



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Christopher Marx, AICP, Planner I

DATE: December 15, 2017

SUBJECT: **CCZBA-873-AT-17:** A request by the Champaign County Zoning Administrator to amend Sections 7.1.1 and 7.1.2 of the Champaign County Zoning Ordinance regarding “Home Occupation.”

Introduction

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-873-AT-17 to allow “minor auto repair” as a Neighborhood Home Occupation or Rural Home Occupation with a Special Use Permit.

Background

At their July 6, 2017 meeting, the Urbana Plan Commission considered a resolution of protest for the proposed text amendment to the Champaign County Zoning Ordinance. Commission members expressed concern over the ability to store an inoperable vehicle outdoors under County rules while such storage is not permitted in the City. The Plan Commission voted with five ayes and zero nays to forward to the City Council a recommendation of defeat for a resolution of protest with the condition that the County modify their regulations for a Special Use Permit to be the same as the City’s restrictions for a Conditional Use Permit with regards to the allowed number of parked inoperable vehicles.

Champaign County staff have pointed out that Section 3.3 the County’s Public Nuisance Ordinance already allows the storage of one inoperable vehicle on a resident’s property. The storage may occur without regard to any approved permit or home occupation. The existing regulations within Champaign County would allow a vehicle repair home occupation to have an inoperable vehicle on the property. Such a home occupation would be in conflict with the condition put forth in the recommendation of defeat for a Resolution of Protest by the Plan Commission to the City Council.

In response to the Plan Commission recommendation, Champaign County staff have proposed changes to the proposed text amendment that would provide more regulation for vehicles and home occupations. The changes included allowing no more than two resident vehicles and one customer vehicle being permitted to park outdoors on the property at any given time. The changes also limited

customer vehicle parking to between the hours of 6:30 AM to 10:30 PM. Parking areas for customers or clients to the home occupation would also have to be clearly identified on a site plan for any approved Special Use Permit from the County.

Under the City's home occupation rules, no more than two vehicles associated with the home occupation may be kept on the premises. There is no limit to the number of vehicles for residents of the household. Type A and Type B home occupation permits are limited by customer visits with no requirements for designated customer parking. Any storage or repair of the vehicle on the property must be indoors.

The Meeting Minutes for the July 6, 2017 meeting of the Urbana Plan Commission can be found online at:

<https://www.urbanaininois.us/node/6168>

Discussion

Champaign County has modified their proposed text amendment to provide better assurances to neighboring municipalities and County residents that vehicles will not be disruptive to neighborhoods with any approved home occupation. While the changes are not fully consistent with rules for home occupations within the City, they do attempt to address the intent of the City's regulations to prevent a buildup of inoperable vehicles on any residential property. The proposed text amendment would still be congruent with the City's home occupation rules without being inconsistent with other County regulations..

Summary of Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to allow minor auto repair home occupations with a Special Use Permit in some instances.
2. The proposed text amendment would permit a use with similar requirements that is currently allowed in the City of Urbana's Zoning Ordinance. Properties within the ETJ of communities that do not permit auto repair home occupations could not seek permission Special Use Permit for the use.
3. At their July 6, 2017, meeting, the Urbana Plan Commission voted with five ayes and zero nays to forward to the City Council a recommendation of defeat for a resolution of protest with a condition. The condition stated that the County must modify their regulations for a Special Use Permit to be the same as the City's restrictions for a conditional use permit with regard to the number of vehicles allowed to be parked outside.
4. Section 3.3 of Champaign County's Public Nuisance Ordinance already permits one inoperable vehicle to be stored on the premises of a residential property.

5. Champaign County staff made changes to the proposed text amendment to limit the number of customer and resident vehicles on a property with an approved home occupation. They also limited the hours that vehicles could be stored outdoors.
6. The proposed text amendment is generally consistent with the goals and objectives of the City's Comprehensive Plan.
7. The proposed text amendment would not pose a significant detriment to the City of Urbana or to the Extra-Territorial-Jurisdiction of the City.

Options

The Plan Commission has the following options for recommendations to the City Council regarding proposed text amendments in **CCZBA-873-AT-17**:

1. Recommend to **defeat** a resolution of protest; or
2. Recommend to **defeat** a resolution of protest **contingent upon some specific revision(s)** to the proposed text amendments; or
3. Recommend to **adopt a resolution of protest**.

Recommendation

Based on the findings above, Staff recommends that the Plan Commission forward this case to the City Council with a new recommendation to **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment without any conditions.

Attachments: Exhibit A: Text Amendment Language Changes
Exhibit B: Champaign County Public Nuisance Ordinance – Section 3 Excerpt

cc: John Hall, Champaign County Zoning Administrator

Exhibit A: Text Amendment Language Changes

(changes to text amendment indicated in strikethrough and underline)

M. MINOR AUTOMOBILE REPAIR may be authorized as a NEIGHBORHOOD HOME OCCUPATION by means of a Special Use Permit ~~when located~~ as follows:

1. when located more than 1½ miles from a municipality or village that whose Zoning Ordinance ~~that does not explicitly authorize~~ prohibits “minor auto repair” as a home occupation; or

2. when located less than 1½ miles from a municipality or village whose Zoning Ordinance does not explicitly authorize “minor auto repair” as a home occupation but at a location that meets one of the following conditions:

a. a location in an area indicated as a future land use other than residential on the relevant comprehensive plan; or

b. a location subject to an intergovernmental agreement regarding municipal extraterritorial jurisdiction and which is therefore within the extraterritorial jurisdiction of a municipality or village that does explicitly authorize “minor auto repair” as a home occupation; and

3. subject to the following standard conditions which may be waived as authorized in Section 6.1 and Section 9.1.11 except that paragraph 7.1.1M.(7) shall be subject to variance as authorized in Section 9.1.9:

a. All MINOR AUTOMOBILE REPAIR shall be conducted inside a building.

b. No MINOR AUTOMOBILE REPAIR shall be conducted and no customers shall be on the property between the hours of 10:00 p.m. and 9:00 a.m. except that vehicles may be dropped off for repair as early as 6:30 a.m.

c. No parking shall occur within a public right of way.

d. No more than two resident vehicles and ~~two~~ one customer vehicle may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.

e. Any vehicle parked outdoors on the property must be intact and have a valid license.

f. No more than one inoperable vehicle may be parked outdoors on the property at any time.

g. No vehicle shall leak hazardous materials onto the surface of the ground or onto a paved surface and any leak or spill of hazardous material that does occur shall be immediately and appropriately cleaned up consistent with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.

h. All vehicles parked outdoors on the property must be at least 10 feet from a FRONT LOT LINE and at least 5 feet from a SIDE or REAR LOT LINE and shall be parked on a surface other than bare ground. This requirement is subject to a variance as authorized in Section 9.1.9.

i. Storage and/ or use of volatile liquids and hazardous materials in excess of that for normal household use in typical household quantities must be as approved in the SPECIAL USE Permit.

j. Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.

k. Floor drains are prohibited in new buildings proposed to be used for MINOR AUTOMOBILE REPAIR unless installed with an oil separator inspected and approved by the State Plumbing Inspector. Floor drains in existing buildings proposed to be used for MINOR AUTOMOBILE REPAIR shall be blocked off or outfitted with an oil separator that is inspected and approved by the State Plumbing Inspector.

l. The ACCESSORY BUILDING AREA occupied by the MINOR AUTOMOBILE REPAIR (including, if applicable, any area for a service counter and waiting area, repair area, material storage, vehicle storage, etc.) shall not exceed 1,500 square feet or more than 150% of the PRINCIPAL BUILDING AREA, whichever is greater, and shall be indicated on a floor plan drawing which shall be part of the approved site plan.

m. Evidence of vehicle ownership shall be provided at the request of the Zoning Administrator.

Exhibit B: Champaign County Public Nuisance Ordinance – Section 3.3

3.3 Activities and Conditions Not Constituting Public Nuisances

A. All lawful agricultural activities, appurtenances and structures except the outdoor storage of INOPERABLE FARM VEHICLES [Appendix C].

B. Storage outside a FULLY ENCLOSED BUILDING in any zoning district of no more than one INOPERABLE VEHICLE meeting all of the following conditions:

1. the vehicle weighs less than 8,000 lbs. gross vehicle weight;
2. the vehicle is capable of being licensed for operation on a public street;
3. the vehicle is fully intact on the exterior including all wheels, all tires (which must be inflated), all body parts, all windows, all bumpers and grills, all exterior lights;
4. the vehicle is located no less than five feet from any lot line, and is parked on a driveway or is screened from any adjacent lot by a Type C screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B]; and
5. no other inoperable vehicle is stored outside on the same lot except FARM VEHICLES.

C. Storage outside a FULLY ENCLOSED BUILDING in a non-residential zoning district of no more than one INOPERABLE VEHICLE subject to the following conditions:

1. the vehicle is fully intact on the exterior including all wheels or tracks, all tires (which must be inflated), all body parts including cab and all doors and windows;
2. the vehicle is screened from view from any adjacent lot not zoned for business or industrial use or public street by a Type D screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B]; and
3. no other inoperable vehicle is stored outside on the same lot except FARM VEHICLES.

D. Storage outside a FULLY ENCLOSED BUILDING in a non-residential zoning district of an INOPERABLE VEHICLE awaiting repair on the premises of a lawful, permitted repair business or rural home occupation for a period not to exceed 30 days, or on the premises of a salvage or wrecking yard subject to all applicable provisions of the Champaign County Zoning Ordinance.

E. Storage outside a FULLY ENCLOSED BUILDING of no more than six INOPERABLE FARM VEHICLES or pieces of farm equipment but no more than two of a specified type or function provided such vehicles or pieces of equipment are located no less than 100 feet from any lot line or are fully screened from any adjacent lot or public street by a Type D screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B].