

ORDINANCE NO. 2019-04-026

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

(Revising Articles II and V to amend definitions and regulations for Day Care Homes and Facilities – Plan Case No. 2370-T-19)

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to clarify the definitions for Children and Adult Day Care Homes and Day Care Facilities, revise the Home Occupation regulations regarding Day Care Homes, and allow Day Care Facilities as a permitted use in the Business and CRE zoning districts and as a special use in the Campus Commercial District; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2370-T-19; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in The News-Gazette, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing; and

WHEREAS, the Plan Commission voted eight ayes to zero nays on March 7, 2019, to forward Plan Case No. 2370-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions."
- B. Article V, "Use Regulations," Section V-12, "Regulation of Home Occupation," and Table V-1, "Table of Uses."

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

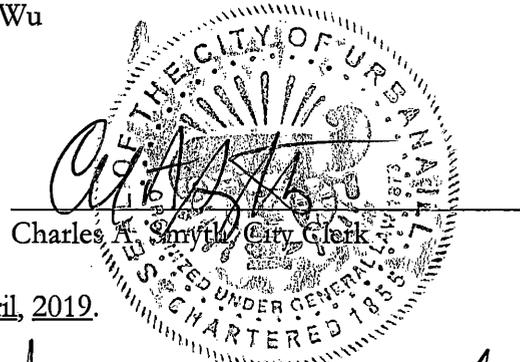
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 15th day of April, 2019.

AYES: Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



APPROVED BY THE MAYOR this 17th day of April, 2019.

Diane Wolfe Marlin
 Diane Wolfe Marlin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 15th day of April, 2019, the City Council of the City of Urbana passed and approved Ordinance No. 2019-04-026, entitled:

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(Revising Articles II and V to amend definitions and regulations for Day Care Homes and Facilities – Plan Case No. 2370-T-19)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-04-026 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of April, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 17th day of April, 2019.



Charles A. Smyth, City Clerk

Section II-3. Definitions

Day Care Home, Child: A dwelling unit used during the day or night for the care of no more than eight children, excluding residents of the dwelling unit, for fewer than 24 hours per day. The term "children" has the meaning set forth in Section 5 of the Children and Family Services Act, 20 ILCS 505/5, as amended. A child day care home is deemed to be a home occupation. If required, the operator must be licensed under the Child Care Act of 1969, 225 ILCS 10/1 *et seq.*, as amended.

Day Care Home, Adult: A dwelling unit used during the day or night for the care of no more than eight adults, excluding residents of the dwelling unit, for fewer than 24 hours per day.

Day Care Facility: A facility, other than a Day Care Home, used during the day or night for the care of children or adults for fewer than 24 hours per day. The term "children" has the meaning set forth in Section 5 of the Children and Family Services Act, 20 ILCS 505/5, as amended.

Section V-12. Regulation of Home Occupation.

In recognition of the growing importance of home-based businesses in the local economy, the Urbana Zoning Ordinance permits certain such activities at different intensities and subject to varying requirements as set forth below.

Any person seeking a home occupation shall submit an application to the Zoning Administrator. Upon approval, home occupations shall be permitted as follows:

- A. Home Occupation, Type A – A home-based occupation that has minimal impact on the property and surroundings beyond the scope of residential use, involving only the occupants of the subject dwelling, and resulting in only incidental traffic associated with the occupation. Such home occupations include, but are not limited to, private consulting, non-retail based arts and crafts studios, internet-based business, telecommunication-based commuting, and Day Care Homes with fewer than three children or adults. Type A Home Occupations do not require a Certificate of Occupancy or Conditional Use Permit and are permitted with the following criteria:
 1. Employees - No persons other than members of the household, residing in the dwelling unit are engaged in the home occupation.
 2. Signage - There are no signs on the premises identifying the home occupation other than a nameplate, not more than three square feet in area, only permitted as a wall-mounted sign and not internally illuminated.
 3. Exterior Visibility - The occupation is wholly operated and contained within the dwelling; and there is no activity, construction, or display that would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except for the signage provisions set forth in Section V-12.A.2. No storage of materials or equipment visible from outside the dwelling unit is permitted. Day Care Homes are exempt from the exterior visibility provisions to allow activities and equipment customary to Day Care Homes, such as outdoor play equipment.
 4. Vehicles and Customer Visits - No more than two commercial or business vehicles used in conjunction with the home occupation may be on the premises at any one time; and no more than five vehicle visits per day.
 5. Parking - No more than two commercial or business vehicles, trucks, or trailers used in conjunction with the home occupation may be parked on the premises or on an abutting street.

6. Equipment - No mechanical or electronic equipment is used that creates objectionable noise, odors, or electronic impulses, or otherwise creates a nuisance discernible beyond the property lines of the premises.
- B. Home Occupation, Type B - A home-based occupation that exceeds the limitations of a Type A Home Occupation and involves a minor amount of traffic from individuals not residing in the household. Such activity may involve scheduled visits with outside clients or customers and employ up to two individuals not residing in the household. Type B home occupations may include, but are not limited to, music lessons, professional consultations, and personal services such as clothing alterations or shoe repair. Type B Home Occupations require approval by the Zoning Administrator and issuance of a Certificate of Occupancy. The following restrictions and conditions apply to Type B Home Occupations:
1. Employees - No more than two persons, other than members of the household residing in the dwelling unit, are engaged in the home occupation.
 2. Vehicles and Parking - No more than two commercial or business vehicles, trucks, or trailers used in conjunction with the home occupation may be parked on the premises or on an abutting street at any time. Up to two additional off-street parking spaces may be required by the Zoning Administrator to accommodate commercial vehicles. The Zoning Administrator may waive or reduce the off-street parking requirement based upon demand generated by the use, location of the home occupation, and on-street parking supply. No exterior storage of vehicles, other than those owned by members of the household residing on the premises, is permitted.
 3. Customer/Client Visits - No more than 10 visits per day from customers, clients, or home deliveries are permitted, with no more than three visitors present at any given time, excluding Day Care Home pick-ups and drop-offs. The Zoning Administrator may require a drop-off zone as a condition of approval for the Home Occupation Permit based on demand generated by the use, safety, and on-street parking supply.
 4. Exterior Visibility – The occupation is wholly contained within the dwelling and there is no activity, construction, or display that would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except for the signage provisions set forth in Section V-12.B.5. No outdoor storage of materials or equipment visible from a public right-of-way is permitted. Day Care Homes are exempt from the exterior visibility provisions to allow activities and equipment customary to Day Care Homes, such as outdoor play equipment.
 5. Signage – There are no signs on the premises identifying the home occupation other than a nameplate, not more than three square feet in area, only permitted as a wall-mounted sign and not internally illuminated.
 6. Nuisance - The occupation does not or will not constitute a violation of any nuisance code.
 7. Other – The Zoning Administrator may impose other conditions on the home occupation as determined by the specifics of the application to meet the intentions of this Ordinance and to protect the health, safety, and general welfare of the City of Urbana.
- C. Home Occupation, Type C – A home-based occupation that may have an impact on the property beyond that associated with Home Occupation Types A and B, or that exceeds the number of employees or daily visitors set forth in Section V-12.B, requires a Conditional Use Permit, in accordance with Section VII-2. Type C Home Occupations may include, but are not limited to, light assembly and packaging for internet sales, on-site sales of limited goods and services, greenhouses and plant sales, bicycle repair and sales, minor home auto repairs, group-based classes or instruction, or other occupations involving a higher volume of customers or clients than permitted under Types A or B.

- D. Prohibited Home Occupations - Any home-based activity that may use hazardous materials, or that otherwise may pose a hazard or nuisance to surrounding properties is prohibited. Such uses may include, but are not limited to, exterminators, chemical-based lawn care, dry cleaning, and medical diagnostic laboratories.
- E. A home occupation involving vehicle repair is permitted as a home occupation only if the subject vehicles are repaired inside a garage, and no inoperable vehicles are stored outside. Any vehicle to be repaired may not queue outside the garage. Additionally, the garage must meet all applicable building and fire safety codes, and any such work may not violate any of the City's nuisance codes and ordinances. Only minor automobile repairs as defined in Article II are permitted. Additionally, no major automobile repairs as defined in Article II are permitted as a home-based occupation.
- F. More than one home occupation at a single premises may be permitted provided that the cumulative number of total employees and visitors does not exceed the restrictions set forth in this section.
- G. Certificates of Occupancy for home occupations issued prior to the effective date of this amendment not meeting the conditions of Section V-12.B shall be considered legally nonconforming.
- H. The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years in compliance with Section VII-5.D.

TABLE V-1. TABLE OF USES

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Day Care Facility (Non-Home Based)	C	C	C	C	C	C	C			P	P	P	P	P	P	S	P	P	C	C

P – Permitted, C – Conditional Use Permit Required, S – Special Use Permit Required, D – Planned Unit Development