



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** Urbana Plan Commission

**FROM:** Jeff Engstrom, AICP, Planner II

**DATE:** February 4, 2011

**SUBJECT:** Plan Case 2136-T-11: Omnibus Text Amendment to the Urbana Zoning Ordinance

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**Introduction**

The Zoning Administrator is requesting an omnibus amendment to the Zoning Ordinance. The update includes such changes as updating definitions, reorganizing sections, revising allowed uses and a variety of minor changes. The changes are requested to assist the daily administration of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices. This set of changes is also meant to fix typographical errors and inconsistencies that have been identified since the ordinance was last updated. On their own, these changes would not otherwise warrant a separate text amendment.

**Background**

The last series of omnibus Zoning Ordinance amendments were approved in 2010. Since then some additional typographical errors and inconsistencies have been found. In addition, current professional practice and policies and the City's adopted plans and policies may differ from what is permitted by the Zoning Ordinance. The more substantial of the proposed changes are the result of staff experiences while administering the Zoning Ordinance. Some changes have been previously discussed, while others are in response to new development patterns, professional practices, City policies, or specific requests by policy makers.

Future and pending amendments to the Zoning Ordinance that are more substantive than those presented here include separating light and heavy industrial zoning districts, establishing pedestrian access standards and creation of a University District.

## Discussion

The attached Zoning Ordinance (see Exhibit A) outlines all of the proposed changes using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted language~~, while an underline is used to indicate added language.

Since the Zoning Ordinance was just republished in October, 2010, this omnibus amendment will not trigger republication. Changes from this text amendment will be noted in an addendum to the current Zoning Ordinance and will be summarized in the table which precedes the text of the Zoning Ordinance.

Below is a brief summary of the miscellaneous proposed changes organized by Zoning Ordinance article. Changes are listed in bullet points, followed by analysis in italics. Following the miscellaneous text changes are discussions of the more significant changes.

## Text Changes

### *Article II. Definitions*

- Amend II-2.E to read “The word “shall” is mandatory and not ~~directory~~ discretionary or permissive.”
- Add definition for *Footprint: The total horizontal area, measured to the outermost face of the outside walls, of the main or principal building(s), exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent canopies and planters.*
- Amend definition for *Parking Lot, Accessory Use: A parking lot meeting the requirements of ~~Article VIII Sections VIII-2, VIII-4.L, VIII-5.J~~ that is primarily an accessory use to a particular principal use. At least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section VIII 4.L. If an off site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use. (Ord. No. 2005-02-017, 02-18-05)*

*Use of the term “Building Area” was replaced with “Footprint” in the last omnibus text amendment, the definition is being added for clarity. The definition of “Accessory Use Parking Lot” contains regulations which are already spelled out in section VIII-5.J.*

## **Article V. Use Regulations**

- Amend V-2, Principal and Accessory Uses, paragraph D.7.a to read: “If the footprint of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet for a single family dwelling or 800 square feet for a two-family dwelling.”
- Amend V-13, Regulation of Home Occupations, paragraph A as follows:
  2. There are no signs ~~on the premises identifying the home occupation~~ other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and

*The allowance for accessory building space is proposed to be slightly increased for duplex units. This will allow for construction of two small two-car garages. Allowing a sign for Type A Home Occupations will simplify the approval for businesses required to post signs, such as realty agents.*

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

- Modify the following uses and/or permissions:
  - Farm Equipment Sales & Service in AG: P
  - Public Maintenance and Storage Garage in CRE: P
  - Massage Therapist in B-1 & B-2: P
  - Taxi Service in B-3, B-4E, IN: P; in B-2, B-3U, B-4: C
  - Automobile, Truck, Trailer or Boat Sales or Rental
  - Airport in IN: C
- Add footnote “See Table VII-1 for Conditional Use Standards.” to the following uses:
  - Outdoor Commercial Recreational Enterprise
  - Camp or Picnic Area
  - Riding Stable
  - Cemetery
  - Kennel, Veterinary Hospital
  - Airport
  - Heliport
  - Mineral Extraction, quarrying, topsoil removal, and allied activities
  - Outdoor Theater
  - Truck Terminal
  - Resort or Organized Camp
  - Water Treatment Plant
  - Fairgrounds
  - Public or Commercial Sanitary Landfill
  - Sewage Treatment Plant or Lagoon

*The Zoning Administrator is proposing miscellaneous changes in order to allow various uses in appropriate zoning districts. For example, Massage Therapist is a low-impact use that would be appropriate for the B-1 and B-2 districts. Allowing airports with a Conditional Use Permit in the IN district makes Urbana's current airport, Frasca Field, a conforming use, and would allow any potential expansion with proper review. Farm equipment sales should be allowed in the AG district to provide those products in rural areas. Public Maintenance Garages should be added to the CRE district to allow Park District Facilities. Also, it is proposed to add use categories for uses that do not appear in the Zoning Ordinance, such as car rentals and taxi services. Table VII-1 contains standards for several conditional uses, they should be cross-referenced here.*

#### ***Article VI. Development Regulations***

- Add VI-5, Yards, paragraph B.14: 14. Signs, as permitted in Article IX of this Zoning Ordinance.
- Add sentence to beginning of Section VI-6, Screening, paragraph B.1.a: Screening requirements may be met through either landscaping or a solid fence or wall four to six feet in height.
- Amend footnote 8 in Table VI-3, Development Regulations By District, as follows: “See section VI-3.~~ED~~ for additional regulations regarding FAR and OSR in the MOR District.”

*While Section VI-6 lists minimum heights for landscape screening, it does not specify the required height for fences or walls.*

#### ***Article VIII. Parking and Access***

- Amend Section VIII-3, Design and Specifications of Off-Street Parking, paragraph A.3 as follows:
  3. Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the driveway is reconstructed or widened. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.
- Amend Table VIII-7, Parking Requirements by Use as follows:

Warehouse or Similar Use: 1 for every 2,000 square feet of ~~lot~~ floor area.

*This first change clarifies that widening a driveway triggers the requirement to pave. The second change would clarify that the parking requirement for a warehouse is based on the area of the actual warehouse, not the area of the entire lot.*

**Article IX. Sign and OASS Regulations**

- Amend Section IX-3, Measurement Standards, paragraph D as follows:

Measurement of Business Frontage: Business frontage is the lineal footage of a lot, ~~facing~~ fronting the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

- Amend Section IX-4, General Sign Allowances, paragraph B as follows:

*Institutional Signs.* In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum ~~combined~~ sign size of 25 square feet ~~total per sign,~~ except that properties with a street frontage longer than 300 feet may have one 50 square foot sign per frontage. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district.

- Amend Table IX-1, Standards for Freestanding Signs so that the column for Location of Sign reads “Minimum setback of eight feet from public rights-of-way, or outside of required yard, whichever is less.”
- Amend Table IX-3, Standards for Projecting Signs so that the first row under Location of Sign reads “Shall not extend over any public right-of-way. Projecting signs are not allowed above the first story.”
- Amend Table IX-7, Standards for Property Sale and Rental Signs”, to clarify maximum height for signs in the bottom row: “25 16 feet”.
- Amend Table IX-10 to revise the title to “Standards for Multi-Family Residential ~~Rental~~ Identification Signs”.

*Institutional signs in residential districts have been issued several variances over the last decade, as one 25 square foot sign is not enough signage for a property that takes up an entire city block. Most of these variances were to allow signs around 40 to 50 square feet in area. Allowing more signage for larger institutional properties would correct this issue. The other changes are minor clarifications to the tables that contain standards for signage.*

## ***Article X. Nonconformities***

- Add Section X-1, Continuation of Nonconformities, paragraph C as follows:

C. Uses, buildings, or structures on a non-conforming lot shall not be considered non-conforming due solely to the nonconforming lot if they meet the requirements set forth in Section VI-3.A.

*This addition cross references another section of the Zoning Ordinance dealing with nonconformities.*

## ***Article XI. Administration, Enforcement, Amendments and Fees***

- Amend Section XI-3, Zoning Board of Appeals, paragraph A.3 as follows:

3. The Chair of the Board shall be designated by the Mayor, with the consent of the City Council. The Chair, or in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.

- Amend Section XI-3, Zoning Board of Appeals, paragraph C.2.b.9 as follows:

(9) To allow a sign to exceed the maximum height or area, as provided in ~~Section IX-4 through Section IX-6~~ Article IX by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.

- Amend the third sentence of Section XI-10, Notification Requirements, paragraph B as follows:

Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall ~~give~~ send written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition.

*These amendments provide some clarifications to the text.*

## ***Article XIII. Special Development Provisions***

- Amend Section XIII-1, Telecommunications Facilities, Towers and Antennas, paragraph D.2 as follows:

2. A ground or building mounted citizens band radio or personal wireless internet ("wifi") antenna including any mast, if the permanent height (post and antenna) does not exceed 35 feet;

- Amend Section XIII-3, Planned Unit Developments, paragraph H.3 as follows:

3. Approval of the Preliminary Development Plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of

the applicant regarding the plan. City Council approval shall be valid for one year from the date of approval, or longer if specified in the approving ordinance.

- Amend Section XIII-3, Planned Unit Developments, paragraph J.4 as follows:
  4. The City Council shall consider the recommendation of the Plan Commission regarding the ~~preliminary~~ Final Planned Unit Development plan. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

*This first change will help modernize the Zoning Ordinance to provide for antennas for wireless broadband. These antennas are similar to citizens band radio or television antennas. The second change allows City Council to extend approval of a Preliminary P.U.D. for longer than one year. This will help in large master planned projects which may take a number of construction seasons to complete.*

## **Summary of Staff Findings**

1. The proposed amendment will assist the daily administration and enforcement of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices.
2. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
3. The proposed amendment will update the Zoning Ordinance to ensure that the regulatory environment more closely matches the goals and policies of the City, including recent text amendments to the Zoning Ordinance.
4. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

## **Options**

The Plan Commission has the following options for recommendation to the Urbana City Council regarding Plan Case 2122-T-10:

- a. forward this case to City Council with a recommendation for approval as presented herein;
- b. forward this case to City Council with a recommendation for approval as modified by specific suggested changes; or

- c. forward this case to City Council with a recommendation for denial.

### **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 recommend **APPROVAL** of the proposed multipart text amendment to the Zoning Ordinance in its entirety, as presented herein.