



CITY OF
URBANA

CITY OF URBANA
PLAN COMMISSION REGULAR MEETING

DATE: Thursday, September 19, 2024

TIME: 7:00 PM

PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

A. Call to Order and Roll Call

B. Changes to the Agenda

C. Approval of Minutes

[Minutes](#) of the September 5, 2024 Regular Meeting

D. Communications

E. Continued Public Hearings

F. Old Business

G. New Public Hearings

[Plan](#) Case No. 2493-T-24 - A request by David Huber to amend Article VI of the Urbana Zoning Ordinance to eliminate lot width and area requirements for two-family dwelling in the R-2 (Single-Family Residential) and R-3 (Single- and Two-Family Residential) Zoning Districts.

H. New Business

I. Audience Participation

J. Staff Report

K. Study Session

Imagine Urbana Comprehensive Plan Draft - Discuss Big Move 1: Develop a Plan to Address Urbana's Diverse Housing Needs

L. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Email Input

In order to be incorporated into the record, emailed public comments must be received prior to 5:00 pm on the day preceding the meeting and sent to the following email address: Planning@urbanaininois.us. The subject line of the email must include the words "PLAN COMMISSION - PUBLIC INPUT" and the meeting date. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Public Hearing

Any person desiring to appear at the public hearing and present testimony may speak during each public hearing at the time they appear on the agenda. This shall not count towards regular Public Input for the meeting. The Public Hearing is an opportunity for comments and questions to be addressed specific to each case. Board or Commission members are permitted to respond and engage during this time and/or the Chairperson may direct the applicant to respond during rebuttal. Comments unrelated to any of the public hearings listed on an agenda should be shared during the Public Input portion of the meeting where Verbal Input guidelines shall apply.

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under “Verbal Input”. Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker’s microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City at least 48 hours in advance using one of the following methods:

Phone: 217.384.2455

Email: hro@urbanaillinois.us

Watching the Meeting via Streaming Services

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaillinois.us/upty>.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 5, 2024

TIME: 7:00 P.M.

PLACE: Council Chambers, City Hall, 400 South Vine Street, Urbana, Illinois

MEMBERS ATTENDING: Dustin Allred, Lew Hopkins, Bill Rose, Karen Simms, Chenxi Yu

MEMBERS EXCUSED: Will Andresen, Andrew Fell, Debarah McFarland

STAFF PRESENT: Teri Andel, Planning Administrative Assistant II; Kevin Garcia, Principal Planner; Will Kolschowsky, Senior Management Analyst; Mayor Diane Marlin, Carol Mitten, City Administrator; Andrea Ruedi, Senior Advisor for Integrated Development

OTHERS PRESENT: Cole Filges, Anjana Nair, Matt Raab, Aabha Sakharkar

A. CALL TO ORDER and ROLL CALL

Chair Allred called the meeting to order at 7:05 p.m. Roll call was taken, and there was a quorum of the members present.

B. CHANGES TO THE AGENDA

There were none.

C. APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the July 11, 2024 and July 18, 2024 regular meetings and minutes of the August 22, 2024 special meeting were presented for approval. Mr. Hopkins moved that the Plan Commission approve all three sets of minutes as written. Ms. Simms seconded the motion. The minutes were approved as written by unanimous voice vote.

D. COMMUNICATIONS

- Plan Commission Study Session – September 5, 2024
- *Imagine* Urbana List of Public Meeting Dates and Times
- Smile Politely article on “Some takeaways from Imagine Urbana”

E. CONTINUED PUBLIC HEARINGS

There were none.

F. OLD BUSINESS

There was none.

G. NEW PUBLIC HEARINGS

There were none.

H. NEW BUSINESS

There was none.

I. AUDIENCE PARTICIPATION

There was none.

J. STAFF REPORT

Mr. Garcia reported on the following:

- The text amendment to establish the CMU (Campus Mixed-Use) Zoning District was approved by City Council. He noted that the Council chose to go with the 120-foot building height.

K. STUDY SESSION

Image Urbana Comprehensive Plan Draft

Kevin Garcia (Principal Planner), Carol Mitten (City Administrator), and Andrea Ruedi (Senior Advisor for Integrated Development) approached the Plan Commission to present an update.

Mr. Garcia began by presenting the following agenda for their update:

- Introduction: UIUC UP510 Plan Making Class
- What we heard from August 22 Plan Commission Study Session
- *Imagine Urbana* Comprehensive Plan Structure
- Informal Neighbor Meetings Materials
- Maps Review and Discussion
- Topics for Future Plan Commission Study Sessions
- Public Input on *Imagine Urbana*

What we heard from August 22, 2024 Plan Commission Study Session

Mr. Garcia recapped the discussion from the August 22, 2024 Special Meeting of the Urbana Plan Commission.

Imagine Urbana Comprehensive Plan Structure

Ms. Ruedi talked about the overarching goals for the new plan. She presented a short comparison between the 2005 Comprehensive Plan and *Imagine Urbana*. She reviewed the schedule of upcoming public meetings and explained how staff has marketed the meetings. She also reviewed the materials (printed maps, poster boards, and handouts) and topics they plan to display and present at the public meetings. She mentioned that they have already been receiving comments from the plan being posted online.

Chair Allred asked staff to provide guidelines for the Plan Commission members so they know what to do. Mr. Garcia stated that staff will prepare a set of guidelines. He asked the Plan Commission members to let staff know which public meetings they plan to attend as well.

Informal Neighbor Meetings Materials

Mr. Garcia reviewed the proposed tasks for the University of Illinois students that are helping to prepare content for the public meetings. Then he reviewed the Future Land Use Map, which includes the Future Land Use designations and the Urbana-Champaign Sanitary District service limit (sewers).

He shared the text that would be put on posters: one for *Imagine Urbana's* Vision and Values, one for the Big Ideas, and one for Big Moves and possibly Little Moves. Ms. Ruedi noted that the students will play around with color to make the four priorities stand out on the poster board.

Maps Review and Discussion

Mr. Garcia continued his presentation by talking about the Future Land Use descriptions. The University of Illinois student group worked on the following three designations this last week: Mixed Residential, Mixed Use, and Commercial. He mentioned that even the lowest intensity residential districts could have some mixing of uses because when you want to build complete neighborhoods, you do not want only residential uses in a neighborhood.

He presented an update to the Mobility Map and noted the changes made from the map in the 2005 Comprehensive Plan.

Chair Allred asked if any Plan Commission members had comments or discussion on any of the materials staff plans to present at the public meetings.

Mr. Rose asked if there is an implied direction for growth when talking about mixed use and mixed residential. It seems to imply mixing over time. Mr. Garcia replied that transition is certainly implied. He said that one big failure of the planning and zoning profession and how we have done things for the past hundred years is that zoning and planning has kind of been used to prevent all change in certain areas, and we have run into many problems because of this. So, we are now trying to introduce the concept to allow change, but not dramatic change, over time that will enhance areas and neighborhoods. Chair Allred pointed out that there is another map that shows the changes from the 2005 Comprehensive Plan Future Land Use Map.

Mr. Rose stated that he anticipates participating in some of the public meetings. He asked what to expect in terms of volume of people attending and will they be able to say that they did a good job soliciting the meetings. Mr. Garcia said that they will be able to evaluate how well they did at the meetings; and as to volume, Mr. Garcia said it could vary from one person of the public attending to 200 people attending. Ms. Ruedi noted what staff has done to promote the public meetings.

Mr. Rose asked what a Plan Commission member's role or responsibility is at the public meetings. Chair Allred said that the Plan Commission members will be there to listen and not really participate in the meetings. Mr. Hopkins added that the members should refer the public who have questions to speak with City staff.

Ms. Ruedi noted that the comments staff have received from the public from viewing the draft online has been really good feedback. She mentioned that when doing the Balancing Act activity in each ward, attendance ranged from some meetings having no one show and then some meetings had quite a few people. The best City staff can do is to try and reach as many people as possible.

Ms. Simms stated that the photos should be reflective of the diversity of the types of housing. She wants to be sure that we are not projecting a class stratification with some of the neighborhoods. She stated that she has not seen what could be identified as targeted equity initiatives such as addressing structural inequalities in certain neighborhoods or neighborhoods that are typically underrepresented. She understands that the idea around creating definite and definitive boundaries around neighborhood is to create more neighborhood cohesion and to do community building. However, because we have structural inequality and inequities, could it create far more division and actually get in the way of some of the other goals in the plan? Ms. Ruedi replied that one of the exercises that they did for updating the Comprehensive Plan was called “Balancing Act” and a person would score an equity point or a sustainability point for the different things the person did. She said that they might be able to relate this more to what they have for Little Moves. Mr. Garcia said that there are things in the draft plan that could be called out to address inequities. He noted that City staff has been explicit not to define neighborhood boundaries anywhere in the maps that they will be using. He stated that he does not even know what the neighborhood boundaries are.

Mr. Hopkins stated that one of the action types is to create explicit neighborhood boundaries and develop boundaries. He mentioned this before and had stated his reasons why this is a bad idea. Now, he said, Ms. Simms has added another reason. Chair Allred mentioned that it was Big Move #3, Create Neighborhood Plans. Mr. Garcia explained that City staff wrote this Move because the Comprehensive Plan does not get to the level of detail necessary for small areas or neighborhood plans. Mr. Hopkins said to get rid of the label because the way it is written it goes back to the boundary notion and definitions and images and class stratification.

Chair Allred stated that Big Move #1 in the draft plan talks about things like addressing Urbana’s diverse housing needs, so the challenge is how to represent that idea in the plan. This is where we have gotten into the potential frustration of having really large categories that cover large areas of residential development in the City without a lot of nuance. In some neighborhoods this might mean allowing more accessory dwelling units (ADUs) that are a more affordable source of housing in someone’s backyard and in another neighborhood that might duplexes or fourplexes. He is hoping this comes out in the public meetings. The big challenge is how to represent all of the Big Ideas and Big Moves in the visuals that they are making for the public meetings so that they are more effective at communicating these things. Mr. Garcia commented that staff is already planning to expand on what incremental development is in the plan. Incremental development is nuanced for each neighborhood. Some may be to allow ADUs in some neighborhoods, while other neighborhoods have duplexes and fourplexes. Staff needs to flesh this concept out more to figure out how to tell the story to folks in various neighborhoods. Staff and the University of Illinois students will figure it out.

Mr. Hopkins asked if they would have Google Maps available at the public meetings. Mr. Garcia said that staff can provide it to use. Mr. Hopkins felt it would be beneficial to have when talking with people about what neighborhood they want to look at. He is wondering how when looking at a neighborhood to imagine whether the plan connotated class stratification. Ms. Simms stated that she walks the neighborhoods, and it is primarily ranch-style housing, not great street lighting and

very few sidewalks. Mr. Hopkins stated that there are more discussions to be held because it actually affects some substantive things.

Mr. Hopkins inquired about the annotated map. Mr. Garcia said that the students have not added any annotations to the map; they have made some of the existing annotations more legible. Chair Allred stated that staff may need to provide two different versions in terms of font size when preparing one copy to put on an easel and the other copy to use on the table.

Mr. Garcia asked if the Plan Commission members saw anything missing or that needed to be refined before taking the materials to the public meetings. Mr. Hopkins replied that all the materials should have “DRAFT” in big letters.

Chair Allred suggested using more contrast to depict the downtown core from the secondary core because it is hard to distinguish.

Ms. Simms commented that staff has done a lot of hard work preparing the materials for the meetings. Mr. Garcia noted that the students have as well, and he is impressed with the amount of work they have accomplished.

Topics for Future Plan Commission Study Sessions

Mr. Garcia shared his list of future topics, which were as follows:

- Neighborhood Plans – Whether this should be one of the Big Ideas in the plan or not.
- How explicit inequities are addressed in various parts of the draft plan.
- Redefine incremental development and walkability

Mr. Rose stated that the first bullet point under the idea of Urbana as a city of connected neighborhoods is bothersome to him. It states “neighborhoods build on their assets and create neighborhood plans”. Mr. Rose stated if the City is not going to do this, then why are we encouraging them to do it.

Mr. Hopkins stated that they should divide the topics into two categories. One is for more substantive issues that we need to clarify, elaborate, modify, discuss because we may want to change the substance. The second category is sort of technical, editing document structure. He gave the following examples of substantive discussions in addition to the ones mentioned by Mr. Garcia:

- Walkability Default
- Overemphasis on Downtown Urbana
- Mixed Use Residential | Mixed Residential
- Affordable Housing
- Annexation Policy

Mr. Hopkins then listed the tasks that City staff and the University of Illinois students still need to work on before bringing them back to the Plan Commission for discussion. They are as follows:

- Elements of the proposed plan
 - Are they going to adopt the *Imagine Urbana* Comprehensive Plan with a set of other plans that have been adopted as amendments to the existing 2005 Comprehensive Plan? If so, which plans are we going to adopt?

- “The overriding goals for the new plan guides other City initiatives and planning efforts and not an isolated tool to use for land use decisions.” He agrees that the Comprehensive Plan should not be isolated; however, they need to be aware of how other actions by all City departments are structured to make sure they are compatible with the way a comprehensive plan gets adopted, amended and revised. He feels that they need to structure the to-do lists from the principles and criteria for future decisions because they get used in different ways.
- Metrics in the proposed plan
- Examine Urbana – He said it contains some great data; however, a 371-page appendix is not going to be something used as a reference in a Plan Commission meeting or in a staff report to link the logic behind anything to have the legal backing to make the kinds of decisions the Plan Commission has to make. So, they need to find a way to have a much more concise but explicit link from some of our data and arguments to some of our proposal of criteria and principles.
- Clarify and represent all of the development types.
- Complete the maps.
- Imagine how to construct the proposed plan and include a bunch of stuff

Ms. Simms suggested that they remove “crime” from Big Moves 10 and 11 and link them together. They need to think about them more broadly, not just the neighborhoods being about crime and safety and green space. There is a larger category of work that really looks at community resilience that infuses them.

She noted that she has a problem with the word “access” because it does not always imply “have”.

Chair Allred noted that he had already submitted comments online; however, he wanted to point out that when looking at Big Move 8 through Big Move 11, he got the sense that individual City departments were responsible for creating certain Big Moves. As a result, there is a potential for synergies between some of the Big Moves that are not really discussed and taken advantage of, and there is also some redundancy that occurs. We need to do a better job at making the proposed plan seem cohesive and be more explicit about how some of the things in the plan tie together.

Mr. Hopkins noted that there is a lot of staff work needed in redrafting some portions of the proposed plan and modifying the overall structure. Chair Allred added that it will be good to see what staff brings to the Plan Commission after addressing some of the Plan Commission’s comments as well as the feedback received online from the public.

Chair Allred also mentioned that he feels there should be more discussion on how they are treating the Future Land Use categories, specifically mixed use, the core and the secondary core. He suggested that at the next meeting, City staff present a breakdown for discussing the list of topics at future meetings.

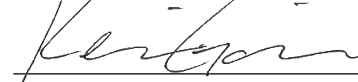
Public Input on *Imagine Urbana*

There was no public input.

L. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Garcia", is written over a horizontal line.

Kevin Garcia, Secretary
Urbana Plan Commission



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Kevin Garcia, Principal Planner and Zoning Administrator

DATE: September 12, 2024

SUBJECT: **Plan Case 2493-T-24:** A request by David Huber to amend Article VI of the Urbana Zoning Ordinance to eliminate the additional lot width and area requirements for two-family dwellings in the R-2, Single-Family Residential, and R-3, Single- and Two-Family Residential zoning districts.

Introduction

David Huber proposes a text amendment to eliminate the additional requirements for additional lot area and width for two-family (duplex) dwellings in the R-2, Single-Family, and R-3, Single- and Two-Family Residential zoning districts. The Zoning Ordinance currently requires duplexes to be on larger, wider lots than single homes. The proposal would eliminate those additional requirements, and would allow duplexes on any lot as long as all other development regulations are met (standard minimum lot size, standard minimum lot width, floor-area ratio, open space ratio, parking, minimum yards).

The proposal would amend Article VI – Development Regulations of the Zoning Ordinance.

The intent of the proposed changes is to allow duplexes in two districts the descriptions for which state that duplexes should be allowed, but where additional size requirements make it difficult to build duplexes without additional zoning approvals (i.e., variances).

The Plan Commission is asked to review the proposed Zoning Ordinance text amendment and make a recommendation for City Council to adopt or deny the proposed changes. Staff recommends that the Plan Commission recommend approval of the proposed changes as presented.

Background and Discussion

Paragraph VI-3.B of the Zoning Ordinance states:

In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

Since many lots platted before 1970 are less than 6,000 square feet (ft²) and/or 60 feet wide, and an even greater percentage of lots platted after 1970 are less than 9,000 ft² and/or 80 feet wide, the current regulations severely limit where duplexes can be built (see Table 1 below).

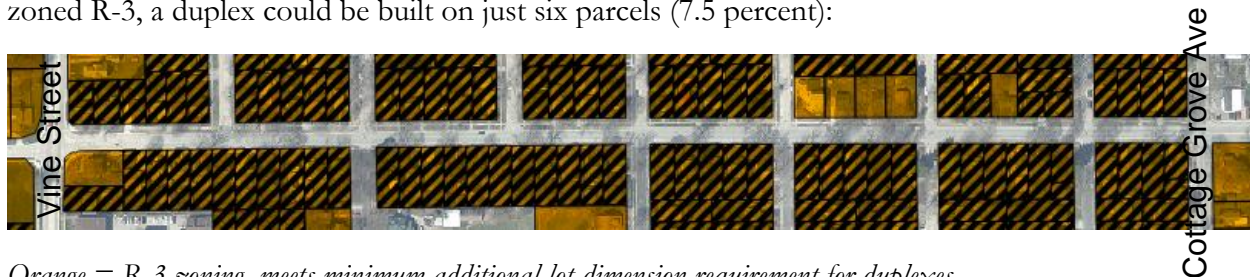
District	Total Parcels	Width Less Than Currently Required	Area Less Than Currently Required	Width and/or Area Less Than Currently Required
R-2	3,558	1,622 (46%)	1,163 (33%)	1,815 (51%)
R-3	3,717	1,280 (34%)	559 (15%)	1,408 (38%)

Table 1 – R-2 and R-3 parcels, vis-à-vis additional duplex requirements

Plat Date	Total Parcels	Width Less Than Currently Required	Area Less Than Currently Required	Width and/or Area Less Than Currently Required
Pre-1970	5,094	1,848 (36%)	659 (13%)	1,987 (39%)
Post-1970	2,181	1,054 (48%)	1,063 (49%)	1,236 (57%)

Table 2 – R-2 and R-3 parcels (combined), by plat date, vis-à-vis additional duplex requirements

Furthermore, the distribution of lots that do not meet the minimum standards is uneven. There are entire blocks in some – mostly older – neighborhoods where a duplex cannot practically be built, despite duplexes being allowed “by right”. A good example of this is in Historic East Urbana, along East Washington Street between Vine Street and Cottage Grove Avenue. Out of 80 parcels that are zoned R-3, a duplex could be built on just six parcels (7.5 percent):



Orange = R-3 zoning, meets minimum additional lot dimension requirement for duplexes

Orange + black hatching = R-3 zoning, does not meet minimum additional lot dimension requirement for duplexes

Exhibit C contains a map inventory of all R-2 and R-3 zoning districts in Urbana, and highlights the uneven distribution of lots that do not meet the current minimum standards; for example, the map of “Southeast Urbana” contains a relatively low percentage of parcels that do not meet the minimum standards, whereas the maps for “East Urbana” and “Myra Ridge/South Ridge” contain a higher percentage of such lots.

Duplexes require a conditional use permit in the R-2 district. If the proposed text amendment is approved, that requirement would not change; there would simply be more R-2-zoned parcels available whose owners could pursue a conditional use permit to build a duplex. As Table 1 above shows, that option would be made newly available to more than half of all owners of R-2-zoned parcels if the proposed amendment is approved.

Duplexes are allowed “by right” in the R-3 district. However, as Table 1 above shows, 38 percent of parcels that are zoned R-3 – nearly four out of every ten – do not meet the minimum lot dimensions.

At present, the only way to build a duplex in the R-2 or R-3 district on a lot that is smaller than required by paragraph VI-3.B is to apply for and be granted a variance, which is seldom done. In the past 20 years, such variances have been sought just three times; two were granted, while the other, which was part of a large, complicated series of zoning requests, was denied.

There is little practical reason to impose larger lot requirements for duplexes, if all other development regulations – standard minimum lot size, standard minimum lot width, floor-area, open space, parking,

yards – can be met. Below, the applicant offers compelling arguments for removing these additional requirements (see Application Responses).

Application Responses

Zoning Ordinance text amendments are typically staff-initiated. In this case, with the text amendment having been submitted by a member of the public, staff feel it is important to include the questions posed on the application and the applicant's responses to those questions.

Note: for each of the following sections, the "Applicant Response" is quote verbatim from the application.

1. *What error in the existing ordinance would be corrected by the Proposed Amendment?*

Applicant Response:

The lot area/width requirement for two-family dwellings disqualifies a large number of parcels within the R-3 district from constructing duplexes and thereby acts as a limit. The intent of the R-3 zoning district is to allow one- and two-family dwellings without qualification, whereas the intent of the R-2 zoning district is to "provide for a limited proportion of two-family dwellings."

"The R-2 Single-Family Residential District is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings."

"The R-3 Single-Family and Two-Family Residential District is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings."

The current lot area/width requirement severely diminishes the specificity of the R-3 district relative to the R-2 district. Since these two zoning districts have identical development regulations (lot area, lot width, FAR, max height, etc), their difference should lie in the uses they allow and the proportion of uses, as the purpose statements reflect. Otherwise, why have two distinct zoning districts?

The proposed amendment intends to more clearly articulate the different zoning districts, in line with their purpose statements. The effect of eliminating the lot area/width requirements for two-family dwellings in both districts would be:

- R-2: two-family dwellings require a conditional use permit on any lot (satisfying the "limited proportion" and preserving the discretionary review of the Zoning Board of Appeals)
- R-3: two-family dwellings allowed by right on any lot

2. *What changed or changing conditions warrant the approval of this amendment?*

Applicant Response:

Urbana needs more housing and more types of housing. In light of decreasing household sizes and increasing unaffordability, eliminating barriers to constructing smaller housing units at lower price points is imperative. There is also growing recognition that many of today's zoning restrictions often have a prejudiced past. In 2021 the White House acknowledged the link between minimum lot size requirements and exclusionary zoning: <https://www.whitehouse.gov/cea/written-materials/2021/06/17/exclusionary-zoning-its-effect-on-racial-discrimination-in-the-housing-market/> (attached as Exhibit D)

3. *What other circumstances justify the zoning amendment?*

Applicant Response:

First and foremost, the area/width requirement is arbitrary insofar as it is possible to construct a two-family dwelling on what is considered by the ordinance a substandard lot and still meet all other requirements of the zoning ordinance. If a lot area and/or width makes constructing a two-family dwelling impractical, a two-family dwelling will not be constructed. The zoning ordinance does not need to regulate it.

Furthermore:

- Land use efficiency: A 5,999 sq ft lot in the R-3 district is allowed 2,400 sq ft of floor area (FAR = .40). However, a single-family dwelling of that size is not economically feasible, nor is it desirable. Most new homes constructed in Urbana's outerlying subdivisions in recent years are well below 2,400 square feet. By imposing a lot area/width requirement for two-family dwellings the zoning ordinance is contributing to underutilization of land and thereby tax revenue.

- Housing diversity: By allowing a second unit, underutilized floor area is put to use in potentially creative ways that fulfill the needs of underserved segments of the housing market. Especially on smaller lots, the Floor Area constraint could produce, for instance, a 1,200 sq ft dwelling unit and a second one-bedroom unit that is 600-800 sq ft in size. The single family dwelling market does not by and large provide for houses below a certain size threshold and the current area/size requirement serves to reinforce this dynamic.

- More housing where more housing is needed, not where lot width/area is sufficient: at present, the area/width requirement attracts development to specific parcels meeting those criteria rather than to parcels that have other more valuable characteristics, such as proximity to public transportation, public amenities, and places of work.

- Remaining competitive as a city: Similar area/width requirements do not exist in many other cities, including Champaign's R-2 district. The current restrictions disincentivize development.

Proposed Changes

The proposed changes would remove the following two paragraphs from the Zoning Ordinance that impose additional area and width requirements for duplexes in the R-2 and R-3 districts:

Section VI-3. Lot Area and Width

...[Paragraphs to be removed]...

B. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

C. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of the Urbana

Zoning Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.

...

Paragraph VI-3.B establishes minimum lot dimensions for duplexes in the R-2 and R-3 districts. Paragraph VI-3.C effectively states that duplexes cannot be established on lots smaller than the requirements established in paragraph VI-3.B.

Table VI-3. Development Regulations by District

Table VI-3 would be modified by removing Footnote 13:

In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

Comprehensive Plan

On page one of the Comprehensive, “The Vision” states, in part, that, “*Appropriately designed infill development will be encouraged to help revitalize the built urban environment.*” The proposed text amendment would encourage appropriately designed infill development by making more lots available for duplexes, which are appropriate in the R-2 and R-3 districts, per their definitions. The text amendment would also help meet the following goals and objectives of the Comprehensive Plan:

- | | |
|------------------|---|
| Goal 1.0 | Preserve and enhance the character of Urbana’s established residential neighborhoods. |
| Goal 2.0 | New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood. |
| Obj. 2.1 | Ensure that the site design for new development in established neighborhoods is compatible with the built fabric of that neighborhood. |
| Goal 4.0 | Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods. |
| Obj. 4.1 | Encourage a variety of land uses to meet the needs of a diverse community. |
| Obj. 4.3 | Encourage development patterns that offer the efficiencies of density and a mix of uses. |
| Goal 18.0 | Promote infill development. |
| Goal 19.0 | Provide a strong housing supply to meet the needs of a diverse and growing community. |
| Obj. 19.2 | Encourage residential developments that offer a variety of housing types, prices and designs. |

Summary of Findings

1. The proposed amendment would modify Article VI – Development Regulations, by removing paragraph VI-3.B, which establishes additional minimum lot dimensions for duplexes in the R-2 and R-3 districts.
2. The proposed amendment would modify Article VI – Development Regulations, by removing paragraph VI-3.C, which effectively bans duplexes on lots that do not meet the minimum dimensions in paragraph VI-3.B.
3. The proposed amendment would modify Table VI-3, by removing Footnote 13.
4. The proposed amendment would be consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to preserve and enhance the character of established residential neighborhoods, preserve the characteristics that make Urbana unique, and ensure that new land uses are compatible with and enhance the existing community.
5. The proposed amendment conforms to the notification and other requirements for Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Plan Commission has the following options in Plan Case 2493-T-24:

1. Forward the case to City Council with a recommendation to approve the text amendment as presented herein; or
2. Forward the case to City Council with a recommendation to approve the text amendment as modified by specific suggested changes; or
3. Forward the case to City Council with a recommendation of denial of the text amendment.

Staff Recommendation

Staff recommends that the Plan Commission recommend **approval** of the proposed text amendment to City Council.

Attachments: Exhibit A – Proposed Changes
Exhibit B – Application
Exhibit C – Maps
Exhibit D – *Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market*

Current text:

Section VI-3. Lot Area and Width

B. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

C. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of the Urbana Zoning Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.

Proposed change:

Section VI-3. Lot Area and Width

~~B. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.~~

~~C. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of the Urbana Zoning Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.~~

**PERMIT PROJECT**

FILE #: 24-002581

400 SOUTH VINE STREET URBANA IL 61801

ELIMINATION OF LOT AND WIDTH REQUIREMENTS FOR TWO-FAMILY DWELLINGS IN THE R-2 AND R-3 ZONING DISTRICTS

**PERMIT #: TXT24-000004**

Permit Type

Zoning Text Amendment

Subtype

Zoning Text Amendment



Work Description:

Elimination of lot and width requirements for two-family dwellings in the R-2 and R-3 zoning districts



Applicant

David Huber - David Huber



Status

Online Application Received



Valuation

0.00

**FEES & PAYMENTS**

Plan Check Fees

0.00

Permit Fees

208.00

Total Amount

208.00

Amount Paid

208.00

Balance Due

0.00



Non-Billable

**PERMIT DATES**

Application Date

08/19/2024

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

OFFICE USE ONLY

PLANNING CASE NUMBER

2493-T-24

Neighbor Notice Mailed

Sign Posted Date

Legal Ad Published

Plan Commission Meeting Date

Plan Commission Recommendation

City Council Action Date

City Council Action

Recorded Document Number

Date Recorded

Planning Case Notes

Exhibit B - Application






APPLICATION

The application fee must be paid when submitting the application. For the current fee amount, please refer to the most recent version of the City's 'Schedule of Fees - Excluding Liquor License Fees', which can be found at <https://www.urbanairillinois.us/fees>.


If you need assistance completing this form, please contact the Planning Department at Planning@urbanairillinois.us or (217) 384-2440.

EXISTING ORDINANCE

Portion(s) of the Zoning Ordinance affected by this application:

ZONING ORDINANCES AFFECTED						
 CHANGE #	ARTICLE		SECTION	PARAGRAPH	PAGE	
1	06. VI. Development Regulations	▼	03 ▼	B	56	
2	06. VI. Development Regulations	▼	03 ▼	C	56	
		▼	▼			
						 Add Row

REASONS FOR AMENDMENT

 Attach documentation listing the existing text and proposed text for each change, with deletions, modifications, and additions clearly identified.

[2024_Zoning Amend_Lot Width Text Modification.pdf](#)



What error in the existing ordinance would be corrected by the Proposed Amendment?

Exhibit B - Application

The lot area/width requirement for two-family dwellings disqualifies a large number of parcels within the R-3 district from constructing duplexes and thereby acts as a limit. The intent of the R-3 zoning district is to allow one- and two-family dwellings without qualification, whereas the intent of the R-2 zoning district is to "provide for a limited proportion of two-family dwellings."

"The R-2 Single-Family Residential District is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings."

"The R-3 Single-Family and Two-Family Residential District is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings."

The current lot area/width requirement severely diminishes the specificity of the R-3 district relative to the R-2 district. Since these two zoning districts have identical development regulations (lot area, lot width, FAR, max height, etc), their difference should lie in the uses they allow and the proportion of uses, as the purpose statements reflect. Otherwise, why have two distinct zoning districts?

What changed or changing conditions warrant the approval of this amendment?

Urbana needs more housing and more types of housing. In light of decreasing household sizes and increasing unaffordability, eliminating barriers to constructing smaller housing units at lower price points is imperative. There is also growing recognition that many of today's zoning restrictions often have a prejudiced past. In 2021 the White House acknowledged the link between minimum lot size requirements and exclusionary zoning:

What other circumstances justify the zoning amendment

First and foremost, the area/width requirement is arbitrary insofar as it is possible to construct a two-family dwelling on what is considered by the ordinance a substandard lot and still meet all other requirements of the zoning ordinance. If a lot area and/or width makes constructing a two-family dwelling impractical, a two-family dwelling will not be constructed. The zoning ordinance does not need to regulate it.

Furthermore:

- Land use efficiency: A 5,999 sq ft lot in the R-3 district is allowed 2,400 sq ft of floor area (FAR = .40). However, a single-family dwelling of that size is not economically feasible, nor is it desirable. Most new homes constructed in Urbana's outerlying subdivisions in recent years are well below 2,400 square feet. By imposing a lot area/width requirement for two-family dwellings the zoning ordinance is contributing to underutilization of land and thereby tax revenue.

- Housing diversity: By allowing a second unit, underutilized floor area is put to use in potentially creative ways that fulfill the needs of underserved segments of the housing market. Especially on smaller lots, the Floor Area constraint could produce, for instance, a 1,200 sq ft dwelling unit and a second one-bedroom unit that is 600-800 sq ft in size. The single family dwelling market does not by and large provide for houses below a certain size threshold and the current area/size

Time schedule for development (if applicable)

ASAP

Additional exhibits submitted by the applicant

CERTIFICATION

I acknowledge that my electronic or digital signature on this application has the full legal effect as that of my written signature.

☒ Agree

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief.

☒ Agree

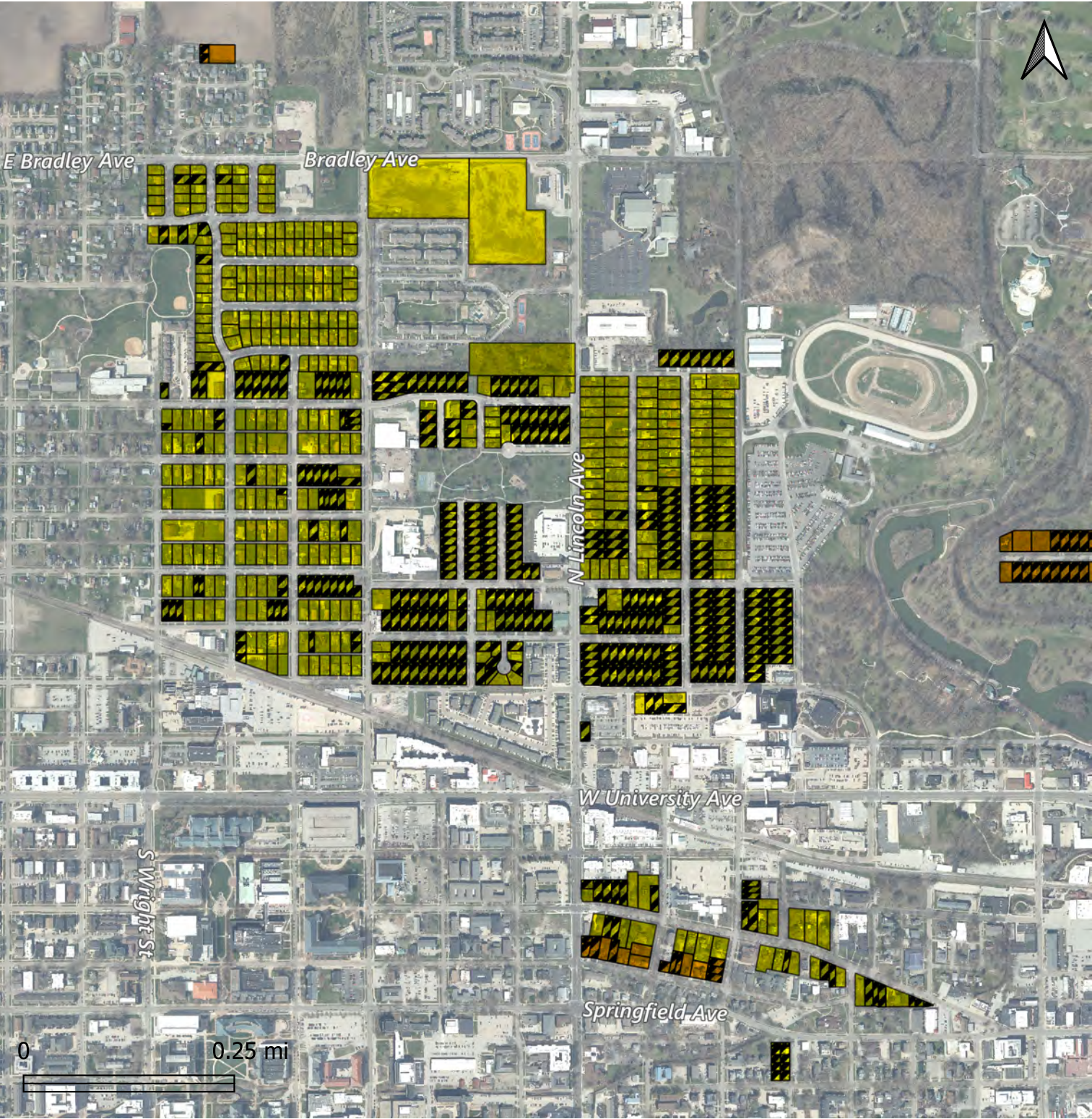
Applicant Signature Upload

signature.png

Signer Name

David Huber

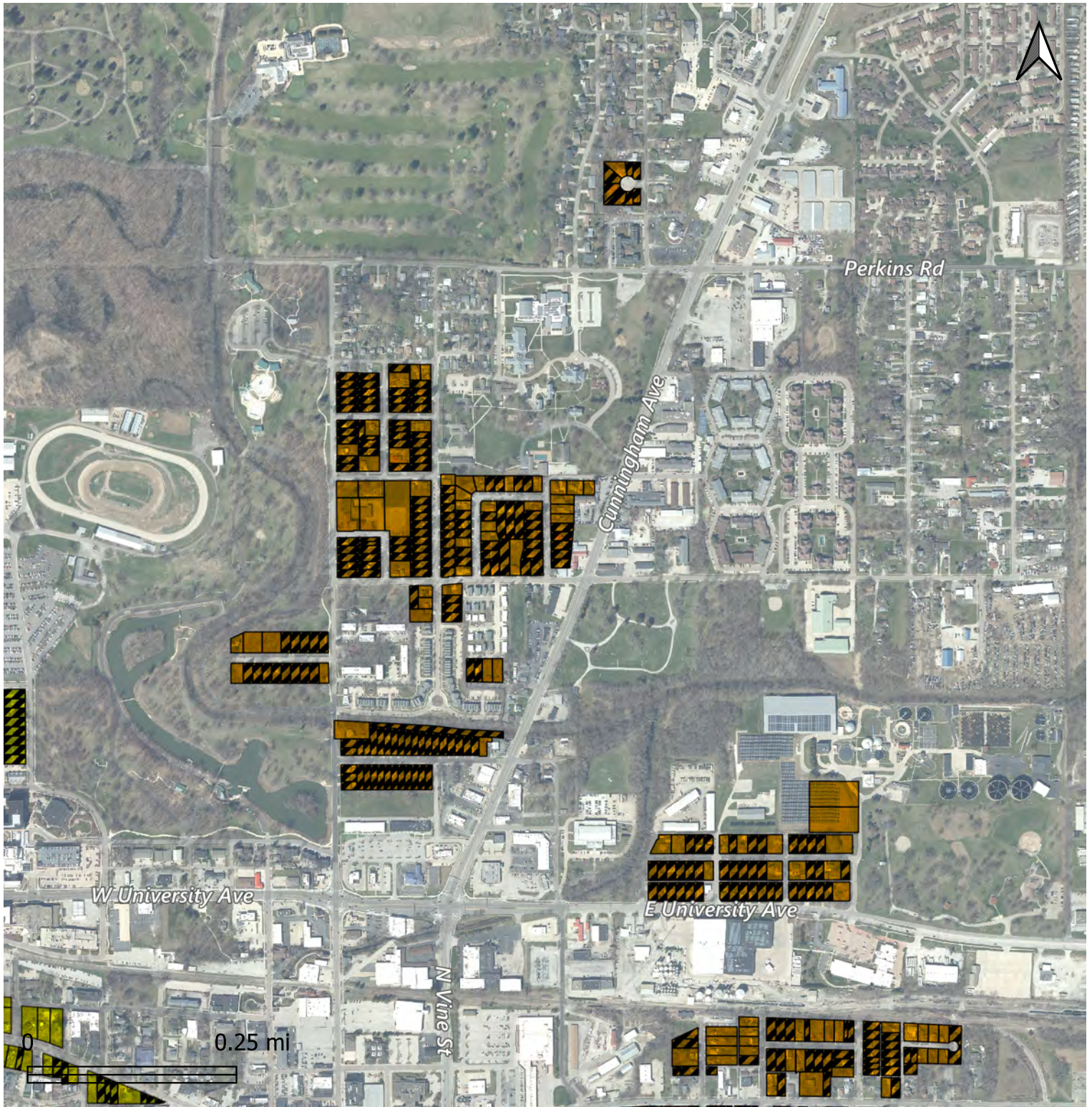
When you click Submit, you will be taken to a credit card payment screen. We accept most major credit cards, except American Express.



-  R-2 - Does not meet minimum lot dimensions
-  R-3 - Does not meet minimum lot dimensions
-  R-2 - Meets minimum lot dimensions
-  R-3 - Meets minimum lot dimensions



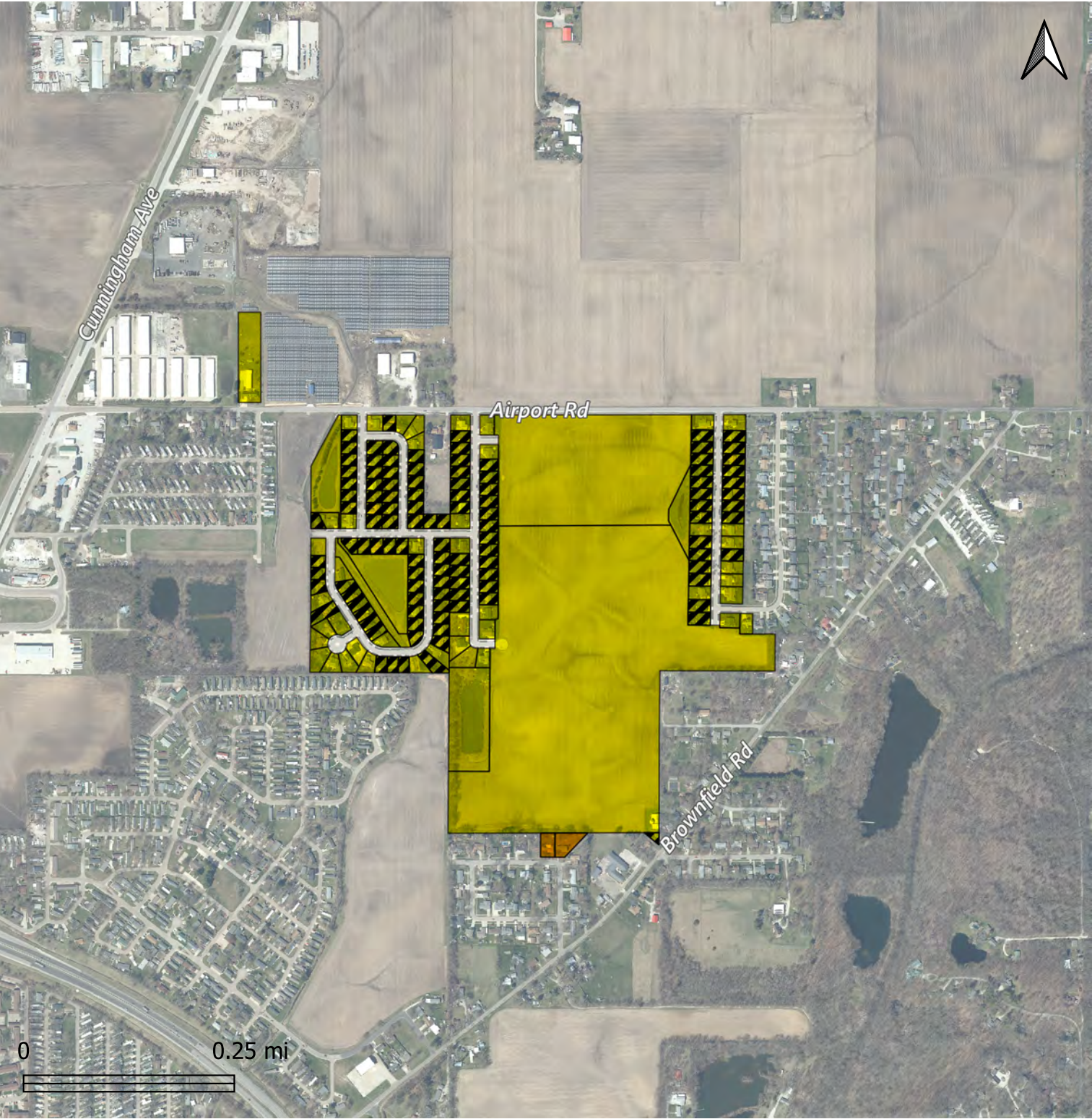
Case: Plan Case 2493-T-24
Subject: A request by David Huber to amend Article VI of the Urbana Zoning Ordinance to eliminate the additional lot width and area requirements for two-family dwellings in the R-2, Single-Family Residential, and R-3, Single- and Two-Family Residential zoning districts.



- | | |
|---|--|
|  R-2 - Does not meet minimum lot dimensions |  R-3 - Does not meet minimum lot dimensions |
|  R-2 - Meets minimum lot dimensions |  R-3 - Meets minimum lot dimensions |



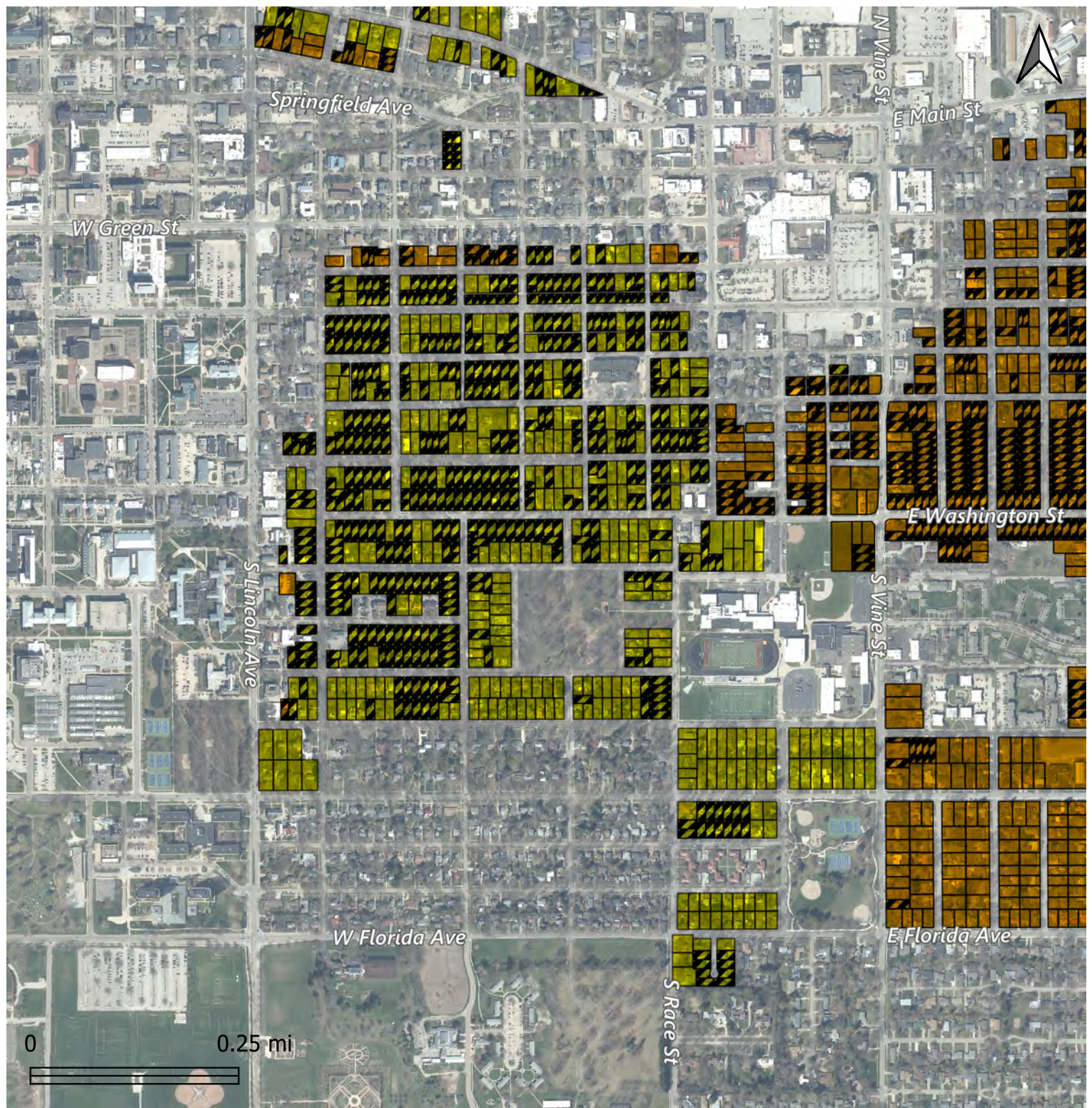
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-  R-3 - Meets minimum lot dimensions



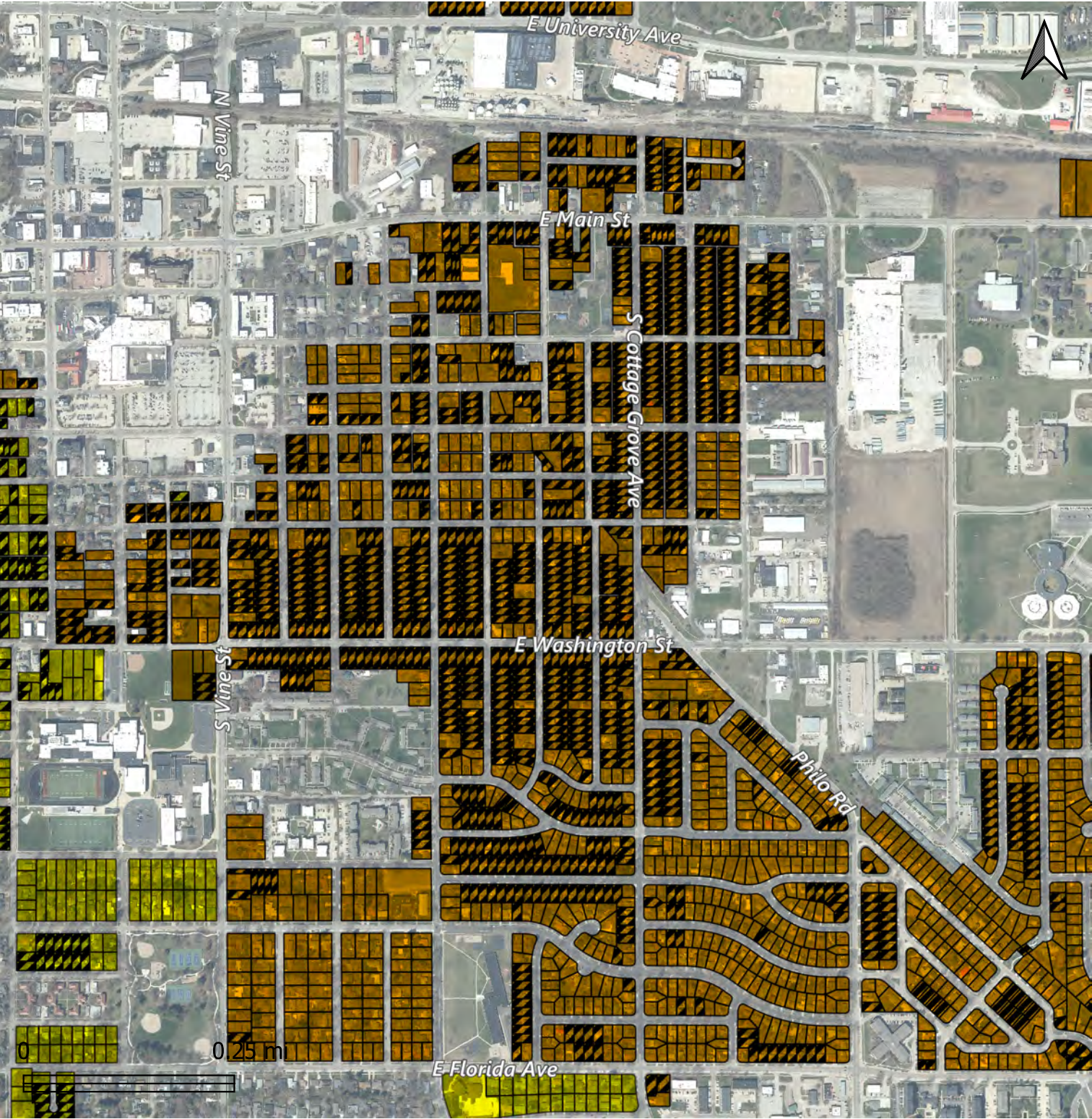
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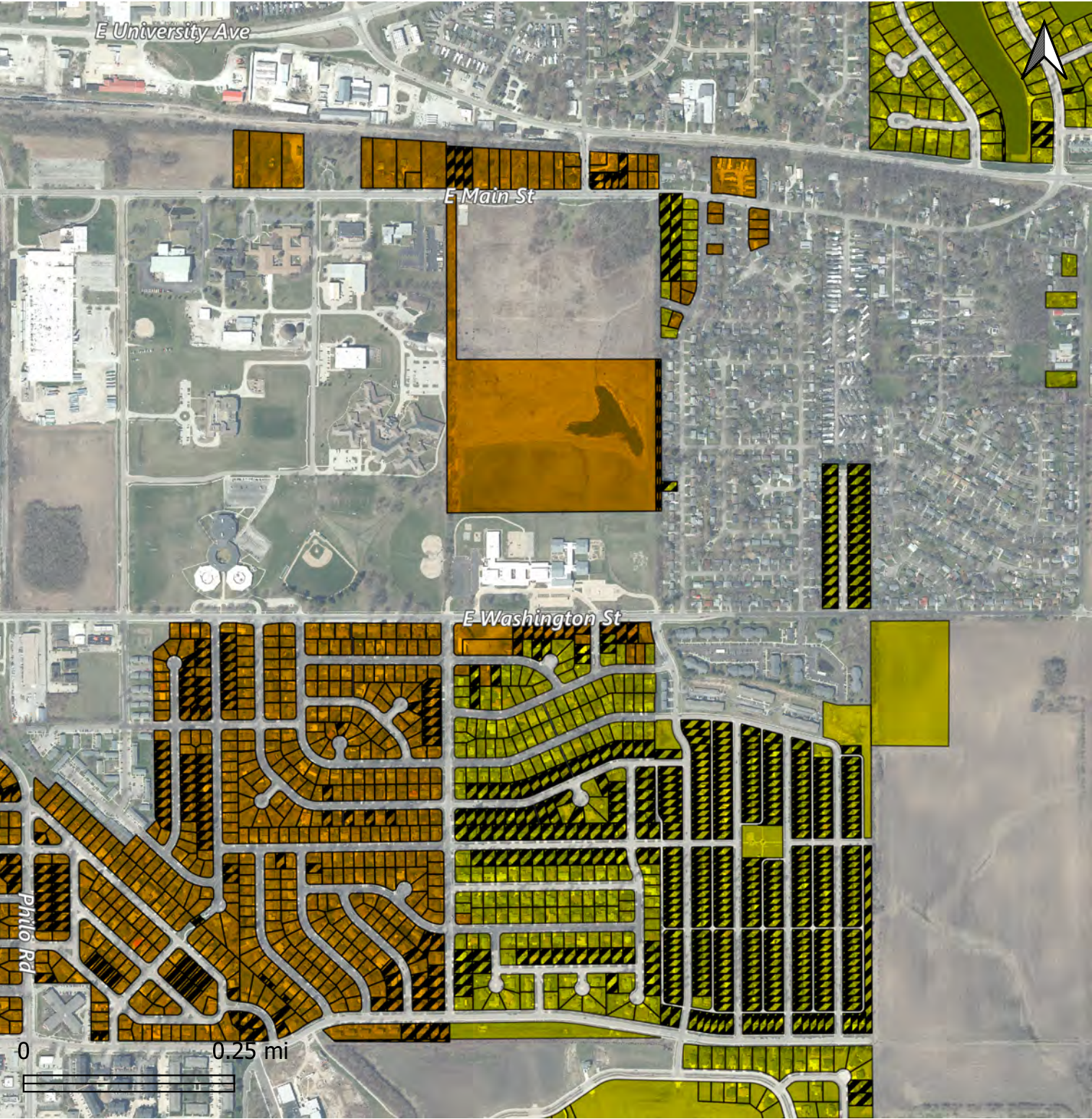
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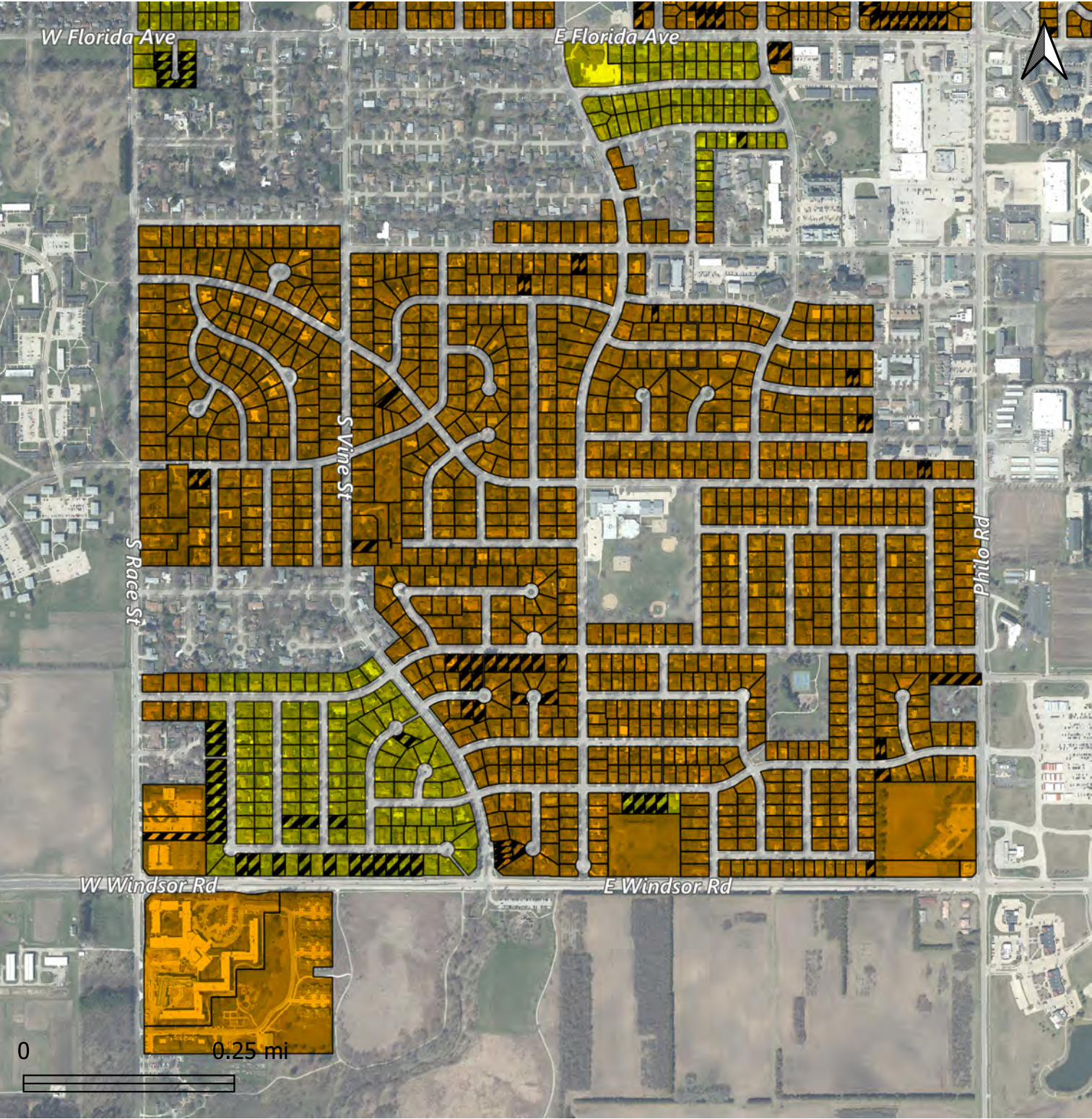
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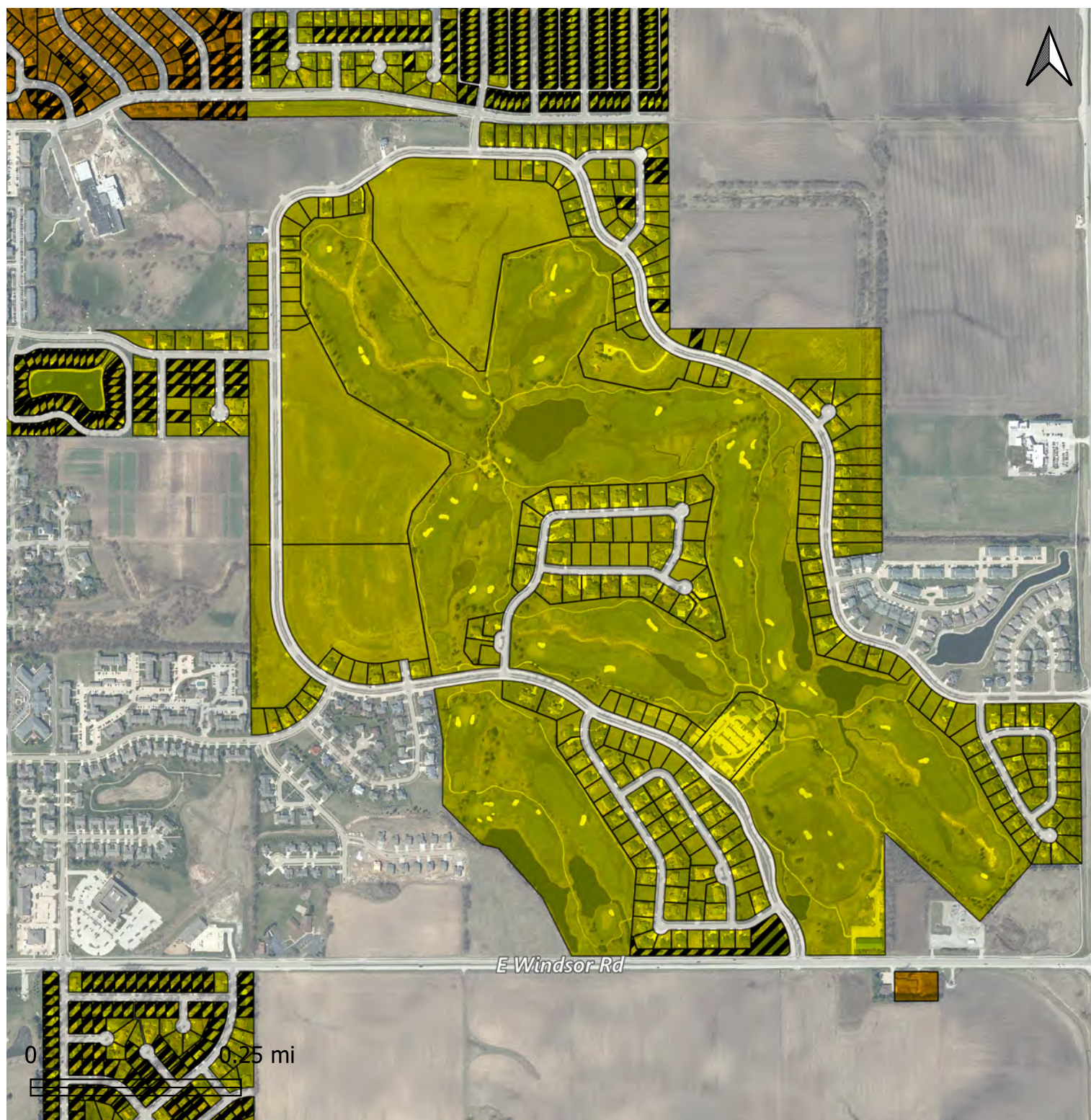
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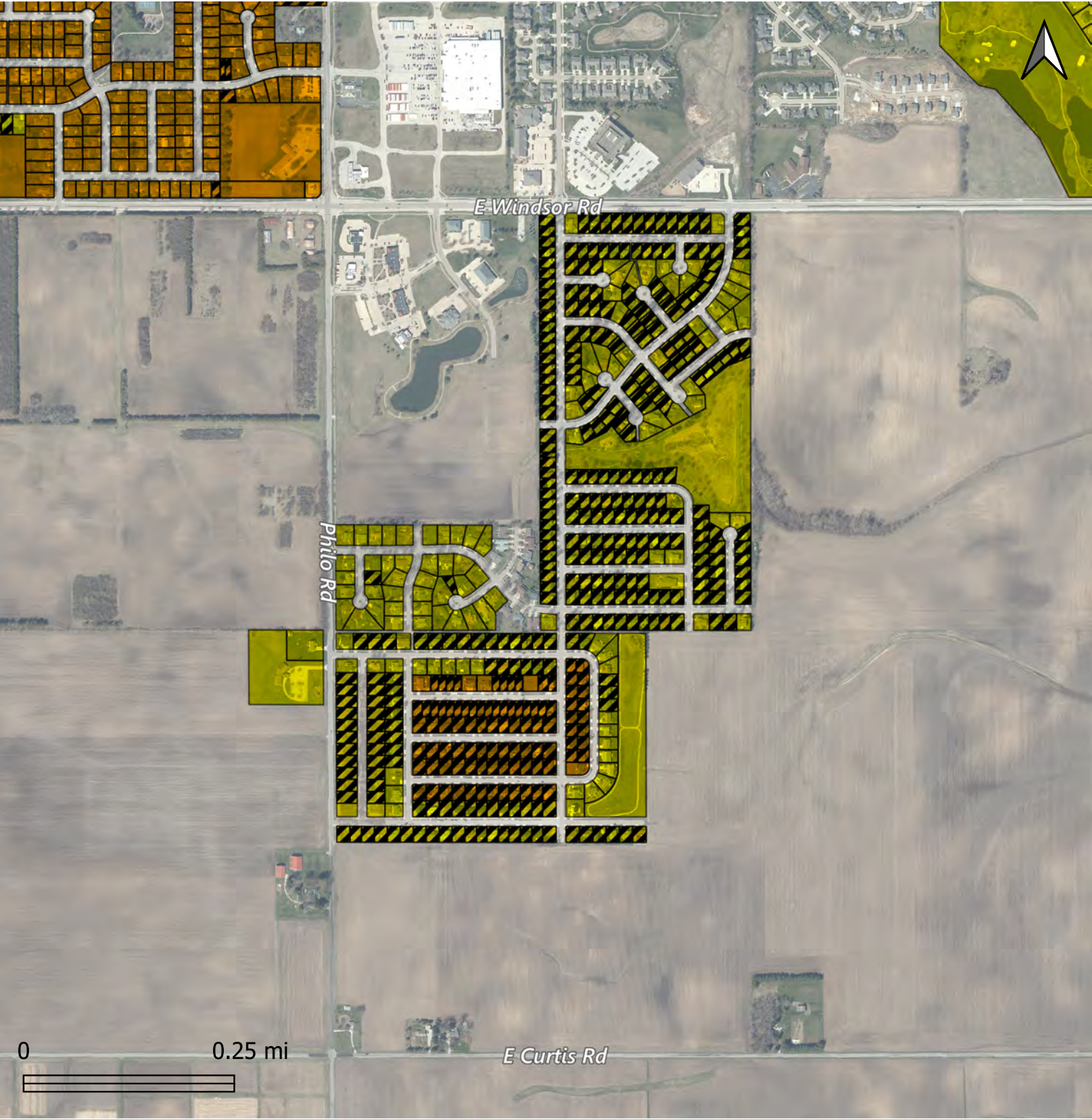
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Subject:

Plan Case 2493-T-24

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[whitehouse.gov](https://www.whitehouse.gov)

Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market | CEA | The White House

7–8 minutes

By Chair Cecilia Rouse, Jared Bernstein, Helen Knudsen, and Jeffery Zhang

This Saturday, the nation recognizes Juneteenth, which marks the day a Major General of the Union Army arrived in Galveston, Texas to enforce the Emancipation Proclamation, and free the last enslaved Black people in Texas from bondage. The day has evolved into a celebration of emancipation more generally, and while the country acknowledges the progress that has been made, it is imperative to not lose sight of the fact that we still have much work to do to address the vestiges of slavery and historic discrimination. Indeed, policies and practices exist today that are seemingly non-discriminatory on their face but still negatively affect many families of color, especially Black families. Many of these policies and practices have long-term impacts—from education to employment to business ownership to housing—that must be addressed.

One area that is particularly important for economic well-being and wealth accumulation is housing. Families who can purchase their

own home in the neighborhood of their choice at a fair price and see the value of their home grow over time do better economically in the long run. But numerous policies have systemically discriminated against Black families who wish to pursue that path. This blog focuses on one of these policies: exclusionary zoning laws, which have played a role in causing racial disparities in the housing market.

Background

Exclusionary zoning laws place restrictions on the types of homes that can be built in a particular neighborhood. Common examples include minimum lot size requirements, minimum square footage requirements, prohibitions on multi-family homes, and limits on the height of buildings. The [origins of such laws](#) date back to the nineteenth century, as many cities were concerned about fire hazards as well as light-and-air regulations. In the subsequent decades, some zoning laws have been used to [discriminate against people of color and to maintain property prices](#) in suburban and, more recently, [urban neighborhoods](#).

After the United States Supreme Court banned the use of explicit race-based zoning in [Buchanan v. Warley \(1917\)](#), city planners remained capable of segregating via indirect methods. For example, [St. Louis's 1919 zoning laws](#) were designed to preserve homes in areas that were unaffordable to most Black families, and the city's zoning commission would change an area's zoning designation from residential to industrial if too many Black families moved in. Similarly, research on [Seattle's 1923 zoning laws](#) shows that areas in which Black or Chinese-American families lived were disproportionately likely to receive commercial zoning.

Economic Theory and Evidence

Exclusionary zoning laws enact barriers to entry that constrain housing supply, which, all else equal, translate into an equilibrium with more expensive housing and fewer homes being built.

Consistent with theory, the empirical literature finds a [relationship between restrictive land use regulations and higher housing prices](#). For example, a study in 2005 finds that prices of Manhattan condominiums are [50 percent higher](#) than they would be without zoning restrictions.

Exclusionary zoning laws have a profound impact on social welfare because *where* a family lives matters. Using data that cover virtually the entire U.S. population from 1989 to 2015, researchers have shown that neighborhoods can have significant causal effects on [children's long-term outcomes](#), including their earnings. Because exclusionary zoning rules drive up housing prices, poorer families are kept out of wealthier, high-opportunity neighborhoods. This, in turn, leads to worse outcomes for children, including [lower standardized test scores](#), and greater social inequalities over time.

[Research](#) has connected exclusionary zoning to racial segregation, creating greater disparities in measurable outcomes. These disparities are present today in many forms. For instance, many [lower-income, predominantly minority neighborhoods](#) in cities have become [“heat islands”](#)—experiencing significantly higher temperatures than other neighborhoods in the same metropolitan area because of factors such as fewer trees and more concrete buildings and parking lots. Living on a heat island doesn't just negatively impact health, it also impacts the ability to learn and develop human capital. [Research](#) shows that elevated

temperatures negatively impact short-run cognitive performance, working memory, and stamina, such that an increase in the number of hot school days decreases the educational attainment of students.

Restrictions in housing supply also limit labor mobility, because workers cannot afford to move to higher productivity cities that have high housing prices. This leads workers to remain in lower productivity places. [One study](#) finds that this misallocation of labor has led to a significant decrease in the U.S. economic growth rate since the 1960s; [another study](#) finds that this misallocation could cost up to 2 percent of GDP.

Finally, exclusionary zoning contributes to the racial wealth gap. If Black families are excluded from higher priced neighborhoods or if neighborhoods where Black families live are zoned into being less valuable, the homes purchased by Black families will not be worth as much over time as those of white families. In the long run, this diminishes wealth not only for the generation purchasing the home, but for descendants who receive a lesser inheritance. Indeed, housing likely explains [more than 30 percent](#) of the Black-white racial wealth gap.

A New Path Forward

The [American Jobs Plan](#) takes important steps to eliminate exclusionary zoning. Specifically, the Unlocking Possibilities Program within the American Jobs Plan is a [\\$5 billion competitive grant program](#) that incentivizes reform of exclusionary zoning. The program awards flexible and attractive funding to jurisdictions that take concrete steps to eliminate needless barriers to produce affordable housing and expand housing choices for people with

low or moderate incomes. It supports bottom-up community engagement that would help communities identify the most powerful levers to produce more affordable housing and incentivizes new land-use and zoning policies to remove those barriers.

The goal of this program is to address persistent inequities in the American housing market. The benefits could be substantial—increased access to affordable housing so that previously excluded Americans can move to areas with greater opportunity, and increased opportunities for Black families to build wealth via home ownership. This is but one proposed program of many from the Biden-Harris Administration, which is taking a whole-of-government approach to addressing our country's long history of racial injustice.