



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

### MEMORANDUM

**TO:** Bruce K. Walden, Chief Administrating Officer

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

**DATE:** March 11, 2004

**SUBJECT:** Plan Case 1878-T-04; Text Amendment of the Urbana Zoning Ordinance pertaining to the requirements in the B-1, Neighborhood Business Zoning District.

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#### **Introduction and Background**

In the Fall of 2002 the Urbana City Council directed staff to study potential revisions to the B-1, Neighborhood Business Zoning District. The direction was given as a result of concern that the current regulations do not always foster development that is compatible with adjacent residential neighborhoods. The discussion included potential amendments to the Urbana Zoning Ordinance that could help ameliorate potential incompatibilities.

In March of 2003 staff presented the Council with suggested changes that could be proposed to the Plan Commission as a text amendment. These changes primarily included amendments to the Table of Uses which indicate uses that are permitted in the B-1 zone, but also included suggested revisions to requirements related to setbacks, bufferyards and signs.

Following discussion in March 2003 it was suggested that any changes to the regulations need to be carefully considered so that they help achieve compatibility between uses but not go so far as to be a disincentive to establish a new businesses in the district. The proposed amendments attempt to strike this balance.

The Urbana Plan Commission conducted public hearings to consider a proposed text amendment to the district. The Commission discussed the proposed changes over the course of three meetings on January 22, 2004, February 19, 2004 and finally on March 4, 2004. At the March 4, 2004 meeting the Plan Commission unanimously recommended approval of the proposed amendments to the Urbana Zoning Ordinance pertaining to the B-1 Zoning District as drafted in the attached ordinance.

## Discussion

At the City Council meetings in 2002/2003, the following comments were offered:

- Revisions to the B-1 district should consider existing sites and potential new developments.
- The priorities of the amendment should be to establish more appropriate businesses, protect adjacent residents from nuisances, and to make neighborhood business development easier.
- Some of the uses permitted by right in the B-1 zoning district should be subject to more review and scrutiny under special use permit procedures.
- There should be consideration given to reducing the amount of signage permitted for B-1 businesses.
- There should be consistent setbacks in the district.
- The regulations should encourage compatible new development of neighborhood businesses especially in newly developing areas.

The proposed amendment offers changes to the table of uses to allow for more review for some uses but also makes provisions to allow certain uses by right provided that the gross square footage of the business is below 2,500 square feet. This provision allows for discretionary review of larger developments that may have impacts to neighborhoods while allowing small scale uses by right. Staff believes this provision works towards achieving the goal of promoting small-scale neighborhood business while allowing for review of larger scaled developments.

The following amendments are proposed to the Urbana Zoning Ordinance:

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

Add the following language:

*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:*

- 1. 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 conditional use permit under the provisions of Article VII herein.*

2. **Table V-1. Table of Uses**

Amend the table to **no longer permit** the following uses in the B-1 District:

- Bookbinding
- Confectionary Products Manufacturing and Packaging
- Automobile, Truck, Trailer or Boat Sales

Amend the table to **no longer permit** the following uses by right in the B-1, Neighborhood Business Zoning District, but rather to permit them **ONLY** with a **Special Use Permit**:

- Convenience Store
- Drugstore
- Principal Use Parking Garage or Lot
- Motion Picture Production Studio

Amend the table to permit the following uses in the B-1, Neighborhood Business Zoning District, **by right** when the gross square footage of the use is 2,500 square feet or less, and **by Conditional Use Permit** when greater than 2,500 gross square feet.

- Antique or Used Furniture Sales and Service
- Arts and Crafts Store or Studio
- Apparel Shop
- Pet Store
- Sporting Goods
- Shoe Store
- Café
- Restaurant
- Dry Cleaning or Laundry Establishment
- Health Club / Fitness
- Photo Sales or Service
- Bicycles Sales and Service

Amend the table to permit the following uses in the B-1, Neighborhood Business Zoning District, **by right** when the gross square footage of the use is 2,500 square feet or less, and with a **Special Use Permit** when greater than 2,500 gross square feet,

- Supermarket or Grocery Store
- Video Store

**3. Amend Table VI-1, Development Regulations by District**

Amend the Side Yard Setback requirement in the B-1 district from 0 feet to 7 feet.

**4. Amend Section VI-5-G.2.c. Yards.**

Require a six-foot high wood or masonry fence along the rear yard instead of a landscape buffer when adjacent to R-4, R-5, R-6, R-6B, or R-7 District.

**5. Amend Section VI-5-G.2.d. Yards.**

Specify that in the B-1 zone, the fence required for a screen for the side or rear yard of a B-1 lot next to property in the R-1, R-2, or R-3 districts shall consist of wood or masonry material.

**6. Amend Section VI-5-G.2.f. Yards.**

Require a six-foot high wood or masonry fence along the side or rear yard (consistent with VI-5-G.2.c above).

**7. Amend Table IX-1 – Freestanding Signs**

Allow only one freestanding sign for a B-1 site instead of one sign per business frontage.

**8. Amend Table IX-2 – Wall-Mounted Signs**

Prohibit wall signs when the wall faces a residential use or zone and is not separated by a right-of-way.

**Other issues considered but not proposed at this time.**

**1. Parking Requirements.**

At this time staff does not recommend changes to the parking space requirements specific to the B-1 district. The Urbana Zoning Ordinance regulates parking spaces based on use regardless of the zoning district (with the exception of the B-4, Central Business District which does not require parking due to the availability of public parking in the downtown area). It is believed that these standards have not been reviewed for a considerable amount of time and that there are significant revisions to be made. This revision should be considered under a separate effort.

## **2. Lighting.**

The Urbana Zoning Ordinance does not currently contain standards on lighting except that residential uses shall be shielded from direct rays of lights from parking lots. Any provisions for lighting should be considered under a separate amendment to the Zoning Ordinance and would pertain to all districts and not exclusively the B-1 Zoning District.

## **3. Hours of Operation**

Under the advice of legal counsel, it is not recommended that hours of operation be included as a specific regulation under the B-1 district or any other zoning district. This operational standard is not currently regulated under the Zoning Ordinance and would be difficult to impose for a specific zoning district considering the variety of uses that are permitted in the district. Restrictions on hours of operation can, however, be imposed under special and conditional use procedures. As a separate omnibus text amendment, staff will add this to Section VII-2.F and Section VII-6.F to clarify that this may be an appropriate restriction for Special Use Permit or Conditional Use Permit request regardless of the zoning district.

## **Summary of Staff Findings**

1. As defined by the Urbana Zoning Ordinance, The B-1, Neighborhood Business Zoning 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. Considering the intent of the district, the current regulations and requirements of the B-1 zoning district as specified in the Urbana Zoning Ordinance may in some instances result in development that can be incompatible with adjacent residential neighborhoods.
3. The proposed amendments to the Table of Uses better recognizes those uses that are appropriate in the district and the level of review they should receive. The provision to allow some uses by right when under 2,500 square feet in gross floor area will help promote neighborhood business development while minimizing potential impacts to neighborhoods.
4. The proposed amendment will encourage more compatible development between the B-1, Neighborhood Business Zoning District and adjacent residential zoning districts by amending the requirements for setbacks, screening and signage.
5. The proposed amendment is generally consistent with the goals of the 1982 Urbana Comprehensive Plan, as amended.

## Options

The City Council has the following options. In Plan Case 1878-T-04, the Council may:

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

## Staff Recommendation

Based on the evidence presented in the discussion above, staff recommends that the City Council **APPROVE** of the proposed text amendment to the Zoning Ordinance as presented in the attached ordinance.

Attachments:

Specific Proposed Text Amendments to the Urbana Zoning Ordinance by Section  
Proposed Ordinance  
Minutes of the January 22, 2004 Plan Commission Meeting  
Minutes of the February 19, 2004 Plan Commission Meeting  
Minutes of the March 4, 2004 Plan Commission Meeting  
Description of B-1, Neighborhood Business Zoning District  
Active B-1 properties in Urbana

## ARTICLE V. USE REGULATIONS

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

### **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:

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

TABLE V-1. TABLE OF USES

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	AG	CRE	IN	MOR	OP
<b>Public and Quasi-Public Facilities*</b>																			
Public Elementary, Junior High School, or Senior High School	P	P	P	P	P	P										P	P		
Institution of an Educational, Philanthropic, or Eleemosynary Nature	S	S	S	P	P	P	P		P	P	P	P	P	P	S	S		P	
Church or Temple	S	S	S	P	P	P	P	S	P	P	P	P	P	P	S	S		P	P
Religious Tent Meeting															C				
Methadone Treatment Facility					S	P					P	P	P	P	S				P
Municipal or Government Building	C	C	C	P	P	P	P		P	P	P	P	P	P	C		P	P	P
Penal or Correctional Institution											S		S	S			S		
Police Station or Fire Station			S	S	S	S	S		P	P	P	P	P	P	S		P		
Public Library, Museum or Gallery	S	S	S	P	P	P	P		P	P	P	P	P	P					P
Public Park	P	P	P	P	P	P	P		P	P	P	P	P	P	S	P	P	P	P
Public or Commercial Sanitary Landfill															S		C		
Sewage Treatment Plant or Lagoon															S	S	C		
Principal Use Parking Garage or Lot				S	S	S	S		P	P	P	P	P	P			P	S	
Radio or Television Tower and Station											C	C	S	S	S		C		
Water Treatment Plant															S		C		
Electrical Substation	S	S	S	C	C	C	C		C	C	P		P	P	S		P		
Telephone Exchange	C	C	C	C	C	C	C		C	C	P	P	P	P	C		P		
Public Fairgrounds															S				
Hospital or Clinic					S	P					P	P	P	P	S				P
University or College											P	P	P	P		P			P
Utility Provider										S	P	P	P	P			P		
<b>Commercial Transportation Uses</b>																			
Airport															C				
Heliport															C		S		
Motor Bus Station											P		P	P			C		
Truck Terminal, Truck Wash																		P	
Railroad Yards and Railroad Freight Terminals																		P	
Air Freight Terminal															S		C		
<b>Residential Uses</b>																			
Boarding or Rooming House				P	P	P	P	P		P		P	P	P					P
Dwelling, Single-Family	P	P	P	P	P	P	P	P	C	P		P			P				P
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P		C	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, Multifamily				P	P	P	P		C	P	P	P	P	P					P
Dwelling, Two-Unit Common-Lot-Line		C	P	P	P	P	P			P									P
Dwelling, Multiple-Unit Common-Lot-Line					P	P	P	P	S	C	P	P	P	P			P		P
Dwelling, Community Living Facility, Category I	P	P	P	P	P	P	P	P	C	P		P			P				P





Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	AG	CRE	IN	MOR	OP
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**Business Uses - Agricultural (cont.)**

Roadside Produce Sales Stand												P	P			P			
Farm Equipment Sales and Service												P						C	
Feed and Grain (Sales only)												P	P	C	C	C			
Livestock Sales Facility and Stockyards																	C	C	
Slaughterhouses																		S	
Grain Storage Elevator and Bins																C		C	

**Business Uses - Business, Private Educational and Financial Services**

Bank, Savings and Loan Association							P		P	P	P	P	P	P				P	P	P
Day Care Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C	P	C
Check Cashing Services							P		P	P	P	P	P	P					P	P
Copy and Printing Service							P		P	P	P	P	P	P					P	P
Express Package Delivery Distribution Center																		P		P
Packaging/Mailing Service									C	P	P	P	P	P						P
Professional and Business Office				S	C	C	P		P	P	P	P	P	P				P	P	P
Vocational, Trade or Business School												P	P	P	P	C		C	P	P

**Business Uses - Food Sales and Services**

Meat and Fish Market									P	P	P	P	P	P					S	
Restaurant							C		C	P	P	P	P	P					C	C
Fast-food Restaurant									C	C	P	P	P	P						
Café							C		C	P	P	P	P	P					P	C
Supermarket or Grocery Store							C		P	P	P	P	P	P						
Wholesale Produce Terminal																		P		
Tavern or Night Club											P	P	P	P						
Bakery (Less than 2,500 square feet)							P		P	P	P	P	P	P					C	
Convenience Store							C		P	P	P	P	P	P					P	
Confectionery Store							P		P	P	P	P	P	P					P	
Retail Liquor Sales									C	C	P	P	P	P						
Locker, Cold Storage for Individual Use									C	P	P	P	P	P						

**Business Uses - Vehicular Sales and Service**

Automobile, Truck, Trailer or Boat Sales									C	C	P	C	C	C					P	
Mobile Home Sales											P									
Automobile/Truck Repair, major											P								P	
Gasoline Station									C	C	P	C	C	C					P	
Public Maintenance and Storage Garage											P								P	
Automobile Washing Facility											P	P							C	
Automobile Accessories (New)							C		C	C	P	P	P	P						
Automobile Salvage Yard (Junkyard)																			C	
Towing Service											S								P	
Truck Stop											S								P	

**Business Uses - Retail Trade**

Building Material Sales (All Indoors Excluding Concrete or Asphalt Mixing)												P	P	P	P				P	
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**Principal Uses**

	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	AG	CRE	IN	MOR	OP
<b>Business Uses - Retail Trade (Cont.)</b>																			
Hardware Store									P	P	P	P	P	P					P
Electrical or Gas Appliance Sales and Service									P	P	P	P	P	P					
Department Store											P	P	P	P					
Apparel Shop							P		C	P	P	P	P	P					P
Jewelry Store							P		P	P	P	P	P	P					P
Video Store							P		P	P	P	P	P	P					P S
Electronic Sales and Services							P		P	P	P	P	P	P					P
Shoe Store							P		C	P	P	P	P	P					P
Stationery-Gift Shop-Art Supplies							P		P	P	P	P	P	P					P P
Florist							P		P	P	P	P	P	P					P P
Bookstore							P		P	P	P	P	P	P					P P
Tobacconist							P		P	P	P	P	P	P					P
Variety-Dry Goods Store							P		P	P	P	P	P	P					P
Music Store							P		P	P	P	P	P	P					P
Drugstore							P		P	P	P	P	P	P					P
Photographic Studio and Equipment Sales and Service							P		C	P	P	P	P	P				P	P
Furniture Store - Office Equipment Sales and Service											P	P	P	P					P P
Antique or Used Furniture Sales and Service											P	P	P	P					P
Pet Store									C	P	P	P	P	P					P
Bicycle Sales and Service							C		C	P	P	P	P	P					P
Fuel Oil, Ice, Coal, Wood (Sales Only)											P		P	P				P	
Monument Sales (Excluding Stone Cutting)											P	P	P	P					
Pawn Shop													P	P					
Sporting Goods							C		C	P	P	P	P	P					P
Heating, Ventilating, Air Conditioning Sales and Service									C	P	P	P	P	P				P	
Art and Craft Stores and Studios							C		C	P	P	P	P	P					P

**Business Uses - Recreational**

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
Resort or Organized Camp																C	C		
Bait Sales											P		P	P	C	C			
Billiard Room											P	P	P	P					P
Bowling Alley											P	P	P	P					
Country Club or Golf Course	P	P	P	P	P	P	P								P	C			
Dancing School											P	P	P	P					P
Driving Range											P				P	C			
Lodge or Private Club	C	C	C	C	P	P			C	C	P	P	P	P	C	C			C
Miniature Golf Course											P				P	C			
Outdoor Commercial Recreation Enterprise (Except Amusement Park)											P	P	P	P	C	C			
Private Indoor Recreational Development											P	P	P	P	C	C			P
Camp or Picnic Area															P	C			







## ARTICLE VI. DEVELOPMENT REGULATIONS

### Section VI-5. Yards

#### G. 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 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.
  - d) The required side or rear yard of a lot in 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. In the B-1 District the fence shall consist of either wood or masonry materials. This provision shall supersede Chapter 7 of the Urbana City Code entitled "Fences" but shall not be permitted in an area that the City Engineer determines will pose a traffic hazard.
  - 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 this Section. In the B-1 District a six-foot high wood or masonry fence shall be erected in lieu of a landscape buffer.

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

District	Minimum Lot Size (sq. ft. unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height (In feet)	Maximum FAR	Minimum OSR	Front	Required Yards (In Feet) Side	Rear
AG	1 acre	150	35	0.25	0.55	25	15	25
CRE	1 acre	150	35	0.25	0.55	25	15	25
CCD	6,000	60	None	4.0	.10 *See Note 6	6	5	5
R-1	9000 *See Note 4	80	35	0.30 *See Note 4	0.50 *See Note 4	25 *See Note 1	5(15) *See Note 2	10
R-2	6,000	60	35	0.40	0.40	15 *See Note 1	5	10
R-3	6,000	60	35	0.40	0.40	15 *See Note 1	5	10
R-4	6,000	60	35	0.50	0.35	15 *See Note 1	5	10
R-5	6,000	60	35	0.90	0.30	15 *See Note 1	5	5
R-6	6,000	60	*See Note 5	1.40	0.25	15	5	10
R-6B	6,000	60	*See Note 5	1.50	none	15	5	10
R-7	6,000	60	35	0.50	0.35	15 *See Note 1	5	10
B-1	6,000	60	35	0.30	none	15	none	10
B-2	6,000	60	35	1.50	0.15	15	10	15
B-3	6,000	60	none	4.00	none	15	10	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
IN	10,000	90	none	1.00	none	25	none	none
MOR	6,000	60	35	0.70	0.30	15 *See Note 1	7(17) *See Note 3	10
OP	1 acre	150	50	0.5	0.55	25	15	25



**TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign	Location of Sign
B-1 Neighborhood Business	<p><b><u>Each business is permitted one freestanding sign except that no free-standing sign is permitted if a projecting or roof sign exists on the lot.</u></b></p> <p>Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for up to each 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.</p>	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				
B-3 General Business		50 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 feet maximum	
B-4 Central Business		150 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 40 feet maximum (See note below)	
IN Industrial				
B-4E Central Business Expansion	Each business is permitted one sign per frontage up to 300 feet, and one additional sign for each 300 feet of frontage thereafter; except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.	50 square feet	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)	Each business is permitted one sign per frontage, except that no free-standing sign is permitted if a projecting sign exists on the same frontage.	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.

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 two thousand feet (2,000') of the center line of an interstate highway; and (3) more than five hundred feet (500') 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 (1/2) mile away along the highway, but not to exceed a height of seventy-five feet (75') and an area of one hundred fifty (150) square feet.

**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	10% of wall area, not to exceed 150 sq. ft. maximum	Signs shall not extend beyond the top or ends of the wall surface on which they are placed.  <u><i>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.</i></u>
B-3 General Business  B-4 Central Business  B-4E Central Business Expansion		10% of wall area, not to exceed 175 sq. ft. maximum	
IN Industrial		15% of wall area, not to exceed 200 sq. ft. maximum	
MOR Mixed Office Residential		10% of wall area, not to exceed 75 sq. ft. 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  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-3 General Business  B-4E Central Business Expansion		32 square feet		
B-4 Central Business	See footnote 1. regarding spacing requirements for projecting signs extending over the right-of-way in the B-4 District.	32 square feet: 10 square feet if any portion extends over public right-of-way		In the B-4 District, projecting signs with a maximum area of 10 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		

Footnote 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 (6) inches; and a minimum separation of twenty feet (20) 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-4 Central Business  B-4E Central Business Expansion	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	75 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-3 General Business		50 square feet		
IN Industrial		100 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	

**TABLE IX-5. STANDARDS FOR FUTURE 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 50 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 footnote 8,9,13
	Free-standing	2 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 footnote 7,8,9,10,13

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-5.G.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**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign	Location of Sign
<p>R-6B Restricted Business</p> <p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business Arterial</p> <p>B-3U General Business University</p> <p>MOR Mixed Office Residential</p>	<p>One sign per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.</p>	<p>10 square feet</p>	<p>9 foot minimum clearance to ground</p>	<p>No sign may project more than 2 feet from any canopy, or other such structure.</p>
<p>B-3 General Business</p> <p>B-4 Central Business</p> <p>B-4E Central Business Expansion</p>		<p>15 square feet</p>		
<p>IN Industrial</p>		<p>20 square feet</p>		

**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	
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		150 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 SUBDIVISIONS 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				
AG Agriculture  B-1 Neighborhood Business  B-2 Neighborhood Business Arterial  B-3 General Business  B-3U General Business University				Signs shall conform to the setback requirements for structures in applicable district.
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/PUD	Districts Permitted	Maximum Number Permitted	Maximum Area <sup>1</sup>	Maximum Height	Location	Individual <sup>3</sup> Business May List
General Shopping Center	R-6B – S B-2 – S B-3 – S B-3U – S B-4 – S B-4E – S IN – S	Two signs per frontage	150 sq. ft., for shopping center located on lots greater than five (5) acres, 50 additional sq. ft. 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
Convenience Shopping Center	R-6B – S B-1 – S B-2 – S B-3 – S B-3U – S B-4 – S B-4E – S IN – S		75 square feet <sup>2</sup>			

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.

ORDINANCE NO. 2004-03-029

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS**

(With respect to the standards and regulations for the B-1, Neighborhood Business Zoning District -- Plan Case No. 1878-T-04)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend various sections of the Urbana Zoning Ordinance text as they pertain to the requirements of the B-1, Neighborhood Business Zoning District; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1878-T-04; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission opened a public hearing to consider the proposed amendment on January 22, 2004 and continued the public hearing to February 19, 2004 and again to March 4, 2004; and

WHEREAS, on March 4, 2004 the Urbana Plan Commission voted unanimously to forward the proposed amendments set forth in Plan Case No. 1878-T-04 to the Urbana City Council with a recommendation for approval; and

WHEREAS, the findings of the Plan Commission indicate that approval of the text amendment request would promote the general health, safety, morals, and general welfare of the public.

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

Section 1. Article V. Use Regulations, of the Urbana Zoning Ordinance is hereby amended to add the following Section:

*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 conditional use permit under the provisions of Article VII herein.*

Section 2. Section VI-5.G.2.c. Yards, of the Urbana Zoning Ordinance is hereby amended to add the following sentence at the end of the existing text:

*In the B-1 District a six-foot high wood or masonry fence shall be erected in lieu of a landscape buffer.*

Section 3. Section VI-5.G.2.d. Yards, of the Urbana Zoning Ordinance is hereby amended to add the following sentence at the end of the existing text:

*In the B-1 District the fence shall consist of either wood or masonry materials.*

Section 4. Section VI-5.G.2.f. Yards, of the Urbana Zoning Ordinance is hereby amended to add the following sentence at the end of the existing text:

*In the B-1 District a six-foot high wood or masonry fence shall be erected in lieu of a landscape buffer.*

Section 5. Table V-1. Table of Uses, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to **delete** the following uses in the B-1, Neighborhood Business Zoning District:

- *Bookbinding*
- *Confectionary Products Manufacturing and Packaging*
- *Automobile, Truck, Trailer or Boat Sales*

Section 6. Table V-1. Table of Uses, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to permit the following uses in the B-1, Neighborhood Business Zoning District only by **Special Use**:

- *Convenience Store*
- *Drugstore*
- *Principal Use Parking Garage or Lot*

Section 7. Table V-1. Table of Uses, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to permit the following uses in the B-1, Neighborhood Business Zoning District **by Right** when the gross square footage

of the use is 2,500 square feet or less, and **by Conditional Use** when the gross square footage is greater than 2,500 square feet.

- Antique or Used Furniture Sales and Service
- Arts and Crafts Store or Studio
- Apparel Shop
- Pet Store
- Sporting Goods
- Shoe Store
- Café
- Restaurant
- Dry Cleaning or Laundry Establishment
- Health Club / Fitness
- Photo Sales or Service
- Bicycles Sales and Service

Section 8. Table V-1. Table of Uses, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to permit the following uses in the B-1, Neighborhood Business Zoning District **by Right** when the gross square footage of the use is 2,500 square feet or less, and **by Special Use** when the gross square footage is greater than 2,500 square feet.

- Supermarket or Grocery Store
- Video Store

Section 9. Table VI-1. Development Regulations By District, of the Urbana Zoning Ordinance is hereby amended to list the following standards for the B-1 District:

District	Minimum Lot Size (In Square Feet)	Minimum or Average Lot Width (in feet)	Maximum Height (In feet)	Maximum FAR	Minimum OSR	Required Yards (In Feet)		
						Front	Side	Rear
B-1	6,000	60	35	0.30	None	15	7	10

Section 10. Table IX-1, Standards for Freestanding Signs, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to list the following standard under the column entitled "Maximum Number Permitted" for the B-1, Neighborhood Business Zoning District:

*Each business is permitted one freestanding sign except that no freestanding sign is permitted if a projecting or roof sign exists on the lot.*

Section 11. Table IX-2, Standards for Wall Signs and Wall-Mounted Signs, of the Zoning Ordinance of the City of Urbana, Illinois, is hereby amended to include the following **additional** standard under the column entitled "Maximum Height and Location of Signs":

*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.*

Section 12. 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).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

AYES:

NAYS:

ABSTAINS:

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Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

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Tod Satterthwaite, 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 \_\_\_\_\_, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (With respect to the standards and regulations for the B-1, Neighborhood Business Zoning District -- Plan Case No. 1878-T-04)" 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 \_\_\_\_\_, 2004, 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 \_\_\_\_\_, 2004.

(SEAL)

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** January 22, 2004  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Christopher Alix, Alan Douglas, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Don White

**MEMBERS EXCUSED:** Laurie Goscha, Marilyn Upah-Bant

**STAFF PRESENT:** Rob Kowalski, Planning Manager; Michaela Bell, Senior Planner; Paul Lindahl, Planner; Teri Andel, Secretary

**OTHERS PRESENT:** Sandy Bales, Mark Blager, John Fimian, John Peisker, Susan Taylor

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

**Plan Case 1878-T-04: Text Amendment of the Urbana Zoning Ordinance pertaining to the requirements in the B-1, Neighborhood Business Zoning District.**

Mr. Kowalski gave the staff report for this case. He explained how the request for changes to the B-1, Neighborhood Business Zoning District came about. There was a lot of interest in smaller scale neighborhood businesses being located closer to residential areas, so residents could walk or bike to it.

He talked about the history of where the existing B-1 zoned property was in the City of Urbana. The difficulty was that the existing B-1 lots range in size from 4000 square feet to an eight acre-sized lot. The existing land uses that one would find on different B-1 lots were also very different from a small-scaled neighborhood grocery store to something that was a little more industrial in use or office.

Mr. Kowalski stated that the main concern of the City Council was what uses would be allowed in the B-1 Zoning District by right and what should really be reviewed with more scrutiny. He reviewed the proposed text amendments to the Urbana Zoning Ordinance. Other issues that the City staff considered making changes to but were not proposing any changes to were as follows:

1) Number of Parking Spaces, 2) Lighting, and 3) Hours of Operation. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed text amendments to the Zoning Ordinance to the City Council.*

Mr. Kowalski commented that making changes to the Zoning Ordinance was a little harder than it appeared. When you start getting into the Zoning Ordinance and start tweaking, then it brings up other questions. Some issues relate to all zoning districts and not just individual districts. In this proposal, City staff was trying to make some tweaks and changes to the B-1 Zoning District that would help satisfy the goal of making development more compatible, and also offer more of an incentive to establish a neighborhood business as well.

Mr. Douglas mentioned that City staff had applied a standard of 2,500 gross feet for the uses that require a Conditional Use Permit. Did City staff not think about applying a standard whether it would even be allowed or not to say that principal use parking garages, if a certain size, were not permitted? Mr. Kowalski stated that staff did not consider a size where a principal use-parking garage would be okay or not okay. Staff felt that even a small-scaled principal use parking lot would have an activity of traffic that could have an impact to a neighborhood, and therefore, it should be reviewed.

Mr. White noticed that staff suggested requiring a wood fence. Was there any reason why staff could not make it wood or masonry? Mr. Kowalski said no. The reason why staff suggested wood fences was that they were required in other instances where fencing was required by code. The intent was more of opaque fencing rather than a chain-linked, but he did not believe that it would have to be wood. Mr. White commented that there were other types of materials that would be more durable. They would be more expensive to build; however, they would be cheaper to maintain. Mr. Hopkins inquired if it could be changed to opaque? Mr. Kowalski said yes. Before changing it to opaque, the City would need to consider all alternatives that it could be, such as sheet metal. Mr. Hopkins believed that wood was too limiting. The attributes of the fence were what the City really cared about. Mr. Pollock suggested changing it to extend to masonry or other materials that would be aesthetically pleasing. The City would not want to limit someone, who wanted to build something nicer than a wood fence either.

Mr. Alix questioned if increasing the setback requirement would be something that resulted in a significant portion of the existing lots becoming unbuildable as they were currently being built? Mr. Kowalski did not believe so. Many of the uses were in older structures that were already built and were already non-conforming. Although the B-1 Zoning Ordinance said zero setback, if it was next to a residential use, then it would be required to take their setback. Mr. Alix responded by saying that given the intent of the B-1 Zoning District was for these to be on small parcels typically in residential neighborhoods, then the City would want to be very careful as to whether they were working against themselves by making it difficult to build on what few B-1 areas that the City had. Mr. Kowalski stated that was an excellent point and one that the City staff did consider. Mr. Pollock added that if someone found that the seven-foot setback

requirement was creating a hardship to build on a parcel, then the property owner could ask for a variance.

Mr. Alix inquired where the fence would have to go? Could it go on the property line? Mr. Kowalski replied yes. Mr. Alix stated that he would be concerned and it would seem pointless for the City to require a setback and also to require a fence on the property line, so that the adjacent property owner would not gain the benefit of the setback. Mr. Kowalski mentioned that there were always instances where there would be area needed to move between a fence and a building by the owner of the building. He noted that one of the issues of the setback requirements, as well, was not just the side of the building, but usually the overhang of a roof, which could encroach into the setback and trying to keep it as far from neighboring residential uses as possible.

Mr. Alix understood the argument for requiring a fence if the City intended the fence to act as a screen from headlights of cars in a parking lot or screening a dumpster. However, he did not see how someone living next to a proposed B-1 business that was required to put up a six-foot fence was significant or less of an encroachment than a building that was seven feet away. Mr. Kowalski asked if Mr. Alix was suggesting that a fence not be required between a B-1 building and a neighboring structure? Mr. Alix said yes. Maybe if there were a way to identify what the aspects of the B-1 development were that the City thought would be objectionable enough to the neighbors to require a six-foot fence, then perhaps, it would be nice to codify that. It would not seem to benefit the neighboring landowner to require the business owner to have a six-foot fence right along the property line when instead all the neighboring landowner would be looking at an exterior windowless wall of the business. Mr. Kowalski stated that it was one of those "one size fits all" problems. In some cases, a fence may be necessary, and in other cases, it may not be necessary. Mr. Alix added that it might depend upon the neighboring property owner. Some people may want to look at a fence rather than at a brick wall. However, he was concerned that requiring that high of an opaque fence went against the notion of encouraging a setback to make this a little less of an impact on a neighboring residential use.

Mr. Alix remembered some of the history behind adding "mail order businesses". He wondered if staff would have an objection to striking it from the list of uses for the B-1 Zoning District. He did not see how a community would be served by having a mail order business, which was in effect a warehouse or fulfillment center located in a B-1 Zone. If he remembered correctly, it was added to sneak in a use that was not possible otherwise. Mr. Kowalski mentioned that was about four years ago when "mail order business" was added. Mr. Alix felt that it did not fall within what was intended for the B-1 Zoning District.

Ms. Stake asked if all of the uses that were listed would be allowed in any residential area? Mr. Kowalski explained that they were talking about the B-1 Zoning District. Ms. Stake wanted to know how the City determined the zoning district? Mr. Kowalski answered by saying that the City had the Zoning Map, which showed where sites were currently zoned B-1. For a site in a residential neighborhood that was not zoned as B-1 and someone wanted to establish a business, then the property owner of that site would have to request that the site be rezoned from residential to B-1.

Ms. Stake inquired if a principal use parking lot or garage had always been on the list? Mr. Kowalski stated that currently a principal use parking lot was permitted by right in a B-1 Zoning District. The proposed text amendment would change it so that a principal use parking lot would no longer be permitted by right, but be reviewed with a Special Use Permit.

Ms. Stake questioned if any of the businesses would be permitted if the building was 2,500 square feet or less? Mr. Kowalski replied yes.

Ms. Stake mentioned that lighting was one of the big problems. Although staff stated in the written staff report that they would still consider this issue, she felt it should be addressed. She was disappointed that staff had not proposed any changes to solve the lighting problem. Changes to the hours of operation would have helped as well, and again staff was not proposing any changes at this time. Mr. Kowalski said that staff would not be addressing hours of operation in the future. She stated that the lighting and the hours of operation went together.

Ms. Stake inquired if a check cashing service could include a drive-in? Mr. Kowalski stated that the Zoning Ordinance only gave details about a drive-thru for a fast-food business. A fast-food business was not permitted in a B-1 Zone. Ms. Stake felt that this should be checked, because they did not want a drive-in allowed, because it would generate more traffic in residential neighborhoods.

Mr. Douglas inquired if a check cashing service would be allowed to operate with a drive-thru? Mr. Kowalski replied that they would be allowed. There were not specific regulations against it. Mr. Kangas commented that this kind of service would need to have the space to be able to have a drive-thru. Mr. Alix added that with the setback requirements, it would be hard enough to build a building on the B-1 lots, given their size.

Ms. Stake asked if some of the B-1 areas included more than one store? Mr. Kowalski replied that most of the existing B-1 sites were one use. Mr. Kangas stated that most of them were one building, but the building might be a strip with three different vendors in it.

Mr. Kangas disagreed with Mr. Alix about striking "mail order business" from the list of uses. In the age of the web, he would see most of the uses listed as boutiques. It would be very possible for some of the businesses to have a website and the business owners were trying to sell things over the web. Would this count as a mail order type of business? He did not know. In the age of technology, business owners may very well be doing more technology via mail and deliveries than in their shop.

Regarding the six-foot fence and setback requirements, Mr. Kangas felt that five or seven feet were not very big. He mentioned that there was a chain-linked fence separating his backyard from the parking lot of the apartment building located behind his house. He felt like he was walking through a parking lot in his backyard. So, he put up a cedar fence, and now it was an entirely different feel when his family was in the backyard. He believed that a fence should be required in this type of circumstance. The property owner could always come in and ask for a variance to not have to follow the fence requirement.

Mr. Alix agreed with Mr. Kangas. He could envision a scenario where people would rather not have the fence, but in the majority of the cases, the people probably would want a fence. Mr. Pollock commented that he would want to make sure that someone living next door to a B-1 development would have the option of requiring a fence.

Mr. Alix responded to the mail order business issue. If he had his way, it would be eliminated from the Table of Uses. He thought it would either be a distribution center, where the UPS guy would come everyday and pick up the mail order goods that would be going out, or if there was a retail component, then the retail component would be the highest intensity use. His argument was that anything that would only fall under "mail order business" would be not appropriate in the B-1 Zone. Mr. Kangas was inclined to agree with that. Mr. Pollock stated that the definition of a "mail order business" was and what percentage of it was would change over time and possibly change within whatever particular operation may be under review. He certainly would not want to strike it from the list of uses, because it may be something that would be very appropriate. He suggested leaving it on the list that required a Conditional Use Permit. Mr. Alix argued that a business without a walk-in component or a retail-service component then it would not be appropriate in the B-1 Zoning District. If he wanted to order something over the internet, then he would not need to leave home to do so, and it would not do him any good to be able to walk next door to do so. The idea behind the B-1 Zoning District was to provide neighborhood service. He did not feel that a mail order business over the internet was a neighborhood service.

Mr. Hopkins talked about the idea of neighborhood business. It was also a place where people work. He did not like the idea of eliminating the bookbindery use or the candy manufacturing use. We need to remember that getting neighborhood businesses of the size that they were talking about was already next to impossible. The way a business fits in and operates allows the notion that people could work and walk to work or to a business, whether or not products sold by that business could be purchased over the internet. If we keep imagining the B-1 businesses as the perfect little grocery stores of old, then the B-1 Zoning District would not be successful. We need to be a little more inventive about the notion of what the uses were really likely to be and why we want them. He thought it was about having other kinds of activities in neighborhoods, such as having places to walk to and having some people able to walk to work.

Mr. Hopkins thought they should be imaging building configurations that they were actually interested in and how those building configurations performed at their edges. With the different ways in which edges could work, the City should be positioning themselves to be taking advantage of instead of making up the notions that fences were the solution.

Mr. Pollock remarked on Mr. Hopkins's comments regarding the viability of the B-1 Zoning District by saying that the City had been talking about the B-1 Zoning District for a number of years. The problem that he had seen with this was that with the economies of scale, the small businesses that people seem to want to open up are convenience stores with giant canopies, lights, and gas stations. It does, in terms of viable neighborhood retail, take a unique type of business, a unique location, and perhaps a unique individual to make a business work in the B-1 Zoning District. This was true of all the successful businesses currently located in the B-1 Zoning District. He believed that there were places in neighborhoods for things other than single-family residences. If it meant requiring some permitting processes such as Conditional Use Permit review or Special Use Permit review, then the City should still be flexible and

willing to stretch a little bit to try to bring things into the neighborhoods that were usable and would be an amenity.

Ms. Stake asked how this was being done in the new neighborhoods? Mr. Pollock answered by saying that there were not any B-1 zones in the new neighborhoods. Mr. Kangas added that most of the new neighborhoods had covenants that made it impossible to have a B-1 zone inside it. Mr. Kowalski recalled that there was a new neighborhood that was proposed with a small lot in the front that was proposed for B-1 Neighborhood Business Zoning. This was the Southridge Subdivision. The Plan Commission and the City Council had concerns about what might happen in the proposed B-1 zone several years down the road and that it might impact the neighborhood negatively. As a result, the proposal for the B-1 zone did not pass.

Mr. Pollock stated that if they managed to craft the proposed text amendment well, then it might be possible to encourage B-1 Zoning Districts to happen in new residential expansions in a way that would protect the neighborhoods and provide services that were needed, especially since the new neighborhoods were moving further and further away from any type of commercial district.

Mr. Pollock inquired if there were no provisions for doctor or dental offices? Mr. Alix responded by saying that Professional Offices were permitted under Business Uses in the B-1 Zoning District.

Mr. Pollock asked in what neighborhood would they want a mortuary? Mr. Alix said it was the same as a funeral home. He wondered what was wrong with having a funeral home in residential areas. Mr. Kowalski added that it might not fall under a place for people to walk to work or as a convenient store that people would visit two or three times a week; however, it would be a use that may have very low impact to a neighborhood.

Mr. Pollock mentioned places that have two or three different businesses that share a building. He wondered how the change in freestanding signs would affect the businesses. Mr. Kowalski replied that each business would be allowed to have their own wall sign on the building; however, they would have to share the freestanding sign.

Mr. Alix reiterated that he would like to see the B-1 Zoning District be useful enough and appropriate enough that they could encourage new subdivisions to be built with small amounts of B-1. He believed that it was an issue that the City of Urbana was continuing to grow; yet the larger, newer subdivisions did not have any retail or service amenities nearby. Mr. Kangas agreed with this, but there were covenants. The City might try to encourage B-1 Zoning Districts in the new subdivisions, but he was not sure that people would buy into the notion of having a B-1 Zoning District nearby. Mr. Pollock commented that the people may not buy into the notion and the covenants may prevent it, but if the proposed text amendments were done right, then maybe folks might not feel that something would intrude on their homes, and other developments might be interested in doing something like that.

Ms. Stake commented that the City should also require that they have a park, and then there would be a buffer between the residences and the businesses. Mr. Kowalski stated that this worked best in a Planned Unit Development (PUD) like the Golladay Tract. They were able to look at the big picture of how it would overall develop. Ms. Stake stated that there was so much

hope for the PUDs, and they have not really taken off. Mr. Kowalski remarked that the PUD Ordinance was rather cumbersome and could use some changes to make it a little more appealing for developers.

With having no more questions or comments, the Plan Commission tabled this case to the next meeting.

**7. OLD BUSINESS**

There was none.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Kowalski reported on the following:

- ✓ Walton Subdivision Preliminary Plat – was approved by the City Council on Tuesday, January 20, 2004.
- ✓ Comprehensive Plan Steering Committee Update – The Committee began discussing the proposed Future Land Use Maps. The next meeting was scheduled for February 12<sup>th</sup> at 7:00 p.m.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

Chair Pollock adjourned the meeting at 9:34 p.m.

Respectfully submitted,

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Rob Kowalski, Secretary  
Urbana Plan Commission



**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** February 19, 2004  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Christopher Alix, Laurie Goscha, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Don White  
**MEMBERS EXCUSED:** Alan Douglas, Marilyn Upah-Bant  
**STAFF PRESENT:** Rob Kowalski, Planning Manager; Paul Lindahl, Planner; Teri Andel, Secretary  
**OTHERS PRESENT:** Mark Dixon, Cynthia Hoyle

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

The meeting was called to order at 7:31 p.m., the roll call was taken, and a quorum was declared.

**7. OLD BUSINESS**

**Plan Case # 1878-T-04: Text Amendment of the Urbana Zoning Ordinance pertaining to the requirements in the B-1, Neighborhood Business Zoning District.**

Rob Kowalski, Planning Manager, presented the update for this case to the Plan Commission. He discussed the three main concerns that had been expressed by the Plan Commission at the previous meetings, which were wood fencing, the elimination of certain uses in the B-1 Zoning District, and drive-through facilities. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance along with additional consideration to be given regarding the regulation of drive-through facilities.*

Mr. White, Chair Pollock and Ms. Goscha agreed that Alternative # 1 for drive-through facilities would be the best choice. Chair Pollock felt that it would give them a chance to look at each use request for a drive-through facility. Ms. Goscha also felt that Alternative #2 and Alternative #3 limited them to what they could presently consider, instead of what could be changing in the future.

Ms. Stake felt that drive-through facilities should be reviewed through the Special Use Permit process rather than the Conditional Use Permit process. However, she preferred to not allow drive-through facilities in the B-1, Neighborhood Business Zoning District at all. The district was supposed to encourage a walkable community, and drive-through facilities would encourage vehicular traffic.

Ms. Stake also felt that the B-1 Zoning District was trying to do too much for so much. There was such a wide difference of what types of businesses could be located in the B-1 Zoning District. There was also a difference in the size of a B-1 area ranging from a tiny area up to 25,000 square feet or more. She wondered if they should start a new zoning district to integrate small businesses into residential areas. Ms. Goscha commented that the B-1 Zoning District was supposed to be for neighborhood businesses in residential areas.

Ms. Stake did not agree that all of the uses allowed in the B-1 Zoning District would fit into residential areas. She read the list of uses that were allowed by right, with Special Use Permits, and with Conditional Use Permits. Mr. Alix believed that it was a good list. There were only a few uses that Ms. Stake read that he might not want in his neighborhood. Although he may not need all of the uses in his neighborhood, he believed that the list represented uses that may be useful in a residential neighborhood.

Mr. Alix expressed concern about how the B-1 Zoning District might be useful for new developments. At the previous Plan Commission meeting, the commissioners discussed whether or not a developer would actually build a B-1 Zoning District development into a new residential subdivision. The general consensus was that probably no one would want to buy a lot that was next to a lot zoned B-1. It was not possible to make a commercial zone that was sufficiently restrictive to make people want to buy a lot next to it. However, one of the values of the B-1 Zoning District, in the future, might be to encourage developers to incorporate the zone with additional buffering. By providing additional buffering around the B-1 lots, developers could create an opportunity to develop business that people might not want to live right next to, but would not mind living across the street from or across the detention basin from knowing that what was in the B-1 Zoning District would be limited to relatively small businesses and would not be a gas station or a truck stop. He felt that was the real value, and therefore, he liked the fact that there was a reasonable variety of businesses allowed in the B-1 Zoning District. He believed that as the B-1 Zoning District sets now and as it was being proposed to be modified, it would be very useful as a transitional commercial zone for busy corners in larger residential developments.

Ms. Stake liked this idea a lot, because in a new subdivision, if a lot was zoned for B-1 use, then homebuyers would know what was going to happen. They would not be surprised by business being located next to them. She also liked the idea of additional buffering being required. The

current B-1 Zoning District would be good for new areas like that. However, it was not good for the older residential areas. People have already purchased their homes and do not expect the neighborhood to change by allowing some of the uses allowed in the B-1 Zoning District. Mr. Kangas commented that in order for a business owner to open up a business in a residential area, unless the lot was already zoned B-1, the business owner would have to apply to the City for a rezoning of the lot. Therefore, he was not uncomfortable with the uses in the list.

Mr. Hopkins expressed his concern about the auto/truck/trailer/boat sales use being allowed in the B-1 Zoning District. He felt uncomfortable about this and did not feel that it should be permitted even though it would require getting a Conditional Use Permit. He could not picture it in any of the current B-1 Zoning Districts. Mr. Kowalski mentioned that there was an automobile repair shop located on Cottage Grove and Green Street. Mr. Hopkins stated that he was not concerned about repair shops, only the sales portion of the use. Chair Pollock stated that the Plan Commission could remove the sales portion of the use to only allow repairs.

Mr. Hopkins remarked that the commissioners had not received any draft language as to what they would be recommending approval on. In the example of the proposed amendment to Table VI-1, Development Regulations by District to require a 7-foot side-yard setback, there was no new language and no old language, so he did not know what the change would be. Mr. Kowalski stated that the change would be amending Table VI-1 in the Zoning Ordinance where it says side-yard setback is 0 feet to 7 feet. Mr. Hopkins argued that was different than what the text in the staff report stated, which was that the current requirement was "a five-foot setback when adjacent to a single-family residential zone. This provision would increase that requirement by 2 feet". He understood the text to mean that staff wanted to change the requirement that next to an R-1 Zoning District, the side-yard setback would be 7 feet instead of 5 feet. He understood Mr. Kowalski to say that staff wanted to change the side-yard setback from 0 feet to 7 feet for all uses even adjacent to another B-1 use on an adjacent lot. Mr. Kowalski stated that staff did not provide the retyped pages of the Zoning Ordinance of where exactly the text would be inserted. Staff felt that they were describing it well enough in the written staff report. Chair Pollock stated that if the Plan Commission members were concerned about final language, then they could review the proposed changes and have staff bring the text amendment back again along with the final language. Mr. Hopkins believed that was a good idea, because the City Council would actually adopt the language changes. So, he would like to see those language changes before recommending approval to the City Council.

Mr. White stated that he was in favor of allowing drive-through facilities, because some businesses would have a difficult time getting enough business if it was just walked to by customers. Mr. Pollock agreed. Alternative #1 would allow business owners to provide that if needed, but it also provided protection for the surrounding neighborhood to have a proposed drive-through facility reviewed to determine if it would be intrusive or not.

Ms. Stake asked if the parking requirements in general would remain the same? Mr. White commented that a drive-through facility might help alleviate some parking issues. Mr. Kowalski replied that the Zoning Ordinance did not differentiate parking by zoning districts. It requires parking based on the use. Primarily for that reason and also for the reason that staff believed that

the parking requirements needed to be looked at on a more global scale, staff was not recommending any changes to the parking requirements for the B-1 Zoning District at this time.

As for principle use parking lot or garage, which was not attached to anything, but was simply parking as a use on its own, Mr. Pollock inquired if staff had considered it to require a Conditional Use Permit, where there would be some review about whether it would be appropriate for where the zoning district lies? Mr. Kowalski responded by saying that a principle use parking lot or garage, along with convenience store, drug store, and motion-picture production studio, be required to have a Special Use Permit review was already part of the proposed text amendment.

Ms. Goscha wondered when talking about fencing if the City should step back from being so prescriptive about what the fence should be, and instead say something similar to the following: The City requires screening, which could consist of a 6-foot high wood or 6-foot high decorative masonry fence or plant materials installed at a maturity to screen at least 6-feet high. She personally would rather see a hedge installed at 6-feet than to look at a really ugly wood fence, which they could be some times. She inquired if the City required the full-length of the side-yard to be fenced? Mr. Kowalski replied yes. Ms. Goscha did not feel that was necessarily appropriate. She did believe that some of the uses listed would need to be screened to keep people from having to look at a building. Screening should be used for dumpster areas, parking lots, drive-through facilities, and any materials stored outside. She felt that what might be offensive and call out the fact that it was a business was having a 6-foot high fence. She voiced her concern about residents pulling out of their driveways and hitting pedestrians, because there were 6-foot high fences all the way to the sidewalks. Mr. Kangas stated that this was discussed at the last meeting, and the Plan Commission decided that this would be a starting point for the fences. The Plan Commission and City staff could back away from this point. Mr. Pollock said that they could lower the fence from 6-feet to 4-feet the last few feet towards the sidewalk. He was also concerned with the pedestrian issue, but he felt that there was a way that they could deal with it.

Mr. Hopkins looked through the Zoning Ordinance to find where it stated that a fence was required; however, he could not find it. Ms. Goscha stated that the Zoning Ordinance currently required 6-foot high on the side and rear yards for B-1 uses when adjacent to a single-family zoning district. Mr. Kowalski pointed out that it was stated as such on page 77 of the Zoning Ordinance under letter "d". He added that when a B-1 use was adjacent to a multi-family zoning district, the Zoning Ordinance did not require a fence. It only required a 5-foot landscape buffer.

Mr. Alix mentioned that he had argued at the last meeting that 7-feet of green space between the lot line and the B-1 building was preferable to a fence on the lot line. The general consensus was that it was impossible to come up with language sufficient to tell the difference between things people would want to look at and things people did not. He would still prefer that compared to what was being proposed. Obviously, fencing issues could be dealt with through variances, but he felt that they should come up with some other guidance other than that B-1 owners must install a 6-foot high fence on the lot line.

Ms. Stake commented that the three alternatives of wood fence, brick fence, or mature hedge were good alternatives. Mr. White argued that a hedge could die off. He liked wood or masonry fences.

Ms. Goscha raised the question of whether it would be truly objectionable to look at a building, business from a residential setting? Mr. Pollock replied that it was determined that it could be objectionable.

Mr. Hopkins inquired if there was any definition in the Zoning Ordinance of a wood fence? Mr. Kowalski replied no. In terms of fencing, 99.9% of the time, the proposal would be to do a dog-eared wood fence or stockade wood fence. That was typically what was proposed without being a requirement. Mr. Hopkins's reaction was that they did not care if it was made out of wood. They were concerned about the screening effect. There needed to be a better way to state how the Plan Commission expected this to operate.

Mr. Pollock suggested that the Plan Commission figure out exactly what they want to require and ask staff to figure out a way to state it. The Plan Commission was interested in making sure that headlights and sight line vision could not go through from a residential area to a business use. It should look good, and people should not be able to go through it. It should be something year-round.

Mr. Alix stated that he would rather look at a parking lot than a 6-foot high wood fence. Mr. Pollock stated that he did not agree; however, it was clearly a matter of aesthetics. Mr. White stated that what the Plan Commission was looking for was a fence that people cannot see through or walk through, constructed preferably of wood or masonry and looks good, and blocks light.

Mr. Alix stated again that he would rather look at the wall of a building than a fence. At least, he would have seven more feet of green space. Mr. Kangas pointed out that they should start with the most restrictive and work backwards. B-1 owners could always request a variance regarding the fence.

Mr. Hopkins replied that this was not the intent of a variance request. Mr. Kowalski added that it could be part of a Conditional Use Permit or a Special Use Permit request. It was not typically something that could waive or vary. Mr. Hopkins commented that it was the connotations that people assign to these by experience that was really the issue. One of the ways that the City could implement this was by providing photographs indicative of the kinds of fences that would be acceptable, because it was already the Zoning Administrator or City staff's judgment of whether a fence meets expectations. Mr. Pollock noted that staff would like to keep the review by staff to a minimum, so the Plan Commission should state the desired qualities and let the Zoning Administrator decide whether they were appropriate or not. They are not going to be able to write a definition that would cover everyone's ideas of what would be acceptable to a particular neighbor in a particular area with a particular commercial use next door.

Mr. Alix felt that there should be architectural language somewhere that would contain language like this. There might be language in a building code or subdivision covenant. Mr. Kowalski

believed that it would be a good approach for staff to try to better define the City's requirement for "wood" fencing or "opaque" fencing.

Ms. Stake inquired what the difference was between a Conditional Use Permit and a Special Use Permit? Mr. Kowalski explained that uses "permitted by right" are considered to be most appropriate in those districts and are allowed without any special review by the Zoning Board of Appeals, Plan Commission, or the City Council. If a person owns a piece of property that was zoned appropriately and he/she wanted to build something that was permitted by right according to the B-1 Table, then he/she would submit his/her building plans and get a permit. Staff would do a zoning review to make sure it would meet all the other requirements of the zoning and building codes. If a use was allowed with a "Conditional Use Permit", it meant that the request would be reviewed by the Zoning Board of Appeals to make sure that it meets the required criteria, which was to make sure that it would not be harmful to the adjacent properties and to make sure it meets the intent and character of the district. The "Special Use Permit" was very similar to a Conditional Use Permit review in where its review was given by the Plan Commission, and they forward a recommendation to the City Council. With both a Conditional Use Permit and a Special Use Permit, the reviewing bodies have the ability to impose additional regulations. They could increase the required setbacks, require more landscaping or parking, or whatever is deemed to be necessary to make the proposal less of an impact to the adjacent property owners. The way that the Table of Uses was structured was that the uses that are considered to be most appropriate in the district are "permitted by right". Then, there are uses that may be appropriate or may not, depending on where it is and what was being proposed. Those usually require a "Conditional Use Permit". Finally, the uses that are probably okay in the district, but more likely would have some kind of negative impact, such as a drive-through or convenience store. Those require the highest level of review and require a "Special Use Permit".

Outside of the difference between the bodies that review a case and the process, the difference between a "Conditional Use Permit" and a "Special Use Permit", it comes down to kind of a feeling, intuition, or an unstated principal that a "Conditional Use Permit" deals with items that are not perhaps out of the norm as with what would be heard from a "Special Use Permit".

Mr. Alix questioned who had the burden of proof with Conditional Use Permits and Special Use Permits? Mr. Kowalski replied that an applicant was asked on the application to justify how they feel that what they propose would be okay and how it met the criteria. The boards use that to determine if they agree and what other conditions may need to be applied.

Mr. Alix stated that the presumption was that with both Conditional Use Permits and Special Use Permits, they would be approved in the absence of some significant reason not to as opposed to the presumption being that they would be denied unless a case could be made as to why there was an exceptional need. Mr. Kowalski believed this to be true. The presumption was that they are considered to be appropriate in the zoning district, although they are the type of use that would need additional review and could require some additional provisions to make it more acceptable.

Mr. White moved that the Plan Commission recommend to staff to include Alternative #1 for drive-through facilities and that staff draft language on the requirements for fencing. Mr. Hopkins seconded the motion.

Mr. Alix felt that Mr. Hopkins made a good point regarding not having language to recommend approval or denial to the City Council on. Mr. Pollock stated that the intent of the motion was for staff to bring the proposed text amendment back in the form of language to be added to the Zoning Ordinance if the Plan Commission recommended and the City Council approved.

Ms. Stake moved to amend the motion to remove "auto sales" from the list of uses. The motioner and the seconder agreed to the amendment. The amendment passed unanimously.

Mr. Alix questioned where a resident in a neighborhood selling a couple of boats at his home would fall in the Zoning Ordinance? Would that be considered a home-based business? Mr. Kowalski stated that it would probably not be considered a business. It would depend on the volume and how regularly the person was selling boats. There are home occupation permit provisions, which allow for some kind of home occupations; however, these have to be within the house. They cannot be advertised out on the lot. For the most part, they have to be invisible to the neighborhood. Mr. Alix believed that there were ways to sell boats or cars in a B-1 Zoning District appropriately. However, he would not oppose removing it from the list if that was the consensus of the Plan Commission.

Mr. Alix clarified the motion to be as follows: To accept all recommendations from staff with Alternative #1 for drive-through facilities, request improvement to the language with regards to screening, remove auto sales and to see it again in final language.

Chair Pollock inquired if there were any proposed text changes to a church being permitted in the B-1 Zoning District as a permitted use? Mr. Kowalski replied by saying that there was no change proposed. Chair Pollock felt that a church could be pretty intrusive in a residential neighborhood in terms of traffic, parking and growth of the church. The Plan Commission had encountered difficulties with this in some neighborhoods before, and he wondered if they might consider making church use as a Conditional Use Permit as opposed to permitted. Mr. White did not think it was a bad idea. Mr. Kowalski stated that a church or temple was permitted by right in a R-4, R-5, R-6 and R-6B Zoning Districts. It would be permitted with a Special Use Permit in a R-1, R-2 and R-3 Zoning Districts.

Mr. Kangas stated that irrelevant of the zoning process, there were permit processes. If someone wanted to convert an old house to a temple or church, there would be limits as to how many people they would be able to sit at any meeting. Mr. Kowalski said that was true. There would be seating requirements, parking requirements and FAR depending on the size of the lot. Mr. Kangas asked if some of that would be resolved in the regulatory process, not necessarily in the land use process? Mr. Kowalski replied that was correct. What makes any use difficult was the different kinds of B-1 properties that there could be. Mr. Pollock asked for clarification by asking if a petitioner for a church would be restricted by square footage limitations? Mr. Kowalski said yes. The other development requirements of the Zoning Ordinance for setbacks

and FAR would restrict them as well. He mentioned that there was already an example, which was the Baha'l Temple on east Green Street.

Chair Pollock asked if under the proposed changes, even if they had a huge half block lot, there would be limits as to the size of the facility that they could build on that land? Mr. Kowalski stated that there was a ratio of how much of the land could be used for a structure whether the parcel was small or big. The bigger the parcel, the bigger the structure could be built. Mr. Pollock felt that it should be reviewed by one of the processes. Ms. Goscha thought it should require a Conditional Use Permit, so that it would address the fact that it would be a business, which was permitted by right. But, it would also address the fact that it could be next to a single-family residential zoning district.

Mr. Alix complimented staff on introducing the Square Foot Test. If a business were below 2,500 square feet, then it would probably be permitted by right. If it were more than 2,500 square feet, then it would require a Conditional Use Permit or Special Use Permit. It seemed that it should be applied pretty liberally, regardless of whether it was a church or auto repair shop. The City should be consistent across uses, recognizing that the main goal of the proposed changes was to facilitate building small neighborhood scale uses and make it more difficult to build larger, regional scale uses. Mr. Kowalski responded by saying that there are some uses regardless of the 2,500 square foot provision, staff wanted to propose to keep as Special Use Permit or as Conditional Use Permit. These are based more on the type of activity that the uses would generate, not necessarily the size of the building. Mr. Alix understood that. His argument could be better stated by saying that maybe there should not be uses over 2,500 square feet that were permitted right in the B-1 Zoning District. Mr. Kowalski replied that it goes back to the parcel, how big it is and where it is. Ms. Stake reiterated that they were trying to do too much with one zoning designation.

Ms. Goscha mentioned that there was nothing in the proposed changes regarding design guidelines. She believed that the neighborhood business could really benefit from some design guidelines. Mr. Kowalski responded by saying that staff was currently working on the design guidelines for the MOR, Mixed Office Residential Zoning District. The first draft of the design guidelines have been reviewed by the Historic Preservation Commission at their last meeting. The Plan Commission would be seeing them in the next four to six weeks as a text amendment. The design guidelines are special to the MOR Zoning District, because of the intent that the district was given and its background. The MOR Zoning District has its own special Development Review Board and very specific criteria to be reviewed. Technically, they could do that for every zoning district, but he did not know if that would be appropriate to do for each zoning district. Staff was hoping that the design guidelines for the MOR Zoning District would be general enough to use as a template down the road should the City decide to extend design guidelines to another district or another type of development. Mr. Kangas noted several lots throughout the City of Urbana that were zoned B-1. He commented that it would be difficult to come up with design guidelines for this zoning district.

Roll call on the motion was as follows:

Mr. White                    -            Yes                    Ms. Stake                    -            Yes



Chair Pollock	-	Yes	Mr. Kangas	-	Yes
Mr. Hopkins	-	Yes	Ms. Goscha	-	Yes
Mr. Alix	-	Yes			

The motion was passed by unanimous vote. The revised text would be reviewed at the March 4, 2004 Plan Commission meeting.

## 8. NEW BUSINESS

### **Plan Case # 1881-S-04: Combination Preliminary and Final Plat of The Ridge Subdivision at the southwest corner of Amber Lane and Myra Ridge Drive.**

This case was removed from the agenda and may be presented at a later date.

## 9. AUDIENCE PARTICIPATION

There was none.

## 10. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ *Special Use Permit for a Concrete Plant* – was approved by the City Council on Monday, February 2, 2004.
- ✓ *Special Use Permit for Warehouse, Self-Storage Facility* – was approved by the City Council on Monday, February 2, 2004.
- ✓ *Corridor Open House* – will be held on March 4, 2004 from 4 p.m. to 7 p.m. at Lincoln Square Mall.

## 11. STUDY SESSION

There was none.

## 12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:50 p.m.

Respectfully submitted,

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Rob Kowalski, Secretary  
Urbana Plan Commission

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 4, 2004  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Christopher Alix, Alan Douglas, Laurie Goscha, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White  
**MEMBERS EXCUSED:** Lew Hopkins, Randy Kangas  
**STAFF PRESENT:** Rob Kowalski, Planning Manager; Paul Lindahl, Planner; Teri Andel, Secretary  
**OTHERS PRESENT:** Mike Martin, Esther Patt

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**7. OLD BUSINESS**

**Plan Case # 1878-T-04: Text Amendment of the Urbana Zoning Ordinance pertaining to the requirements in the B-1, Neighborhood Business Zoning District.**

Rob Kowalski, Planning Manager, presented a brief update for this case to the Plan Commission. He pointed out the changes made to the proposed text amendment as recommended by the Commission at the last meeting. He noted that an asterisk next to a “C” in the Table of Uses meant that if the use proposed was less than 2,500 square feet of gross floor area, then the use would be permitted by right. He stated that staff’s recommendation was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed text amendment to the Zoning Ordinance.*

Chair Pollock inquired with the proposed changes to Table IX-1. Standards for Freestanding Signs, if two or three businesses could share one freestanding sign? Mr. Kowalski replied yes. In fact, staff would encourage it.

Regarding one of the proposed changes that a freestanding sign would not be allowed within 50 feet of any residential district, Ms. Goscha asked for clarification. Her understanding was that B-

1 Zoning Districts were in residential areas. Mr. Kowalski stated that only bigger lots would be allowed to have a freestanding sign. Smaller lots would not be permitted due to their size.

Mr. Alix inquired what the difference was between a jewelry store and a shoe store? He was unable to understand the logic that determined how the permitted zoning for the various types of retail uses was arrived at. He understood that some uses were expected to have longer hours of operation, which would make them different from other similar uses. Mr. Kowalski stated that this was a good point. It went back to the difference between performance base and use base zoning. There could be a jewelry store that was 2,000 square feet or one that was 52,000 square feet. The same could apply for a shoe store. He stated that there were some uses that were not permitted at all, but could potentially be perfectly acceptable, depending on their design and location. Mr. Alix argued that the standard that was constructed in the change to the Zoning Ordinance as related to square footage was a step in the right direction. He recommended that staff look at Table V-1. Table of Uses again and try to apply this standard universally across all types of low to medium impact retail businesses.

Mr. Pollock stated that he could see some logic in the difference between a shoe store and a jewelry store. With a jewelry store, the owner would be dealing with some very small items, and it would be possible to do a pretty good size business in a pretty small space; whereas, he could see a shoe store requiring more space. Ms. Upah-Bant commented that she saw a difference in the amount of time that people would spend in a jewelry store and a shoe store. It was more a matter of the traffic. Mr. Alix replied that was true. The only legitimate reason the City would have to make a distinction between the classifications was if there was some externally visible difference in what would happen such as traffic, noise, hours of operation, or number of trips, etc. He believed that if there was a businessman looking to open a shoe store and another businessman looking to open a jewelry store, then both businessmen would be looking at the same types of buildings, in the same type of neighborhood, and approximately the same size of buildings. The City wanted to make it easier to operate small businesses, but provide more protection against operating larger businesses that would have an adverse affect on the neighborhood.

Mr. Kowalski mentioned another way to look at it was by looking at the recent trends in some of the different types of uses of the types of stores that were being opened. Staff took the approach in determining whether the uses were permitted, required a Conditional Use Permit, or required a Special Use Permit by trying to pick which uses would most likely be proposed as having an impact based on similar stores in the community.

Chair Pollock believed that if the Plan Commissioners were unhappy with the mix or thought that there was an inequality, based on the type of business that would be considered, then perhaps, they should take some of the asterisks out of the Table of Uses rather than adding more restrictions. Mr. Alix was not proposing to change anything at this time; however, he felt it was worth raising the issue that if the purpose of the amendment was to introduce the 2,500 square-foot criterion as a way of slouching towards performance-based zoning, then it would seem that the it would be more universally applied. He believed that the B-1 Zoning District text was more broken than many of the other zones; however, the proposed text amendment for the B-1 Zoning District was better than what currently existed.

Mr. Kowalski noticed that there was an error in the proposed changes to Table V-1. Table of Uses. He pointed out that a shoe store required a Conditional Use Permit all along. The proposed change would be that if someone wanted to open a shoe store that was less than 2,500 square feet, then it would be permitted by right. The proposed change would not be going from permitted to requiring a Conditional Use Permit.

Mr. Alix liked this better. He would feel even better, based on the list in the Table of Uses, if everything other than a video store would be permitted by right if 2,500 square feet or less, and by Conditional Use Permit if greater than 2,500 square feet.

Ms. Upah-Bant stated that she would support it. It seemed ridiculous to think that someone could build a giant shoe store in the MOR, Mixed Office Residential Zoning District, but the B-1 Zoning District would only allow a small shoe store.

Mr. White moved that the Plan Commission forward the case to the City Council with a recommendation for approval including fixing the typo. Mr. Douglas seconded the motion.

Ms. Goscha expressed her concern about the maximum area of a sign allowed, which was 32 square feet and equivalent to a 4 foot by 8-foot sign. This seemed to be over-bearing when talking about a small site and a small neighborhood business. She would be more comfortable with being more restrictive on the sign by limiting the maximum area, and then allowing a variance if it seemed prudent. Mr. Kowalski stated that the sizes of the B-1 lots are what made some of the changes difficult. He named several different B-1 businesses ranging in lot sizes from the lot in Beringer Commons that is 7 acres to Sunshine Grocery on a 5,000 square lot. He could see the argument for business owners on bigger lots needing bigger signs. Ms. Goscha felt that they should start with the most limiting factor, which would be the minimum lot size of 6,000 square feet. A 4-foot by 8-foot sign would be pretty offensive to the surrounding neighbors. People could go bigger if it would be reasonable through a review process. She suggested a 2-foot by 2-foot sign. Mr. Pollock felt that would be too small. Ms. Stake agreed with Ms. Goscha.

Mr. Alix stated that a 2-foot by 2-foot sign was the size of a "For Sale" sign, which would be pretty small for a business. He felt that there would certainly be B-1 lots where a 32-square foot sign would be appropriate. However, he did have an issue with a 16-foot high sign that was 2-feet wide. This would not seem to satisfy the intent of the lot. He believed that a maximum dimension would be appropriate as well.

Ms. Upah-Bant inquired what the ruling was regarding signage on the building itself? Mr. Kowalski answered by saying that a business would be allowed to use 10 percent of the area of the wall-face for signage and not to exceed 150 square feet maximum.

Mr. Alix said that he was comfortable with the required 50-foot to a residential lot line restriction. He commented that a 32 square foot sign was big; however, he did not feel that it would be too big for new lots being developed as B-1. If there were existing lots zoned as B-1, then it might be hard to find room on the lot to put a 32 square-foot sign.

Ms. Goscha gave an example of a B-1 lot going in on Michigan Avenue on a lot approximately 60-feet wide. Would it be appropriate for a 32 square foot sign to go into that area? Mr. Pollock tried to imagine what the chances of a lot in the middle of a residential area were of being rezoned to B-1. Although there were some existing B-1 lots spread throughout the City, he felt that if new B-1 areas were to happen, then they would happen as a result of new developments in subdivisions where developers would be willing to allow B-1 areas to be amenities to the neighborhood. He was less concerned about someone wanting to open a B-1 business in the middle of an existing neighborhood. As they look at encouraging businesses, businesses do look at signage as being "life-blood". Most of the B-1 businesses that exist could accommodate the maximum size allowed. If they decided to lower the maximum, he was unsure of how they could reasonably decide on a different size. Ms. Goscha replied that she only suggested a size for discussion only.

Ms. Goscha asked if they were writing the amendment to the B-1 Zoning District based on what they think was going to happen, how the Plan Commission was operating, and how the market was going or were they trying to do something that would stand the test of time? Mr. Pollock responded by saying that the whole B-1 experience was a conflict in that they want to be restrictive to protect the neighborhoods and yet they want to be flexible to encourage businesses to locate on existing B-1 lots and perhaps build new B-1 areas.

Ms. Stake commented that was why she believed that it was too broad of a brush. They were trying to think of new B-1 areas, which would probably be located in areas that would be less objectionable to the neighborhoods and would have buffering. However, they were also trying to fit B-1 areas into existing neighborhoods. They were trying to accomplish two problems with one zoning of B-1. She felt that there should be a new zoning for the neighborhoods that already exist.

Mr. Alix stated that when thinking about the most sensitive B-1 zone, which would be one of the existing small B-1 parcels that was in one of the predominantly residential neighborhood that already existed, he did not believe that they would ever see another one. If it did happen, then where would they put the sign? It would not be allowed in the public right-of-way. It would not be allowed within the setbacks. It would not be allowed within 50 feet of any residential use. The only place would be in the used space that would be occupied by the building. He did not see a 32 square foot sign would be any higher intensity use than the building itself. Mr. Kowalski used the Sunshine Grocery as an example. If they wanted to put up a freestanding sign, then the sign would have to be put right next to the building, which would not be advantageous to the business. The wall sign would have the same effect as a freestanding sign on this lot. Mr. Pollock mentioned that freestanding signs were expensive, and he would be surprised to see existing B-1 sites spend the money to put up a freestanding sign.

Mr. Alix felt that relative to the scale of a commercial building, the maximum size allowed sounded bigger than it really was. When standing up close to a street sign or stop sign, they are a lot bigger than they look from a distance.

Roll call on the motion was as follows:

March 4, 2004

Mr. Alix	-	Yes	Mr. Douglas	-	Yes
Ms. Goscha	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote.



# B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT

## ZONING DESCRIPTION SHEET (Current Regulations)

"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."

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the B-1 District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

### PERMITTED USES:

#### **Public and Quasi-Public Facilities -**

Church or Temple	Police or Fire Station
Institution of an Educational, Philanthropic or Eleemosynary Nature	Public Park
Municipal or Government Building	Public Library, Museum or Gallery
Principal Use Parking Garage or Lot	

#### **Resource Production and Agricultural Uses -**

Garden Shop

#### **Business Uses - Personal Services**

Barber Shop	Self-Service Laundry
Beauty Shop	Shoe Repair Shop
Laundry and/or Dry Cleaning Pickup	Tailor and Pressing Shop
Pet care/ grooming	

#### **Business Uses - Business, Private Educational and Financial Services**

Bank, Savings and Loan Association  
Check Cashing Service  
Professional and Business Office  
Copy and Printing Service

#### **Business Uses - Food Sales and Services**

Bakery (less than 2,500 sq. ft.)	Meat and Fish Market
Confectionery Store	Supermarket or Grocery Store
Convenience Store	

#### **Business Uses - Retail Trade**

Appliance Sales and Service	Florist
Bookstore	Hardware Store
Drugstore	Jewelry Store
	Music Store
Electronic Sales & Service	Stationery-Gift Shop-Art Supplies

## B-1 Zoning District Summary cont.

Tobacconist  
Variety-Dry Goods Store

Video Store

### SPECIAL USES:

#### Residential Uses –

Dwelling, Multiple-Unit Common-Lot-Line

#### Business Uses -

Shopping Center/Commercial PUD - Convenience

### CONDITIONAL USES:

#### Public and Quasi-Public Facilities

Electrical Substation  
Telephone Exchange

#### Residential Uses -

Dwelling Community Living Facility, Category I,  
Category II, Category III  
Dwelling, Duplex (Extended Occupancy)  
Dwelling, Duplex

Dwelling, Multi-Family  
Dwelling, Single Family (Extended Occupancy)  
Dwelling, Single Family

#### Resource Production and Agricultural Uses -

Greenhouse (not exceeding 1,000 sq. ft.)

#### Business Uses - Personal Services

Dry Cleaning or Laundry Establishment  
Mortuary  
Health Club / Fitness

#### Business Uses - Business, Private Educational and Financial Services

Day Care Facility  
Packaging/ Mailing Service

#### Business Uses - Food Sales and Services

Cafe  
Fast-food Restaurant  
Locker, Cold Storage for Individual Use

Restaurant  
Retail Liquor Sales

#### Business Uses - Vehicular Sales and Services

Automobile Accessories (New)  
Auto/Truck Repair-minor

Gasoline and Service Station

#### Business Uses - Retail Trade

Apparel Shop  
Art and Craft Stores and Studios  
Bicycle Sales and Service  
Pet Store

Photographic Studio and Equipment Sales and  
Service  
Shoe Store  
Sporting Goods



## B-1 Zoning District Summary cont.

### **Business Uses - Recreational**

Lodge or Private Club  
Athletic Training Facility, Residential

### **Business Uses - Recreational/Miscellaneous**

Contractor Shop and Show Room: Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other  
Home Improvement Shops  
Heating, Ventilating, Air Conditioning Sales and Services  
Lawn Care and Landscaping Service  
Mail-order business (less than 10,000 sqft)  
Radio or TV Studio

### **Industrial Uses -**

Confectionery Products Manufacturing and Packaging  
Bookbinding  
Motion Picture Production Studio.

## DEVELOPMENT REGULATIONS IN THE B-1 DISTRICT

MINIMUM LOT SIZE FOR NEW LOT	MINIMUM OR AVG. LOT WIDTH FOR NEW LOT	MAX HEIGHT	MAX FLOOR AREA RATIO (FAR)	MIN OPEN SPACE RATIO (OSR)	MINIMUM FRONT YARD SETBACK	MINIMUM SIDEYARD SETBACK	MINIMUM REAR-YARD SETBACK
6,000	60'	35'	0.30	none	15'	none	10'

## ADDITIONAL REGULATIONS IN THE B-1 DISTRICT

### SETBACKS

#### **VI-5-A / Page 80**

In a B or IN District, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of one hundred feet (100') or less in width from a Residential District shall be the same as that required in the Residential District.

#### **VI-5-E.3 / Page 82**

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.

#### **VI-5-E.3 / Page 82**

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 (3') for each ten feet (10') or fraction thereof over twenty-five (25') in height, whichever is greater.

## **B-1 Zoning District Summary cont.**

### **VI-5-F.1 / Page 82**

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 (3') for each ten feet (10') or fraction thereof over twenty-five (25') in height.

### **VI-5-G.2.c / Page 83**

The required side yard of a lot in any B District, except the B-4E, the IN District or the OP District, shall have a minimum depth of ten feet (10') 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 (5') shall be provided in said yard. Said landscaping buffer shall, at a minimum, meet the requirements of this Section.

### **VI-5-G.2.d / Page 83**

The required side or rear yard of a lot in 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 (6') in height shall be erected rather than landscaping required herein. This provision shall supersede Chapter 7 of the Urbana City Code entitled "Fences" but shall not be permitted in an area that the City Engineer determines will pose a traffic hazard.

### **VI-5-G.2.f / Page 83**

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 (10') if it immediately adjoins property in any R District or the MOR District. In addition, a landscape buffer with a minimum depth of five feet (5') shall be provided in said yard. Said landscaping buffer shall, at a minimum, meet the requirements established for plantings and ground cover in this Section.

## **PARKING & LOADING**

### **VIII-2-F.1 / Page 135**

Off-street parking which is located along any setback line and which directly adjoins 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. 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.

### **VIII-3.F.2**

Accessory off-street parking may encroach into the required side yard and rear yard, provided that the parking is located behind the rear face of the principle structure. In the case of a lot with no principal structure on which a principle use parking lot is to be located, parking may encroach into the rear side yard.

### **VIII-2-F.2.a / Page 135**

Landscaped screening will be no less than three feet (3') 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 (3') 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".

## **B-1 Zoning District Summary cont.**

### **VIII-2-F.2.b / Page 136**

Where off-street parking areas are to be screened by means of a shrub planting hedge, a three feet (3') wide planting area is required at the end of the paving surface.

### **VIII-2-F.2.c / Page 136**

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 ninety (90) days when such foliage dies.

### **Section VIII-5.F**

Off-street loading spaces may be located in a required rear yard.

## **PARKING SPACE REQUIREMENTS**

Parking requirements vary according to the proposed use. In general, for service uses, the parking requirement ranges from one space per 200 square feet to one space per 400 square feet. For retail business uses, the requirement ranges from one space per 100 square feet for restaurants, cafes, and bars to one space per 250 square feet for general merchandise.

## **LIGHTING**

### **Section VIII-2.A.1**

Adjacent residential uses shall be shielded from direct rays of light from the illumination of any off-street parking areas.

## **SIGNS**

### **Table IX-1**

#### **Freestanding Signs**

One per frontage up to 300 feet.

32 square feet in area

15 feet high. 1 additional foot per 2 additional feet of setback

Shall be out of setback and right-of-way

Shall not be located within 50 of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.

#### **Wall Signs**

10% of wall area but not to exceed 150 sq. ft. maximum

Signs shall not extend beyond the top or ends of the wall surface on which they are placed.

#### **Projecting Signs**

One per frontage, except that no projecting sign is permitted if a free-standing or roof sign exists on the same frontage. Upper level businesses are not allowed projecting signs.

32 square feet maximum area

9-foot minimum clearance above ground.

Shall not extend roof

Shall not project more than 5 feet from the face of the building.

## **B-1 Zoning District Summary cont.**

Shall not extend over the right-of-way

### **Roof Signs**

Not permitted

### **Canopies and Entrance Structures**

*One sign per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.*

10 square feet maximum

9 foot clearance to ground

No sign may project more than 2 feet from any canopy, or other such structure.

### **Freestanding Shopping Center Signs**

Two signs per frontage

75 square feet (may be increased w/SUP)

30 feet high at minimum setback line. One additional foot high for each 2 feet in setback up to 40 feet max.

Shall be out of setback and right-of-way

Shall not be located within 50 of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home

***Existing Businesses in the B-1, Neighborhood Business Zoning District***

<b>Address</b>	<b>Use</b>	<b>Business</b>	<b>Parcel Size</b>	<b>Building Size</b>
801, 803, 805 North Lincoln Avenue	Retail	Family Video		To be 7,000 square feet
907 Fairview Avenue	Electrical Engineering Shop	Marino Electrical Engineering	7,678 s.f.	2,265 s.f.
802 N. Goodwin Avenue	Vacant Building	Vacant	6,732 s.f.	768 s.f.
1103 W. Main Street	Bicycle Store and Service	Bianchi Bikes	8,711 s.f.	1,887 s.f.
810 W. Green Street	Gas Station	Mobil Gas Station	18,106 s.f.	2,185 s.f.
809 W. Green Street	Gas Station	Amoco Gas Station	27,532 s.f.	1,131 s.f.
202 S. Lincoln Avenue	Apartments	Apartments	5,874 s.f.	1,322 s.f.
805 S. Lincoln Avenue	Restaurant, Gallery, Cafe	Jimmy John's, Café Paradiso	9,628 s.f.	6,860 s.f.
305 W. Griggs Street	Craft Studio	Griggs Street Potters	4,673 s.f.	437 s.f.
303 W. Griggs Street	Mail Order Business	Parasol Records, Inc.	8,116 s.f.	3,625 s.f.
212 W. Green Street	Vacant Building	Vacant	4,331 s.f.	946 s.f.
900 S. Race Street / 117 W. Washington St.	Grocery Store	Sunshine Grocery	4,829 s.f.	2,653 s.f.
902 S. Race Street	Single-Family House	Single-Family House	4,691 s.f.	909 s.f.
303 Fairlawn Drive	Offices	Insight Comm. Offices	37,207 s.f.	6,730 s.f.
1102 S. Vine Street	Storage	Insight Communications	10,000 s.f.	2,505 s.f.
1106 S. Vine Street	Retail / Office	Pizza, Offices	12,004 s.f.	
901 E. Main Street	Antique Store	Second Hand Rose	4,195 s.f.	1,140 s.f.
211 S. Cottage Grove Avenue	Automotive Repair, Minor	Fairfield Auto.	7,193 s.f.	767 s.f.
807 E. Green Street	Church / Temple	Bahai	23, 529 s.f.	4,448 s.f.
806 S. Cottage Grove Avenue	Vacant	Vacant	2,946 s.f.	1,445 s.f.
808 S. Cottage Grove Avenue	Single-Family House	Single-Family House	4,276 s.f.	
803 S. Philo Road	Single-Family House	Single-Family House	4,243 s.f.	1,337 s.f.
805 S. Philo Road	Restaurant	Sweet Betsy's	4,970 s.f.	800 s.f.
1102 E. Washington Street	Art Studio / Gallery	Creation Art Studio and Gallery	4,875 s.f.	2,527 s.f.
1104 E. Washington Street	Craft Store	Country in the City	860 s.f.	228 s.f.
2001 S. Philo Road / 1401 E. Harding Drive	Offices / Parking	Sunnycrest Professional Office Building	26,513 s.f.	5,429 s.f.
2003 S. Philo Road	Clinic	Carle Clinic	13,257 s.f.	4,889 s.f.
2005 S. Philo Road	Offices	Offices	13,486 s.f.	2,144 s.f.
2404 W. University Avenue	Offices	Offices	32,574 s.f.	4,603 s.f.
1904 E. Main Street	Vacant Land	Vacant Land	107,414 s.f.	
Route 150 / Route 130	Vacant Land	Vacant Land	273,581 s.f.	