



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: July 3, 2003

SUBJECT: Plan Case 1859-T-03, Request by the Zoning Administrator to amend Article XI of the Urbana Zoning Ordinance by adding Section XI-15, Interim Development Ordinance – Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District.

Introduction

On June 9, 2003 the Urbana City Council directed city staff to file a request with the Plan Commission to consider an Interim Development Ordinance (IDO) as an amendment to the Urbana Zoning Ordinance for the purpose of creating a 120-day moratorium on any development in the M.O.R., Mixed-Office Residential Zoning District. The purpose of the IDO and the moratorium is to protect the interest of the public from further development that has impacts to the neighborhood while allowing staff sufficient time to review the current regulations and procedures in the district and propose amendments to the text of the Zoning Ordinance to help achieve the goals of the IDO.

The Interim Development Ordinance to create the moratorium is prepared as an amendment to the Urbana Zoning Ordinance. In order to amend the Zoning Ordinance, the Plan Commission must conduct a public hearing and recommend action to the Urbana City Council. The City Council would then adopt an ordinance creating the IDO. A moratorium on development would begin once the IDO is passed by City Council. Once the IDO is adopted and the moratorium in place, a second text amendment to propose actual changes to the M.O.R. district would be drafted and considered in another public hearing with the Plan Commission with final action by the City Council.

This memorandum offers a background on the M.O.R., Mixed-Office Residential Zoning District and also outlines the proposed goals, purpose, boundaries, duration and exceptions of the Interim Development Ordinance.

Background

History of the M.O.R. Zoning District

The M.O.R., Mixed-Office Residential Zoning District was created in 1990 as a result of the Downtown to Campus Plan study that identified numerous land use and zoning objectives for the area. Approximately 90 properties along Green Street and Elm Street from Race Street to Busey Avenue were rezoned from high-density residential zoning classifications to the new M.O.R., Mixed-Office Residential Zoning District. The intention of the district, as stated in the Zoning Ordinance, was to promote a mix of small-scale residential, office and business uses through the adaptive re-use of the existing structures. It was envisioned that the old homes along the Green and Elm Street corridors that had been traditionally divided for multiple apartments could be rehabilitated and transformed into less intense uses including “boutique” type of businesses and offices. In order to maintain an appropriate level of density and intensity in the district, specific limitations were implemented which regulate how much of a lot can be developed. It was further envisioned that the scale and design of new development would be harmonious with the existing neighborhood and would be constructed to fit the character of the existing development. The M.O.R. district does not restrict the demolition of existing structures and allows new construction provided that it is “compatible” with the neighborhood. Multi-family development is a permitted use in the district.

The Zoning Ordinance was also amended to include provisions for a Development Review Board to review any development proposals in the district. The Development Review Board is comprised of five city staff members including three members from the Community Development Services Department and two members from the Urbana Public Works Department. Article XI-12 outlines thirteen review criteria points that the Board is to consider when deciding on development proposals. The criteria points range from general issues of neighborhood compatibility to technical issues of access and drainage. A unanimous vote of the Board is required in order for a proposal to proceed to construction. If the Board does not unanimously approve a development proposal, the case is taken to the Urbana Zoning Board of Appeals for final determination.

Projects in the M.O.R. Zoning District

Since the inception of the M.O.R. district in 1990 there have been just fourteen requests made to the Development Review Board. Of these requests, the most significant projects have been new multi-family construction at 604½ West Elm Street, The “Aspen on Green” at 308 West Green Street, 712 West Green Street and 611 West Green Street. There have also been a number of remodeling projects approved for the Lindley House Bed and Breakfast, Timothy John’s Salon, the conversion of 401 West Elm Street to offices, and the conversion of 511 West Green Street for a Christian Counseling Center. Although the original concept for the district was to adaptively reuse existing structures for new small-scale commercial, office and residential uses, the only apparent demand from developers has been to construct new multi-family developments.

Discussion

Recent proposals in the M.O.R. Zoning District

The proposed moratorium and subsequent amendments to the M.O.R. Zoning District stem from concern over two recent developments in the district. The multi-family project proposals at 611 and 605 West Green represent the first development proposals in the district in nearly seven years and have generated concern from the neighborhood regarding the regulations of the district and the process for approval through an internally staffed Development Review Board. A petition containing 185 signatures was submitted to the City Council requesting that city staff consider more design criteria for projects in the district and that citizen interests be represented on the Development Review Board.

In April of this year the Development Review Board granted approval of an eight-unit apartment development at 611 West Green. The apartment building would replace the existing old home that contained up to five separate dwelling units inside. The new development will be a two-story building with a total of approximately 5,893 square feet of area. It represents nearly the largest scale building that can possibly be built in the district. Each of the apartments will have two bedrooms and one parking space. While the Development Review Board successfully convinced the developer to design and orient the building in a way that will minimize impacts to the neighborhood and adjacent properties, many residents in the area still felt that the scale and design of the development did not harmonize with the style, character and density of the area. Many residents indicated that the style, scale and orientation of the new apartment building at 712 West Green Street would be more compatible.

In June of this year the Development Review Board was convened again to consider a proposal for a six-unit building at 605 West Green. The building would also replace an existing older structure that is currently vacant and has had building code and over-crowding issues in the past. Similar to the proposal at 611 West Green Street, some residents who spoke at the Board meeting felt that the design of the building was also not compatible with the neighborhood. The request is still pending with the Development Review Board as the developer considers alterations to the floor plan and/or the number of off-street parking spaces provided to meet the requirements of the Zoning Ordinance.

Problems with the M.O.R. District and Process

The two proposals at 611 and 605 West Green illustrated two fundamental problems with the M.O.R. district and process. First, the review process does not allow the Development Review Board to consider any aspects of architectural style, appearance, color, building materials or architectural details. At that same time, the Board is required to determine if the project design is “harmonious” with adjacent properties and the neighborhood. In both of the cases mentioned above, the Board found it very difficult to *not* consider architectural aspects of the proposals when considering compatibility and the impact on the neighborhood and adjacent properties.

The second issues relates to the composition and charge of the Development Review Board. The concept of the Board is to have an “administrative review” of projects in the district but in a

public hearing type of format. The main function of the Board is to consider the thirteen established criteria points to be sure the proposal is compatible with the intent of the district. The criteria range from objective, technical issues to subjective, compatibility issues. It is unusual for city staff members to be placed in a role of voting for subjective issues concerning design and neighborhood compatibility. It becomes increasingly difficult when the Board is limited on what can be considered. Further, the Board is comprised of staff members that directly supervise other Board members on a daily basis. This creates the possibility of uncomfortable situations when deciding on cases if opinions differ.

Proposed IDO Amendment – Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District

Purpose and Goals of the Interim Development Ordinance

Staff has identified a number of goals that should be addressed in undertaking a comprehensive review of the current M.O.R., Mixed-Office Residential Zoning District regulations. These are addressed below and are set forth in the proposed Ordinance, which is attached to this report.

The general purpose and goals of the IDO are proposed as follows:

- To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
- To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
- To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
- To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
- To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

Boundaries

The Interim Development Ordinance would apply to all parcels with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026. The areas designated as M.O.R. are primarily along the Green Street and Elm Street corridors.

There are a number of properties zoned M.O.R. on the west side of Race Street between High Street and California Street.

Use and Development Regulations

The Interim Development Ordinance will prevent the issuance of all demolition and building permits within the district other than those that meet the requirements for the variations and exceptions listed below. The Development Review Board will not consider cases submitted subsequent to the passing of an ordinance establishing the IDO. The Development Review Board has one case pending for 605 West Green Street that will be permitted to proceed. Any alteration and maintenance to property that does not require a building or demolition permit from the City of Urbana will not be affected.

The City of Urbana Building Safety Division distinguishes between building permits and plumbing, electrical and other mechanical permits. The IDO will not restrict the issuance of plumbing, electrical and mechanical permits.

Duration

The IDO will be in effect for 120 calendar days from the date of adoption by the City Council.

Variation and Exception

The proposed IDO amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur during the length of the IDO. Under the proposal, demolition or building permits may be allowed under the following circumstances:

Health, Safety and General Welfare

The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.

Fire, Explosion, Act of God

The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph “reconstruction” means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.

Hardship

The Zoning Administrator may authorize the issuance of a permit when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.

Specific Property Exceptions

The following properties shall have specific exceptions applied to them:

611 West Green Street

Building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. No changes to the approved site plan will be considered by the Development Review Board during the length of the IDO.

605 West Green Street

A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and building permits may be issued for the site in strict compliance with any approved site plans.

410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.

Summary of Findings

1. Recent development activity in the M.O.R., Mixed-Office Residential Zoning District calls into question the adequacy of the current regulations related to the district and the process of reviewing proposals within the district, and indicates the need for amendments to the Urbana Zoning Ordinance.
2. An Interim Development Ordinance will prevent potentially incompatible development within the district while staff can reconsider specific aspects of the current regulations.
3. An Interim Development Ordinance will allow staff to conduct a review of the regulations and procedures for the M.O.R., Mixed-Office Residential Zoning District for a period of 120 days including consideration of architectural and design guidelines as well as changes to the composition and procedure of the Development Review Board.

Options

The Plan Commission has the following options for recommendation to the City Council. In Plan Case 1859-T-03, the Plan Commission may:

- a. forward the case to City Council with a recommendation for approval of the proposed text amendment to the Urbana Zoning Ordinance as presented herein; or
- b. forward the case to City Council with a recommendation for approval of the proposed text amendment to the Urbana Zoning Ordinance as modified by specific suggested changes; or
- c. forward the cases to City Council with a recommendation for denial of the proposed text amendment to Urbana Zoning Ordinance.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission forward Plan Case 1859-T-03 to the City Council with a recommendation of **APPROVAL**.

Attachments #1: Proposed Interim Development Ordinance to Amend Article XI
Attachments #2: Memorandum to Bruce K. Walden dated June 5, 2003 with attachments

ATTACHMENT #1

Proposed Interim Development Ordinance to Amend Article XI by adding Section XI-15 as follows:

Section XI-15. M.O.R., Mixed-Office Residential Zoning District Moratorium

A. Statement of Purpose – The purposes of the regulations contained in this Article are:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
2. To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
3. To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
4. To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
5. To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

B. Boundaries - All parcels within the city limits with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026.

C. Use and Development Regulations – No new demolition or building permits shall be issued within the M.O.R., Mixed-Office Residential Zoning District other than those that meet the requirements for the variations and exceptions listed below in Section XI-15.E. The Development Review Board shall not consider applications submitted subsequent during the duration of the Interim Development Ordinance as specified in Section XI-15.D below. The provisions of this Article shall not prevent the issuance of plumbing, electrical or other mechanical permits.

D. Duration - 120 calendar days from (date of adoption of ordinance by City Council).

E. Variation and Exception – The following variations and exceptions may be authorized during the length of the moratorium:

1. Health, Safety and General Welfare
The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.
2. Fire, Explosion, Act of God
The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph “reconstruction” means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.
3. Hardship
The Zoning Administrator may authorize the issuance of a permit when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.
4. Specific Property Exceptions - The following properties shall have specific exceptions applied to them:
 - a. 611 West Green Street
Building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. No changes to the approved site plan will be considered by the Development Review Board during the length of the IDO.
 - b. 605 West Green Street
A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and building permits may be issued for the site in strict compliance with any approved site plans.
 - c. 410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: June 5, 2003

SUBJECT: Proposed moratorium on development in the M.O.R., Mixed-Office Residential Zoning District

Introduction & Background

On June 9, 2003 Council will consider directing city staff to draft a text amendment to the Urbana Zoning Ordinance enacting a moratorium on development in the M.O.R., Mixed-Office Residential Zoning District. A moratorium of a determined timeframe would allow time for city staff to propose specific amendments to the current regulations of the M.O.R. district. This report gives a general overview of the moratorium process along with informational material related to the Mixed-Office Residential Zoning District.

Issues and Discussion

Moratorium Process

In order to enact a moratorium, an Interim Development Ordinance (IDO) must be amended to the Urbana Zoning Ordinance. The IDO must specify the details of the moratorium including the purpose, the overall goals and objectives, the boundaries, the duration, use regulations, and any exceptions or variations.

The IDO text amendment must be considered by the Urbana Plan Commission in a public hearing and ultimately enacted by the City Council. Following the adoption of the IDO, text amendments to the M.O.R. Zoning District can be drafted and presented for consideration following the same process as the IDO.

Should the Council direct city staff to draft a text amendment for and IDO, it would take approximately 30 days to adopt the IDO considering requirements for the posting of a legal notice and scheduling a public hearing with the Urbana Plan Commission.

M.O.R., Mixed-Office Residential

The attachments to this report give general information about the requirements of the MOR district, the current status of properties in the district, and a listing of projects that have been considered by the Development Review Board since the district was created in 1990.

In drafting the Interim Development Ordinance for the moratorium, the Council must adopt goals and objectives of the text amendment. The following concepts may be considered as general goals for the IDO and an eventual text amendment for the MOR.

- Reconsider the types of commercial uses that are permitted in the MOR;
- Reconsider the composition of the Development Review Board to include an architect and resident;
- Reconsider the process of the Development Review Board;
- Allow the Development Review Board to consider architectural and design features; and
- Incorporate design guidelines for development in the district

An Interim Development Ordinance (IDO) would establish a moratorium on development in the Mixed Office Residential Zoning District. The IDO should state specific goals and objectives for the moratorium and eventual text amendment to the Urbana Zoning Ordinance regulations to the MOR, Mixed-Office Residential Zoning District. A moratorium of 120 days should be efficient for staff to propose a text amendment to the MOR regulations that meets the intent of the goals and objectives of the IDO.

Prepared by:

Rob Kowalski, Planning Manager

- Attachment #1: Prepared IDO Motion for Council Consideration
- Attachment #2: Map of Properties in the M.O.R., Mixed-Office Residential Zoning District
- Attachment #3: M.O.R. Fact Sheet
- Attachment #4: M.O.R. Zoning Description Sheet

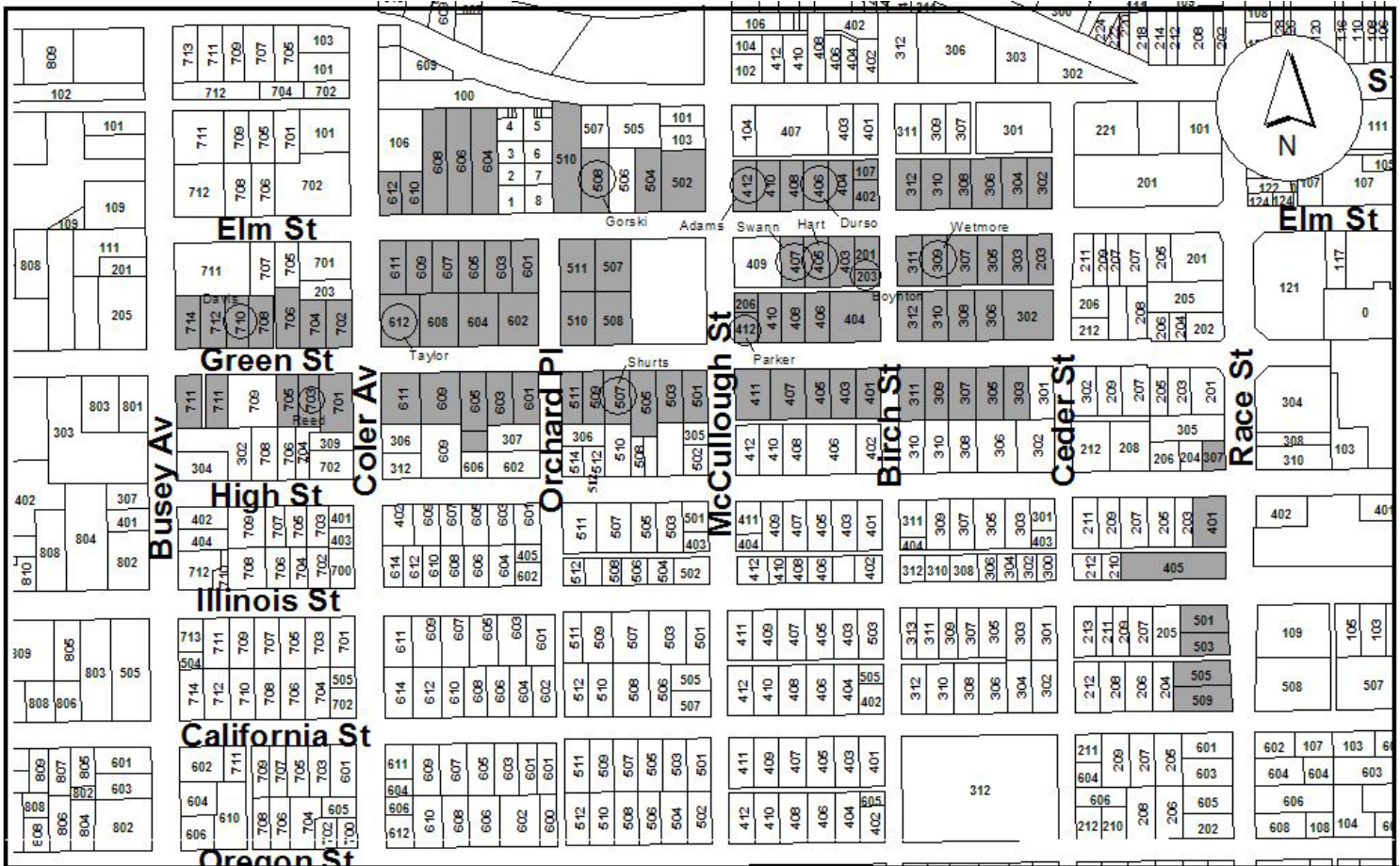
Attachment #1:

Prepared IDO Motion for Council Consideration

Motion to direct staff to prepare an Interim Development Ordinance (IDO) to impose a 120-day moratorium on development activity within the Mixed-Office Residential district allowing City staff to propose revised regulations governing the district, allow the Urbana Plan Commission to conduct a public hearing on the revised regulations, and allow the City Council to adopted the revised regulations by ordinance.

Attachment #2:

Map of Properties in the M.O.R., Mixed-Office Residential Zoning District



Properties in the M.O.R., Mixed-Office Residential Zoning District

- Properties Zoned MOR
- Owner Occupied

Attachment #3:

M.O.R. Mixed-Office Residential Fact Sheet

There are approximately 90 properties in the M.O.R. Zoning District.

Land Use Breakdown by Lots (estimated)

- 34 - Renter-occupied Homes
- 14 - Owner-occupied Homes (5 on Green, 9 on Elm)
- 14 - Multi-Family Apartment Buildings
- 11 - Church Uses (4 Churches on 11 parcels)
- 9 - Parking Lots - (5 parking lots on 9 parcels)
- 3 - Offices
- 3 - Vacant (302 W. Elm, 605 W. Green, 302 W. Green)
- 2 - Commercial (Lindley House & Timothy John's)

Activity since M.O.R. Inception (1990)

New Construction

- 1996 604.5 West Green Street - Hunsinger Apartment Building
- 1997 308 West Green Street - Aspen on Green Apartments
- 1999 712 West Green Street - Hunsinger 5-unit Apartment Building
- 2003 611 West Green Street - Barr 8-unit Apartment Building (construction)

Demolitions

- 1991 507 West Elm (for church parking lot)
- 2002 508 West Green (for church parking lot)
- 2002 510 West Green (for church parking lot)
- 2003 611 West Green

Major Remodels

- 1996 312 West Green Street - Lindley House
- 2000 404 West Green Street - Timothy John's
- 2000 602 West Green (Church Remodel)
- 2000 612 West Green (Conversion of Ricker House to Single-Family)
- 2001 309 West Green (Church Remodel)

Development Review Board Cases Considered

Case #	Project Name	Address/Location	Details	Petitioner	DRB Date	DRB Action
DRB-02-03	605 West Green Street	605 West Green Street	Proposed 6-Unit Apartment Building	Mohammad Feiz	16-Jun-03	Pending
DRB-01-03	611 West Green Street	611 West Green Street	Proposed 8-Unit Apartment Building	Barr Real Estate	17-Apr-03	Approved
DRB-98-1	712-714 West Green Street	712 West Green Street 714 West Green Street	Proposed Multi-Family Housing in Multiple Buildings on a Single Zoning Lot	Hunsinger Enterprises, Inc.		Approved
DRB-97-3	714 West Green Street	714 West Green Street	Proposed Duplex Apartment Building	Hunsinger Enterprises, Inc.	01-May-97	
DRB-97-2	308 West Green Street	308 West Green Street	Proposed Apartment Building	Gorski Reifsteck	26-Mar-97	
DRB-1-97	505 West Green Street	505 West Green Street	Proposed Rooming House	Ronald Herron	07-Feb-97	
DRB-1-96	The Elms	604 West Elm Street 606 West Elm Street 608 West Elm Street	Proposed Multi-Family Housing in Multiple Building	Hunsinger Enterprises, Inc.	23-May-96	Approved
DRB-2-95	Lindley House	312 West Green Street	Proposed Bed and Breakfast	Carolyn Baxley	08-Jan-96	Approved
DRB-1-95	Ricker House	612 West Green Street	Proposed 8-Unit Apartment Building	James L. O'Malley	10-Jan-96	Continued / Withdrawn
DRB-3-94	Barr Apartments	611 West Green Street	Proposed 5-Unit, 3-Story Apartment Building	John H. Barr	31-Mar-94	Denied
DRB-2-94	McGrath/Welch Law Offices	401 West Elm Street	Proposed Attorneys' Law Offices	Susan McGrath and Harvey Welch	30-Aug-94	Approved
DRB-1-94	Barr Apartments	611 West Green Street	Proposed 6-Unit, 3-Story Apartment Building	John H. Barr	11-Jan-94	Denied
DRB-1-93	Christian Counseling Centers, Inc.	511 West Green Street	Proposed Use as a Counseling Center	Christian Counseling Centers, Inc.	18-Aug-93	Approved
DRB-1-91	610 & 612 West Elm Street	610 West Elm Street 612 West Elm Street	Proposed renovation of 610 & 612 West Elm Street	Kevin Hunsinger	22-Apr-91	Approved with Conditions

New development in the M.O.R.

How big can a building be in the MOR?

The maximum Floor Area Ratio in the M.O.R. (FAR) is 0.70. Floor Area Ratio is the quotient of the gross floor area of the building divided by the lot area. Essentially, floor area ratio dictates how much of the lot can be taken up by a structure. For example, a one-story structure would be permitted to occupy up to 70% (0.70) of the lot. This may or may not be possible when other requirements such as parking and open space are factored in.

For properties zoned MOR, the Zoning Ordinance caps the allowable lot area that can be used in determining the FAR at 8,500 square feet. In other words, even if a parcel is 15,000 square feet, only 8,500 square feet can be considered for FAR. The allowable FAR would be 0.70 of 8,500 square feet.

What this means is that the maximum building size that can be constructed in the MOR is going to be 5,950 square feet (0.70 of 8,500). If a development is proposed to be a two-story building, the maximum footprint per floor is 2,975 square feet ($5,950 / 2$).

In other words, a development in the MOR can never be over 5,950 square feet without variances. The number of apartments that can fit into such a structure depends on how big or small they are.

611 West Green Facts

Lot Area = 10,620 square feet

Allowable square footage for determining FAR = 8,500

Building Area = 5,893 square feet (3,029 first floor, 2,864 second floor)

(8) 2BR units

Floor Area Ratio = 0.693 ($5,893 / 8,500$)

712 West Green Facts (Hunsinger Apartment)

Lot Area = 7,011 square feet

Allowable square footage for determining FAR = 8,500

Building Area = 4,745 square feet

(5) 2BR units

Floor Area Ratio = 0.676 ($4,745 / 7,011$)

Attachment #4

MOR Zoning Description Sheet



MOR MIXED OFFICE RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the MOR Zoning District is as follows:

"The MOR Mixed Office Residential District is intended to provide areas for a limited variety of business, office and residential land uses in proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area. The development regulations and permitted uses make this district suitable for properties which may no longer be viable as strictly residential uses but are located in a residential setting. This district is intended to encourage the adaptive re-use of these older residential structures as an incentive to preserve and extend the useful life of such structures while also allowing compatible new development. The MOR District is also intended to promote the conservation of buildings and neighborhoods, which in combination or individually, are of unique community and neighborhood significance."

"The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected."

Please note: Section XI-12 of the Ordinance provides that the Development Review Board must approve of site plans for any of the following proposed changes to properties in the MOR District:

- Changes to uses in existing structures,
- Additions or exterior remodeling of existing structures,
- Construction of new structures or parking areas.

Please refer to that Section for information on procedures before the Development Review Board.

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

PERMITTED USES:

Public and Quasi-Public Facilities -

Church or Temple
Institution of an Educational, Philanthropic or
Eleemosynary Nature
Municipal or Government Building

Public Library, Museum or Gallery
Public Park

Residential Uses -

Bed and Breakfast, Owner Occupied
Bed and Breakfast Inn
Boarding or Rooming House
Dormitory
Dwelling, Duplex

Dwelling, Duplex (Extended group occupancy)
Dwelling, Multifamily
Dwelling, community living facility, Category I,
Category II and Category III

MOR Zoning District Summary cont.

Permitted Uses cont.

Residential Uses -

Dwelling, Single Family (Extended group occupancy)
Dwelling, Single Family

Two-Unit Common-Lot-Line Dwelling
Home for the Aged

Resource Production and Agricultural Uses -

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

Plant Nursery

Business Uses - Personal Services

Barber Shop
Beauty Shop
Massage Parlor
Mortuary
Health/Fitness Club

Pet care/ Grooming
Shoe Repair Shop
Tailor and Pressing Shop

Business Uses - Business, Private Educational and Financial Services

Bank, Savings and Loan Association
Private Kindergarten or Day Care Facility
Check Cashing Service

Professional and Business Office
Vocational, Trade or Business School
Copy and Printing Service

Business Uses - Food Sales and Services

Cafe
Confectionery Store

Convenience Store

Business Uses - Retail Trade

Antique or Used Furniture Sales and Service
Apparel Shop
Art and Craft Stores and Studios
Bicycle Sales and Service
Bookstore
Drugstore
Electronic Sales and Service
Florist
Furniture Store-Office Equipment Sales
Hardware Store
Jewelry Store

Music Store
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery-Gift Shop-Art Supplies
Tobacconist
Variety-Dry Goods Store
Video Store

Business Uses - Recreational

Billiard Room
Dancing School
Non-Residential Athletic Training Facility

Private Indoor Recreational Development
Theater, Indoor

SPECIAL USES:

Public and Quasi-Public Facilities –

Principal Use Parking Garage or Lot

Residential Uses –

Home for adjustment;

Business Uses –

Meat and Fish Market

MOR Zoning District Summary cont.

CONDITIONAL USES:

Business Uses -

Lodge or Private Club
 Residential Athletic Training Facility
 Restaurant

Bakery (Less than 2,500 sq. ft.)

DEVELOPMENT REGULATIONS IN THE MOR DISTRICT

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
MOR	6,000	60'	35'	0.70 ₂	0.30 ₂	15' ₁	7(17) ₃	10'

FAR= FLOOR AREA RATIO
OSR= OPEN SPACE RATIO

1. In the MOR District, the required front shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Section VI-5-D(1).
2. In the MOR District, no more than 8500 square feet of a lot may be counted towards the calculation of the FAR or the OSR. However, if a lot has an area greater than 17,000, the lot may contain two or more principal structures based on a ratio of one structure for each 8500 square feet, subject to the Zoning Board of Appeal's authorization of issuance of a conditional use permit for multiple buildings on a single lot.
3. In the MOR District, the sum of the two (2) required side yards shall not be less than seventeen (17) feet.

Section XI-12. Development Review Board for the MOR

A. Creation and membership.

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedure in the MOR District in conformance with the requirements of this Section XI-12.
2. The Development Review Board shall consist of the following five (5) members who shall be employees of the City of Urbana:
 - a. The Zoning Administrator or representative
 - b. The City Planner or representative
 - c. The City Engineer or representative
 - d. The City Arborist or representative
 - e. The Building Safety Division Manager or representative
3. The Zoning Administrator or representative shall serve as chairman of the Development Review Board.

B. Purpose and Objectives.

1. The purpose of the Development Review Board is to review and approve or disapprove all site plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures and for construction of new structures and parking areas in the MOR District.

2. The objectives of the Development Review Board in administering the site plan review requirement in the MOR District are to:
 - a. Encourage compatible new construction or rehabilitation and alteration of existing structures;
 - b. Encourage compatibility and minimize impacts between the proposed land use and the surrounding area;
 - c. Encourage the maintenance, preservation and enhancement of both individual structures and the neighborhood's visual and aesthetic character;
 - d. Encourage the economic use of older structures in a manner compatible with the neighborhood;
 - e. Encourage flexibility and creativity in meeting the requirements of the Zoning Ordinance and the Urbana City Code;
 - f. Provide for the resolution of requests for site plan approvals in conformance with the purpose of the MOR District and the requirements of the Zoning Ordinance.

C. Site plan review procedures.

1. A request for site plan approval shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the site plan, and shall be filed with the City Planner. Each request shall be submitted with the required fee as provided in Section XI-8.
2. The Development Review Board may adopt its own rules, regulations and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois. All site plans submitted for review shall contain the information required by the Development Review Board.
3. Within fifteen (15) working days after the completed application, site plan, fee and supporting documentation have been received, the City Planner shall convene a meeting of the Development Review Board to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within one hundred (100) feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than seven (7) days prior to said meeting.
4. All meetings of the Board shall be held in a public place designated by the Chairman, and shall be open to the public, except as allowed by law. At any meeting of the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
5. After reviewing the proposed site plan according to the criteria and standards in Section XI-12-D, the Development Review Board shall vote to approve or disapprove the proposed site plan. All decisions of the Development Review Board shall require a unanimous vote. If less than all five (5) members of the Development Review Board are present at the meeting, the request shall be tabled until all members are present, provided, however, that all proposed site plans shall be voted on within thirty (30) days of the initial application. A less than unanimous decision by the Board shall cause the City Planner to appeal the request to the Board of Zoning Appeals in accord with Section XI-3. The Development Review Board may impose conditions or requirements which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance only when site plan adjustments for an existing structure are only approved as an incentive to re-use the existing structure in accordance with Section XI-12-E.
6. If the proposed site plan conforms to the general standards and specific requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve

the proposed site plan. If the proposed site plan does not conform with the general standards and specific requirements of this Ordinance, the Development Review Board shall so find and disapprove the proposed site plan. The applicant shall be notified in writing of the Board's decision within five (5) working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board.

7. If the proposed site plan is not approved, the applicant shall be given a reasonable opportunity to resubmit the site plan with modifications to specifically address the findings of the Board. Site plan approval is required prior to the approval of any request for a building permit or a Certificate of Occupancy in the MOR District. Site plan approval is also required for all requests for conditional uses and special uses in the MOR District. The decision of the Development Review Board concerning the site plan shall be submitted to the appropriate body reviewing the conditional use and special uses requests. The approved site plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
8. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
9. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question and shall also keep records of its findings and official decisions.
10. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
11. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the site plan is approved by the Board.
12. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

D. Design review criteria and standards.

All site plans will be reviewed by the Development Review Board according to the criteria and standards listed below. No site plan shall be approved by the Development Review Board unless the plan complies with the requirements of this Ordinance, is consistent with the intent and purpose of the MOR District, and is compatible with the land uses surrounding the site.

1. Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?
2. Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?
3. Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimize the impact of their use and bulk on adjacent properties?

4. Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?
5. Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?
6. Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?
7. Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?
8. Will the project design conform to the sign regulations in Article IX?
9. Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?
10. Will the project design conform to customary engineering, site development and site landscaping standards?
11. Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?
12. Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?
13. Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?

The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.

E. Site plan adjustments.

1. In order to encourage the compatible re-use of existing structures in accord with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve site plan adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12-E(3).
2. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed, the Development Review Board is hereby authorized to approve site plan adjustments or modifications of the requirements of the Zoning Ordinance and City Code. Construction of new buildings shall conform to all requirements of the Urbana Zoning Ordinance and Urbana City Code unless a general or specific variance is granted by the Board of Zoning Appeals or Urbana City Council in accordance with Section XI-3-C. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District.
3. In accord with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:
 - a. Section VIII-2, Design and Specifications of Off-Street Parking;

- b. Section VIII-3, Location of Parking Facilities;
 - c. Section VIII-4, Amount of Parking Required; except that no adjustment in excess of twenty-five (25) percent of the full parking requirements may be approved by the Development Review Board and no adjustment of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
 - d. Section VIII-5, Off-Street Loading Regulations;
 - e. Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) and no others; and
 - f. Chapter 7 of the City Code, Fences.
4. None of the provisions of this Section XI-12 shall prevent or otherwise restrict the ability of a property owner to request a general variance or specific variance or to receive approval of a request for a general variance or specific variance from the Board of Zoning Appeals or City Council in accordance with the provisions of Section XI-3 of this Ordinance.

For more information on zoning in the City of Urbana call or visit:

City of Urbana
Community Development Services Department
400 South Vine Street
Urbana, IL 61801
(217) 384-2440
(217) 384-2367 fax
www.city.urbana.il.us

Revised 4/12/02