



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Elizabeth H. Tyler, AICP, Director

DATE: January 14, 2005

SUBJECT: Plan Case No. 1915-T-04: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to regulation of accessory parking lots located in close proximity to single-family neighborhoods

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow accessory use parking lots which are proposed to be located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and in close proximity to single-family residential neighborhoods by special use only. By requiring special use permit approval, such accessory parking lots would be subject to public notice and City review of related special use permit criteria, such as lighting, landscaping, traffic safety, buffers, etc. Special use approval would not be necessary for on-site accessory parking which is proposed as part of a development project that is otherwise allowed by right or by conditional use.

Background

Under current Zoning Ordinance regulations (see Section V-3.E.), accessory uses – including accessory parking lots – are allowed in any zone where the principal use to which the accessory use is accessory is allowed. Accessory use parking may be located on off-site lots within 600 feet of the principal use. The result of this application of accessory versus principal zoning use provisions can sometimes result in the creation of accessory parking lots in areas which are otherwise predominantly single family. This may occur in areas which have disparate zoning and as associated with non-residential uses which are regularly permitted in residential zones, such as churches and schools.

The definition of “Parking Lot, Accessory Use” in the Zoning Ordinance specifies that at least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to

serve that principal use. It further states that if the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 zone, the use must be reserved for the occupants of residential uses. These provisions need to be reflected in the regulatory portions of the Zoning Ordinance.

The proposed amendment is a result of a recent situation whereby an accessory parking lot was proposed on a residential parcel located at 806 West Iowa Street to serve the Alpha Chi Omega Sorority on Lincoln Avenue. The subject lot adjoins the south side of the sorority's current parking area located behind the sorority house. This proposal prompted concern by residents that construction of a parking lot at this location would not necessarily have been anticipated by its R7, University Residential, zoning. The site is bounded on all sides by other single-family and University Residential uses. While the parking lot approval precedes the current case, there is community concern that similar situations may arise where accessory parking lots are proposed in the midst of single-family neighborhoods and would be permitted as long as the parking were to be used by residents and the zoning of the accessory parking lot site would also allow the principal use.

The text amendment was specifically directed by City Council who at their Committee of the Whole meeting on October 11, 2004 passed the following motion:

“Motion to direct staff to initiate a plan case for Zoning Ordinance amendments necessary to address the issues presented by the placement of accessory parking lots in close proximity to single family residential neighborhoods through such means as requiring special use review of such lots and establishing appropriate development regulations.”

Proposed Amendment

Proposed amended language by section is indicated by strikeouts and underlining below. A brief explanation is provided in italics for each part.

Part One

Article II. Definitions, Section II-3. Definitions

Parking Lot, Accessory Use: A parking lot meeting the requirements of Article VIII that is primarily an accessory use to a particular principal use. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. ~~If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses.~~ An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section V-3-E.

Explanation: Text proposed to be struck is more appropriate in a regulatory section of the

Zoning Ordinance.

Part Two

Article V. Use Regulations. Section V-3. Table of Permitted Uses, by District

E. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:

1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.
2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
 - a) The off-site parking shall be permitted by right if either the principal use or a “principal use parking lot,” or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.
 - b) The off-site parking shall require a special use permit if a) above is not applicable.
3. If the off-site parking is located immediately adjacent to property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VII-10.

3.4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.

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

F. Accessory use parking located on a parcel separate from the principal use (whether off-

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

Explanation: Added text to paragraph “E” introduces the requirement for a special use permit for off-site accessory parking located adjacent to R-1, R-2, or R-3 zoning. Added paragraph “F” also requires a special use in the case of adjacent parking lot expansions on parcels located adjacent to R-1, R-2, or R-3 zoning and clarifies that a special use permit would not be required for on-site accessory parking developed as part of a use permitted by right or conditional use, as identified in Table V-, or for accessory parking lot expansions for one- and two-family residences. Section VIII-3.I. of the Zoning Ordinance allows up to two additional accessory parking spaces to be added for one- and two-family residences with certain restrictions.

Part 3

Article VII. Standards and Procedures for Conditional and Special Uses

Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots In or Adjacent to R-1, R-2, or R-3 Zoning

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

Explanation: This new Section identifies specific areas of concern to be addressed in considering Special Use Permits for off-site accessory parking lots located adjacent to R-1, R-2, or R-3 zoning and identifies the relevant sections of the Zoning Ordinance or other regulations that provide additional relevant regulatory guidance. The section notes that other special use permit review criteria may be applied as well.

Part 4

Parking Standards

Section VIII-4. Amount of Parking Required

I. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses.

Explanation: This new paragraph includes text from the Definitions section of the Zoning Ordinance in a more appropriate location.

Summary of Staff Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan calling for neighborhood preservation.
3. The proposed amendment would address concerns about accessory parking lots that may be located in close proximity to single-family residential areas by requiring special use review.
4. The proposed amendment would clarify current zoning ordinance language pertaining to off-site accessory parking lots.
5. The proposed amendment would identify specific special use criteria and regulations to be considered for off-site or expanded accessory parking lots proposed adjacent to R-1, R-2, or R-3 zoning. These criteria would help to protect nearby residences from impacts that may be associated with the accessory parking lot.

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1915-T-04, the Plan Commission may:

- a. forward this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as presented herein.
- b. forward this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. forward this case to City Council with a recommendation for denial of the proposed text amendment to the 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 Commission recommend approval of the proposed text amendment to the Zoning Ordinance, as presented herein.**

Cc: Mickie Scheinman
Ann Reisner
Liz Cardman/Lisa Treul

ehtyler/zoning/accessoryparkinglots.pcmem.doc