



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: October 31, 2007

SUBJECT: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance by adding Section XIII-5, "Neighborhood Conservation Districts." (Plan Case No. 2023-T-06)

The attached neighborhood conservation district (NCD) ordinance was reviewed at the October 1, 2007 City Council meeting during which further changes were requested.

If enacted, this ordinance would provide establish a process for property owners and neighborhood groups to initiate zoning overlay districts for protection of neighborhood character. This proposed ordinance would not in itself designate any properties or neighborhoods. The City Council would have final determination over any neighborhood conservation district.

As part of the process, a neighborhood plan would be prepared to provide policies for neighborhood protection customized to the needs of each particular area. The plan would provide a framework for protecting neighborhood character through such means as making necessary zoning changes, design review, and adoption of policies for the design of future public improvements. The expected outcomes will depend on the needs of each particular NCD.

Based on input at the October 1, 2007 City Council meeting, the following changes have been made with new wording in the ordinance shown as underlined and deleted wording shown as ~~struck out~~:

- Added timelines for the Historic Preservation Commission's courtesy review of NCD applications;
- Clarified where in the process the neighborhood plan is prepared;
- Provided design review limits;
- Specified that variances and appeals are to be part of the process; and
- Specified public notice procedures for any district dissolved by the City Council.

As suggested at the October 1, 2007 City Council meeting, a list of Frequently Asked Questions has also been prepared (copy attached).

Prepared by:

Robert Myers, AICP, Planning Manager

Attachments:

Neighborhood Conservation District ordinance
Frequently Asked Questions

cc:

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Urbana Plan Commissioners
Urbana Historic Preservation Commissioners

ORDINANCE NO. 2007-06-059

An Ordinance Approving a Text Amendment to the Zoning Ordinance of the City of Urbana, Illinois (Adding Section XIII-5, "Neighborhood Conservation Districts", to the Urbana Zoning Ordinance - Plan Case No. 2023-T-06)

WHEREAS, the City Council of the City of Urbana, Illinois on April 11, 2005 adopted Ordinance No. 2005-03-050, the Urbana Comprehensive Plan, which plan includes an implementation strategy to "develop a 'Conservation District Ordinance' and consider neighborhoods that could obtain conservation district status based on residents' desires"; and,

WHEREAS, the Urbana City Council's Common Goals include a goal to "develop conservation districts for historic and sensitive areas of the City"; and,

WHEREAS, the Urbana Committee of the Whole on October 23, 2006 directed City staff to create a neighborhood conservation district enabling ordinance for their consideration; and,

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 2006-04-040 on April 17, 2006 consisting of a Comprehensive Amendment to the 1993 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Urbana Zoning Administrator has submitted a petition for a text amendment to the Urbana Zoning Ordinance to enable neighborhood conservation districts to be created based on applications by property owners and neighborhood groups; and,

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2023-T-06; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on February 22, 2007 which was continued to the March 22, 2007, April 5, 2007, and May 10, 2007 meetings; and,

WHEREAS, the Urbana Plan Commission voted 6 ayes to 0 nays on May 10, 2007 to forward Plan Case #2023-T-06 to the Urbana City Council with a recommendation for denial of the proposed amendment with five specific points of agreement for a neighborhood conservation district ordinance; and,

WHEREAS, the Urbana Historic Preservation Commission reviewed and provided comments on the petition at their March 7, 2007 and April 4, 2007 meetings; and,

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein are in the best interests of Urbana.

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

Section 1. A new Section XIII-5. Neighborhood Conservation Districts of the Zoning Ordinance of the City of Urbana, Illinois is hereby enacted to read as follows:

Section XIII-5. Neighborhood Conservation Districts

A. Purpose. The purposes of establishing a neighborhood conservation district are to:

1. Conserve the unique characteristics, including architectural, historical and aesthetic qualities, of older neighborhoods;
2. Provide for design review of new construction and alteration of existing buildings to ensure compatibility with the existing character of the district;
3. Encourage the retention and rehabilitation of existing structures in older neighborhoods;
4. Encourage reinvestment in older neighborhoods; and
5. Protect the setting and context of historic landmarks and historic districts in close proximity to or surrounded by neighborhood conservation districts; and
6. Promote quality architectural innovation appropriate to a neighborhood.

B. Definitions.

Conservation District Design Guidelines: A document identifying significant physical design features within a defined Neighborhood Conservation District as well as design guidelines for future physical improvements within the district.

Neighborhood Conservation District: An area designated pursuant to procedures prescribed herein which contains, within defined geographic boundaries, buildings, structures, sites or objects with unifying qualities or characteristics which are to be conserved.

Parcel Owner: An owner of record of a parcel, or, if the parcel is being purchased under a contract for deed and memorandum of such contract has been recorded with the Champaign County Recorder, then the contract buyer shall be regarded as the parcel owner unless the memorandum that is recorded states that the rights under this ordinance are reserved to the contract seller.

Secretary: The Secretary of the Plan Commission, or designee.

C. Minimum eligibility requirements. The minimum eligibility requirements for nomination of neighborhood conservation districts are:

1. The proposed district shall consist of a minimum of twenty-five adjoining zoning lots which for the purposes of this Section may be separated by a street right-of-way wider than 28 feet;

2. The proposed district boundaries shall designate a logical, coherent, and cohesive district in terms of the physical location of properties in relation to one another; and

3. The proposed district shall be predominately residential in use or character.

D. Neighborhood Conservation District Applications. Applications shall be made by means of a completed application form provided by the City and may be initiated by either a minimum of 15% of the parcel owners to be included in the proposed district or by a neighborhood organization.

The Plan Commission Secretary shall have five working days to determine whether or not an application is complete. Applications shall minimally include:

1. The name and address of the owner of record of each property proposed for designation;

2. A boundary description accurately describing the boundaries of the proposed district, common street addresses, if any, and tax parcel identification numbers of the property proposed for designation;

3. A map delineating the boundaries and location of the district proposed for designation;

4. A written statement describing the district and specifying the reasons the district needs to be conserved;

5. A statement and description of the desired outcome of the designation, including any expectations for conservation district design guidelines; and

6. Any required filing fee.

E. Application Notice. Upon receipt of a complete application for designation of a neighborhood conservation district, the Secretary shall notify parcel owners within the proposed district of the time and date of the Plan Commission meeting where preliminary review of the application will occur. Notification shall include a copy of the application or relevant portions thereof for the property owners' information. Additionally, the City of Urbana will make a good faith effort to post signs within the proposed district notifying the public of the preliminary determination hearing.

F. Preliminary Determination.

1. The Urbana Plan Commission shall make a determination as to whether or not the proposed district has a cohesive and identifiable visual setting, character or association:

a) Representing the traditional character of Urbana neighborhoods through architecture; building scale, massing, setbacks, and orientation; or streetscape design;

b) Exemplifying a neighborhood development pattern significant to the cultural history or tradition of Urbana; or

- c) Containing an identified unique or unusual physical character that creates distinctiveness.
2. Within sixty days of receiving the application, the Plan Commission shall make a preliminary determination as to whether a proposed neighborhood conservation district meets one or more of the criteria in Section XIII-5.F. The Secretary shall notify the applicant in writing of the preliminary determination for the nomination, specifying the date of said determination.
3. Additionally, the Secretary shall forward the application to the Urbana Historic Preservation Commission for review at their next regularly scheduled meeting. The Commission may find that the proposed district appears to qualify for designation as a local historic district, in which case the applicants may choose to withdraw their application and apply for historic district designation under Section XII-4 of the Zoning Ordinance or continue with the neighborhood conservation district application. The Commission's findings shall be provided within 35 calendar days of receipt of the application.
- G. Conservation District Plan and Design Guidelines. Following the preliminary determination, the City, in consultation with district property owners and residents, will prepare a plan to conserve and promote desirable characteristics of the neighborhood and may additionally prepare design guidelines for the proposed district. Conservation district design guidelines should minimally include:

1. An inventory defining what is significant about the established character of the proposed neighborhood conservation district, including building characteristics such as established setbacks from property lines and patterns in height, massing, bulk, and orientation; patterns of parcel size and orientation; and streetscape elements.
2. Defined boundaries of the neighborhood conservation district;
3. Proposed design guidelines prescribing future development within the district, which may include the following or other necessary elements:
 - a) Building size and massing;
 - b) Roofline and pitch;
 - c) Façade/elevation features, including orientation of doorways and window openings;
 - d) Porches;
 - e) Exterior materials;
 - f) Parking areas; and
 - g) Screening ~~and landscaping~~;

provided that any design guidelines shall not include requirements for areas not visible from a public street or sidewalk, building interiors, doors and windows (as opposed to door and window openings), colors, landscaping other than landscape screening, handicapped ramps, and solar panels.

4. An outline of the proposed review process for future exterior changes and whether these changes are to be reviewed by a commission or board,

City staff, or a combination thereof depending on levels of review,
including rights for variances and appeals.

H. Notification of Public Hearing. The Secretary shall schedule a public hearing on the application and any design guidelines at the Plan Commission. The Secretary shall provide the following notice not less than ten days before a public hearing on the proposal:

1. Notice by Mail. The Secretary shall notify owners of all properties within the proposed district the date of the public hearing.

Notification shall be sent by first-class U.S. mail to:

a) The address of the property affected;

b) The address of the person who last paid the general taxes on the affected property according to the records of the Champaign County Supervisor of Assessments;

2. Notice by Publication. At least 15 days, but not more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed neighborhood conservation district shall be published in a newspaper of general circulation in the City of Urbana. The notice of such proposed hearing shall contain the common street addresses or address ranges, a description of the proposed district boundaries for which such action is sought, as well as a brief description of the proposed action.

3. Notice by Sign. The Secretary shall make a good faith effort to post notice by sign in accordance with Section XI-10 of the Urbana Zoning Ordinance.

J. Public Hearing of the Plan Commission. The Plan Commission shall hold a public hearing at which the Commission shall take testimony of the applicants, property owners, residents, and any others wishing to be heard on the application. In addition, the Plan Commission shall consider all written comments received prior to or during the hearing.

K. Plan Commission Recommendation.

1. Within 60 days following the public hearing, the Plan Commission shall by majority vote recommend to the City Council whether to approve, approve with changes, or deny the application, including any design guidelines.
2. The Plan Commission's recommendation shall be accompanied by findings and a report summarizing the evidence presented at the hearing.
3. Within 15 days of the Plan Commission's recommendation, property owners in the proposed district shall be mailed a copy of the Plan Commission's recommendation and a registered preference form.
4. The City shall provide owners of record thirty calendar days to submit a registered preference form in favor of or opposing designation of the neighborhood conservation district. Signatures of 60% or more of the responding owners of record indicating they are in favor of designation shall be required for approval. The determination as to endorsement of the owners of record shall be, if a sole owner, by his or her signature, and if multiple owners, by the signatures of owners representing no less than 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.

- L. The Secretary shall forward to the City Council the application, plan and design guidelines, Plan Commission recommendation, results of returned registered preference forms, enacting ordinance for the district, and an ordinance or resolution adopting any proposed design guidelines. Copies shall be sent to the applicants, the Historic Preservation Commission, and the Urbana Building Safety Division.

- M. Protests Against Designation. Prior to commencement of the City Council meeting in which a vote on the proposed action is taken, owners of property within the proposed district may file an official protest against designation of the neighborhood conservation district. A protest shall be considered valid if written opposition is signed by the owners of at least 25% of the lots within the proposed district as follows:
 - 1. If a sole owner, then protest shall be signed by the sole owner; or

 - 2. If multiple owners, then protest shall be signed by the owners representing the majority of the title interest in the property. By way of illustration, if four persons are joint owners of a parcel, it would take three of such joint owners to sign the protest for it to be valid.

 - 3. There shall be one registered preference per parcel in the proposed district. For example, if an owner owns four lots, each lot would have one vote.

N. Final Determination.

1. The City Council shall by majority vote of a quorum either approve, approve with amendments, or deny both the proposed district and any design guidelines.
2. In the case of a valid protest as specified in Section XIII-5.M, action on both the proposed district and any design guidelines shall not be authorized except by a favorable vote of two-thirds of the members of the City Council.
3. No less than 15 days following the City Council's final determination, the City shall notify all owners of record in the district where a copy of the plan and any design guidelines may be reviewed.
4. At its discretion, the Plan Commission may refuse to consider a request for a neighborhood conservation district if such request is identical to or substantially similar to a proposed district denied by the City Council within the past year.

O. Amendment and Dissolution. The district boundaries of any adopted neighborhood conservation district may be amended by the same procedures and criteria as for designation. The City Council may amend any design guidelines enacted as part of the neighborhood conservation district following the notification requirements of Section XI-10 of the Zoning Ordinance. Neighborhood conservation districts may be dissolved by following the procedures provided in Section XI-7 of the Zoning Ordinance

except that a two-thirds "affirmative" vote of the City Council members then holding office will be required.

Section 7. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2007.

PASSED by the City Council this _____ day of _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance to Create Section XIII-5. Neighborhood Conservation Districts of the Zoning Ordinance of the City of Urbana, Illinois (Plan Case 2023-T-06)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2007, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____,
2007.

Frequently Asked Questions About Neighborhood Conservation Districts

Community Development Services Department
City of Urbana, Illinois
November 1, 2007

WHAT IS A NEIGHBORHOOD CONSERVATION DISTRICT?

What are neighborhood conservation districts?

Neighborhood conservation districts are city-designated areas with an identifiable unique character which is protected and promoted through public policies. An example might include an established neighborhood losing its traditional qualities through incompatible construction, such as infill apartments built on “stilts” or oriented to the side rather than to the street.

The stated purposes of the City of Urbana’s neighborhood conservation district ordinance are to:

- Conserve the unique characteristics, including architectural, historical and aesthetic qualities, of older neighborhoods;
- Provide for design review of new construction and alteration of existing buildings to ensure compatibility with the existing character of the district;
- Encourage the retention and rehabilitation of existing structures in older neighborhoods;
- Encourage reinvestment in older neighborhoods;
- Protect the setting and context of historic landmarks and historic districts in close proximity to or surrounded by neighborhood conservation districts; and
- Promote quality architectural innovation appropriate to a neighborhood.

What’s the difference between neighborhood conservation districts and historic districts?

Neighborhood conservation districts and historic districts are different despite both being concerned about conserving and promoting good design. Neighborhood conservation districts deal with larger planning concepts while historic districts are limited in scope and focused on historic preservation. Neighborhood conservation districts are adaptable to the planning needs of a small area while historic districts follow prescribed standards enacted through the City’s Historic Preservation Ordinance. With NCDs, overall building form and how houses relate to the street are relevant while architectural details and building materials are typically not. Neighborhood conservation districts are typically concerned much less with building materials than historic districts.

WHAT DOES A NEIGHBORHOOD CONSERVATION DISTRICT DO?

Is there more to a neighborhood conservation district than design guidelines?

Each district will likely have different needs and different solutions. The City envisions that design review for future development would be a common element for many or most neighborhood conservation districts. As part of the process of enacting a district, City staff, working for property owners and neighborhood groups, will write a plan for the area. The plan could include changes that would be carried out through a variety of ways. For instance a neighborhood conservation district might have a parking element that calls for changes in on-street parking laws and different requirements for parking lots.

Will a neighborhood conservation district dictate what color people can paint their homes?

No. The purpose of neighborhood conservation districts is to deal with broader aspects of development rather than such details.

WHAT IS THE PROCESS?

How is a neighborhood conservation district started?

Neighborhood conservation districts can only be initiated by property owners or a neighborhood group in the effected area and not by the Urbana City Council or others. A neighborhood conservation district is intended to be a grass-roots effort.

The ordinance requires that at least 60% of those property owners in the affected area responding to City survey agree to the district. Why?

This is intended to insure property owner buy-in with the district. It is believed that more than half the property owners should agree.

Does this ordinance mean that the City Council can't enact design guidelines for an area unless property owners initiate a neighborhood conservation district?

No. This ordinance does not preclude design review from being adopted in other ways, such as by City Council initiative and through historic district and landmark designation.

How are exemptions, appeals, and enforcement dealt with?

Each district would be adopted by its own ordinance and have its own plan. Design guidelines would most likely be adopted with each ordinance, depending on the needs of that particular district. Procedural issues such as exemptions, appeals, and enforcement will be dealt with through the adopting ordinance and any design guidelines.