, the requirement that sidewalks be constructed on both sides of every street may be waived if pedestrian circulation is provided for in a manner acceptable to the Plan Commission and City Council. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.
2. *Permits.* The Zoning Administrator shall issue a building permit for the buildings in the area approved for the PUD. He/she shall also issue a Certificate of Occupancy for any completed building or structure located in the area covered by the approved PUD, only if the completed building or structure conforms to the approved final development plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazards to the occupants. No Certificate of Occupancy for a commercial use in a residential PUD shall be issued until at least 25% of the total residential floor space is built and Certificates of Occupancy therefore have been issued.
3. *Changes in the Approved Final Development Plan.* No changes may be made in the final development plan during the construction of a PUD, except upon application to the appropriate agency under the procedures provided below:
- a) Minor changes in the location, siting, and height of buildings and structures may be authorized, in writing, by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No amendment to the approving ordinance shall be needed in such cases. No changes authorized by this subsection may cause any of the following:
    - (1) A change in the use or character of the development;
    - (2) An increase in the overall coverage of structures;
    - (3) An increase in the intensity of use;
    - (4) An increase in the problems of traffic circulation and public utilities;
    - (5) A reduction in approved open space;
    - (6) A reduction of off-street parking and loading space;
    - (7) A reduction in required pavement widths.
  - b) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by duly enacted ordinance by the City Council, after report of the planning staff and recommendation by the Plan Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.



G. *Changes in Ownership in PUD.*

1. If the ownership of any parcel of land included within the PUD application changes after the application has been submitted, but prior to approval of the preliminary plan of the PUD by the City Council, the new owner and his/her property shall be regarded as excluded from the application unless the new owner affirmatively joins in the application for the PUD.
2. If the ownership of any parcel of land included within a PUD application changes after approval of the preliminary plan but prior to the approval of the final development plan by the City Council, then the new owner shall be regarded as subject to and joining in the preliminary plan, unless said new owner notifies the Secretary of the Plan Commission in writing of such owner's desire to be excluded from the preliminary plan.
3. If any parcel of land included within the PUD has a change of ownership after final approval of the PUD by the City Council, then such owners shall take said land subject to all of the conditions and requirements as set forth in the final development plan as approved, and the applicable portions of this Ordinance.
4. Nothing in this section shall be construed as exempting any transaction from compliance with all applicable State law and Urbana City Ordinances.

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

**TABLE XIII-2. Planned Unit Development Standards**

District	Minimum Lot Size <sup>1</sup> (in sq. ft.)	Maximum Building Height	Maximum Floor Area Ratio (FAR)	Minimum Open Space Ratio (OSR)	Minimum Area <sup>2</sup> in Common Open Space	Required Yards (in feet) <sup>3</sup>		
						Front	Side	Rear
AG	200,000	35 ft./3 stories	0.30	0.60	15%	25	15	25
R-1	200,000	35 ft./3 stories	0.35	0.55	15%	25	15	25
R-2	200,000	35 ft./3 stories	0.40	0.50	15%	25	15	25
R-3	200,000	35 ft./3 stories	0.50	0.45	15%	25	15	25
R-4	200,000	35 ft./3 stories	0.60	0.40	10%	25	15	25
R-5	200,000	35 ft./3 stories	1.0	0.35	10%	25	15	25
R-6	200,000	Twice the distance from street centerline to face of building	1.5	0.30	10%	25	15	25
R-6B	200,000		1.6	0.25	10%	20	10	15
B-1	200,000	35 ft./3 stories	0.40	None	None	15	10	10
B-2	200,000	35 ft./3 stories	1.6	0.15	None	15	10	15
B-3	200,000	None	5.0	None	None	15	10	10
B-3U	200,000	None	5.0	0.10	None	15	10	10
B-4	200,000	None	10.0	None	None	None	None	None
B-4E	200,000	None	6.0	None	None	6	5	5
IN	200,000	None	1.25	None	None	25	25	25
OP	100,000	50 feet	0.5	0.55	None	25	15	25

<sup>1</sup> Except as provided in Section VII-5.D.1.

<sup>2</sup> This may be dedicated to the public. The figure listed is a percentage of the total PUD area. At least ten percent (10%) of this area in the AG, R-1, R-2, and R-3 Districts, and at least fifteen percent (15%) of this area in the R-4, R-5, R-6, and R-6B Districts shall be devoted to active use.

<sup>3</sup> Around the perimeter of the entire PUD.

## Section XII-4. Special Procedures in the Boneyard Creek District

A. The purposes of the Boneyard Creek District are as follows:

1. To establish a Boneyard Creek District as an area of vital significance to the cultural, economic, and environmental future of the City.
2. To promote and facilitate sound stormwater ~~drainage~~ management practices, to assist in the reduction of flood hazards to persons and property, to improve water quality, and to prevent encroachments and land uses that adversely affect water runoff.
3. To encourage the development and maintenance of the Boneyard Creek District as a recreational resource and circulation area and to reclaim for the City the benefits of a natural waterway that have been ignored as a design asset and to provide a focal point for urban redevelopment.
4. To improve the maintenance of the creek bank in a manner which will reduce harmful mosquito and insect reproduction.
5. To provide incentives for redevelopment through private initiative in a manner consistent with the Boneyard Creek Master Plan, Comprehensive Plan and any amendments thereto, and any other documents or agreements which regulate or restrict development in the Boneyard Creek Corridor.
6. To promote and conserve the economic value of land and buildings and thereby protect and improve the City's tax base.

B. Applicability to Urbana Zoning Ordinance and Zoning Map

1. Definitions and requirements of the Urbana Zoning Ordinance are applicable unless specifically modified pursuant to this section, but no lawful existing use or building shall be made nonconforming by virtue of the provisions of this section so long as the existing use or building is not modified.
2. The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are established on the attached map entitled "Boneyard Creek District Map," dated March 28, 1979, which is hereby adopted as a part of this Article as constituting an overlay district on the official zoning map of the City.
3. This section authorized granting a Creekway permit, that may modify the requirements of the underlying zoning district, and establishing new standards for the use of property within the Boneyard Creek District.

C. *General Consideration.* Upon the review of a Creekway permit, the following factors shall be considered.

1. Whether the Creekway permit is compatible with the Boneyard Creek Master Plan as it may be amended from time to time in a manner consistent with the Urbana Comprehensive Plan.

2. Whether the location, size, and type of the proposed use is appropriate to the objectives of the Boneyard Creek District.
3. Whether the proposed use is compatible with the character of the area in which it is located.
4. Whether the proposed use would be compatible with the spirit of the underlying zoning district.
5. Whether there are adequate community services to support the proposed use, such as, but not limited to, streets, water, sewer, recreational, and public school facilities.
6. Whether the design of the proposal as to size, height, and open space allows adequate access to light and air and to surrounding streets, parkways, and properties.

D. *Creekway Permits Required*

1. No permits for construction, demolition, change of use classification or other zoning permits within the Boneyard Creek District shall be granted except in compliance with the provisions of this section.
2. It shall be unlawful to proceed with any construction, demolition, excavation, reconstruction, installation of poles, pipes, and other objects in the Boneyard Creek District without a Creekway permit.

E. *Standards of Construction.* Each application for a Creekway permit required by this section on property within the Boneyard Creek District shall be subject to the provisions of and eligible for the benefits of this section. A Creekway permit shall establish specific standards of construction, including time limits, and may require posting of a performance bond or other guarantees of adequate, timely performance.

1. *Generally.* The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all applications for permits within the Boneyard Creek District, except as modified by this section or as modified pursuant to the procedures of this section.
2. *Minimum Area and Yards.* The minimum zoning lot shall be 6,000 square feet for any new building or use in the Boneyard Creek District, except for lots of record on the effective date of this ordinance that shall be considered buildable lots subject to the provisions of this section.
3. *Building Line.* Boneyard Creek corridor limit lines shall be as indicated on the Boneyard Creek Master Plan 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 lines.
4. *Access.* In addition to frontage on a public street, additional requirements may include easements for the construction of public sidewalks, bike paths, and drainage facilities consistent with the Boneyard Creek Master Plan and, when necessary, shall include easements for construction, maintenance, and police and fire access to the riparian properties of the Boneyard Creek.

5. *Zoning Lot.* A proposed development shall occur on a zoning lot. For the purposes of this section, a zoning lot shall be approved by the permit granting entity and need not be within a single block. A zoning lot may include land not within the Boneyard Creek District and land within said district if the development of such a zoning lot substantially contributes to the implementation of the Boneyard Creek Master Plan.
6. *Landscaping and Screening.* Each application for construction under a Creekway permit shall include a plan indicating the type, number, size, and location of trees, shrubs, and other landscaping features to be retained or provided. Such plan shall be consistent with the Boneyard Creek Master Plan.
7. *Flood Hazard Area.* The provisions of this section shall not be deemed to be an amendment of the Flood Control Ordinance No. 7677-107 of the City of Urbana, as amended. Additional requirements may be imposed by a Creekway permit when deemed necessary to prevent hazards to persons or property, or to decrease the need for public expenditures to avoid flood hazards.
8. *Prohibited Structures.* Construction of structures in, or over, the Boneyard Creek which would substantially interfere with the development of the district, the park and recreational uses, or increase the flood hazard is deemed to be inconsistent with the purposes of this section and is prohibited.
9. *Lighting.* Lighting along the creek shall be provided to produce a minimum of 0.1 foot-candle at every point within the public access areas. Potentially hazardous locations such as intersections and major pedestrian crossings shall be illuminated with the minimum of 0.3 foot-candle. New utility, gas, and electric service lines shall be located underground where appropriate to implement the Boneyard Creek Master Plan.
10. *Improvement Fund.* When an application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section results in modifications which increase floor area over that permitted by the underlying zoning district requirements, the applicant shall contribute to a special fund of the City. Such amount shall equal one dollar per each additional square foot. The fund shall be used for the installations and maintenance of public improvements and public landscaping of the Creek bank.
11. *Dedication.* Each application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section will include an irrevocable offer by the owner for the term specified below to dedicate a portion of the zoning lot as determined by the Plan Commission. Provided, that such dedication is not required if none of the bonus provisions of subsection Six are requested by the applicant. The parcel to be dedicated shall be determined in accord with applicable provisions of the Boneyard Creek Master Plan but shall not exceed an amount greater than 20% of the zoning lot area or a strip of land averaging 20 feet in width, whichever is smaller. The parcel offered or dedicated shall for computation purposes remain as part of the zoning lot and shall be counted as open space or yards. The dedication shall be to a governmental unit to be specified in the Creekway permit but shall not be effective until officially accepted by such governmental unit provided that such offer shall lapse if not accepted within two years of the date of granting of the Creekway permit. Such dedicated parcel shall be for public use to serve the users or residents of the proposed development, to serve the

public and to enhance the parcel's value by allowing Creek development and improvements, such as a public multi-use path and Creek bank modification.

- F. *Bonus Provisions.* For the purpose of this subsection, development rights means the total square feet of floor area that may be constructed on an existing parcel of land as permitted by the underlying zoning classification in which it is located, less the amount of any existing floor area retained or in use. The transferor and transferee of development rights shall record their instrument of transfer for each parcel with the Champaign County Recorder as a real property transfer for the benefit of the transferee and such instrument of transfer shall include assumption of obligation for real estate taxes in proportion to the value of the interest transferred.
1. *Development Rights Transfer.* The maximum floor area and the height permitted on a zoning lot may be increased by the amount of floor area of development rights transferred from an adjoining lot or successively adjoining lots.
  2. *Extra Lot Size.* For computation purposes, a zoning lot contiguous to the Boneyard Creek may include the area between the lot lines which intersect the Creek extended to the center line of the Creek.
  3. *Yards.* Yard requirements may be decreased or waived when necessary to permit acceptable densities and a more desirable setback from the Boneyard Creek.
  4. *Height.* Height requirements may be modified to add an additional story provided such height modification shall not exceed 12 feet.
  5. *Parking.* Off-street parking shall be provided if required by the underlying zoning classification or by the Creekway permit and may be off-site parking but shall be located within 600 feet of the zoning lot.
  6. *Mixed Uses.* Residential uses other than those listed as permitted by right or permitted with special or conditional permits may be authorized in any underlying zoning classification and mixed use of a zoning lot may be permitted.
- G. *Application Procedure.* The procedure of this Section shall supersede the general procedures of the Zoning Ordinance for zoning lots within the Boneyard Creek District.
1. *Preliminary Conference.* The Zoning Administrator shall provide all necessary information to prospective applicants for Creekway permits under this section. An Applicant shall contact the zoning Administrator to schedule a preliminary conference with the Zoning Administrator, the Building Safety Division Manager, the City Engineer, and the Boneyard Creek Commissioner to discuss the Boneyard Creek Master Plan and the Creekway permit procedures.
  2. *Application Requirements.* After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the subsection of the section under which construction or use authorization is sought; 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 information required by the Rules of Procedure promulgated for the Boneyard Creek District by the Plan Commission.

3. *Zoning Administration Permit.* The Zoning Administrator, after consultation with the City Engineer and the Boneyard Creek Commissioner, shall be authorized to grant a Creekway permit based on his/her determination that the provisions of the underlying zoning classification have been complied with and that:

- a) A requested modification of the front or rear yard requirements of the underlying zoning classification of not more than 30 feet is reasonable; and
- b) That the minimum setback from the Creek is maintained in accordance with the building line requirements of Article VII; and
- c) That the standards of Section VII-10.D through Section VII-10.I ~~subsection Five, D, E, F, G, H, and I of this section~~ are complied with.

**Comment [MHW5]:** I think these are the correct sections, no idea what the subsections in reference are.

H. ~~When the Zoning Administrator approves a permit, approval may be granted by the Zoning Administrator pursuant to subsection 7-C; a he/she shall transmit notice of intent to grant a Creekway permit and a copy of the proposed permit shall be transmitted to the Plan Commission and the Boneyard Creek Commissioner.~~ If no objection is received from either the Plan Commission or the Boneyard Creek Commissioner 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.

I. *Referral to Plan Commission.* ~~When an applicant for a Creekway permit requests modifications in excess to those authorized by Section VII-10.G.3 subsection 7-C, the permit may be referred to the Plan Commission for consideration.~~ The Zoning Administrator shall, within five working days after receipt of an application determined by the Zoning Administrator to be complete, provide a complete copy of the application to the Plan Commission and the Boneyard Creek Commissioner. The Boneyard Creek Commissioner and appropriate City staff shall submit any recommendations with respect to each application to the Plan Commission within 20 days.

**Comment [MHW6]:** I think this is the correct section.

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 VII-10.C. The Plan Commission shall have the following options:

- 1. Grant the Creekway permit based upon the application as approved by the Plan Commission and subject to any specific requirements or conditions as determined by the Plan Commission; or
- 2. Deny the Creekway permit based on the application's failure to present a plan in accordance with the Boneyard Creek Master Plan, the Comprehensive Plan and any amendments thereto, and other ordinances or agreements regulating development in the Boneyard Creek corridor, and the provisions of this section; or
- 3. Defer action on the application based on a determination that modifications of the use, density, and other requirements of the underlying Zoning Ordinance are beyond those authorized by Section VII-10. In this case, the City Council shall consider the recommendations of the Plan

~~Commission and the Boneyard Creek Commissioner regarding the Creekway permit, and may authorize the Zoning Administrator to issue the Creekway permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission and Boneyard Creek Commissioner, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance. In this case, the Zoning Administrator shall forward the applications and the recommendations of the Plan Commission and the Boneyard Creek Commissioner, and appropriate City staff to the City Council. The City Council shall, following notice as required in Section XI-10, review the recommendations and application at a public hearing. The City Council shall grant the application for a Creekway permit only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied to the Creekway permit.~~

Comment [MHW7]: Language borrowed from Special Use Permit section.

- K. *Appeal of a Creekway Permit Decision.* Any aggrieved person, party, public official, or governmental entity may appeal a decision of the Zoning Administrator or the Plan Commission to the city Council within ten days of the date of such decision. No decision to grant a Creekway permit shall be acted upon by the Zoning Administrator until the lapse of the ten-day appeal period
- L. *Lapse of a Creekway Permit.* If no construction has begun or no approved use has been established pursuant to a Creekway permit within one year from the date of its final approval, the Creekway permit shall lapse, be void and no longer in effect.
- M. *Notice of Hearing.* Notice of hearing ~~or~~ of a required meeting to consider a Creekway permit shall be given in the same manner as required by the Urbana Zoning Ordinance for a hearing on special use permits. At the public hearing or meeting, any person may appeal in person or by agent or attorney.
- N. *Appeals.* Any aggrieved person, party, public official, or governmental entity may appeal final decision made pursuant to this section. Appeals are authorized to the City Council from a decision of the Zoning Administrator, the Plan Commission, and their designees and shall be limited to the official record. Upon appeal of an application, the Council shall review all recommendations. A Creekway permit shall be granted only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied. Appeals to the Circuit Court shall be subject to the provisions of the Administrative Review Act.
- O. *Hearing Officer.* An administrative determination to be made by the Zoning Administrator or Plan Commission and a public hearing by the City Council may be conducted on behalf of the applicable unit of government by a Hearing Officer. Hearing Officers shall be appointed by the entity in whose place such action is taken. The terms of such appointment shall be established by the appointing entity. Hearing Officers shall be appointed based on their qualification, including education and experience in evaluating plans and evidence submitted, and their ability to conduct a fair and expeditious hearing. (Amended by Ord. No. 9495-33, 10-14-94)