



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: January 27, 2016

SUBJECT: Plan Case 2270-T-16: An amendment to Article II, V, and IX of the Urbana Zoning Ordinance to change definitions, use provisions, and regulations of “Home Occupations,” Urbana Zoning Administrator, applicant.

Introduction and Background

The Zoning Administrator is requesting an amendment to multiple parts of the Zoning Ordinance in order to change definitions, use provisions, and regulations of “Home Occupations.” The proposed ordinance amendment would add definitions to Article II, use provisions to Section V-12, and a change to the signage regulations in Article IX..

The proposed amendment is intended to better address home-based occupations in the City. The proposed changes are in response to a Council request as well as staff observations for best practices in the City’s Zoning Ordinance. The City has witnessed a growing number of residents working out of their homes or setting up a small business in their places of residence. The changing nature of employment and technology has precipitated an increase in home-based occupations. The City’s proximity to the University also provides a higher number of entrepreneurial residents who wish to start a business but cannot afford, or do not have a need, to lease commercial space.

The City added regulations for Home Occupation in Ordinance No. 1999-06-045 with the goal of acknowledging and allowing people to work at their residence as an accessory use. The City’s goal was to preserve the principal residential use while allowing a greater flexibility for residents to be employed. In recent years, there have been only minor adjustments to the definitions and regulations. Changes in the economy, including the rise of artisans and the “maker-economy,” and technological advances have necessitated a more comprehensive update of the Zoning Ordinance’s home occupation regulations to ensure a balance between the principal residential use and the promotion of entrepreneurship and economic growth.

Staff is therefore proposing an expansion and adjustment of the home occupation regulations to better accommodate and promote home-based work amongst City residents.

At their January 21, 2016 meeting, the Urbana Plan Commission heard the case at a public hearing. One commission member asked for clarification regarding how the proposed changes would affect home-based vehicle repair. Staff commented that the regulation for home occupation automotive repairs would be clarified, but that those regulations would remain unchanged. The Plan Commission unanimously forwarded the case with a vote of six ayes and zero nays to the Urbana City Council with a recommendation of approval.

Discussion

Existing Regulations

The Zoning Ordinance defines Home Occupation in Article II as “*any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises.*” It provides use regulations in Section V-12 and establishes two categories based on intensity and distinguished by whether a Certificate of Occupancy is required. The first category (Type A) does not require a Certificate of Occupancy and limits home occupations to employees that reside in the dwelling. The second category (Type B) allows up to one other non-resident employee, requires two off-street parking spaces, allows up to two customers at any one time, and requires a Certificate of Occupancy. Urbana’s City Council has suggested that greater flexibility is desirable to allow City residents to operate a small business out of their home.

Proposed Regulations

In response to a request from the City Council and to respond to technological advances and the changing economy, staff proposes changes to the existing home occupation regulations, including the creation of a new category. The proposed changes allow additional activities as home occupations while still providing protections to the area residents. Staff reviewed other communities’ policies and consulted with home-based small business owners in Urbana and reexamined the existing Zoning Ordinance for the proposed text amendment.

The first category of the proposed Type A Home Occupations would be similar to the existing Type A category, except the permitted sign area would increase from one square foot to three square feet and additional language would be added to describe the nature and types of occupations that may qualify as a Type A Home Occupation. The Type A category would be allowed by right and would not need a Certificate of Occupancy. The Type A category would continue to require a simple, non-fee permit from the Zoning Administrator. Maintaining the permit requirement would help ensure that home occupations operate within the requirements and provides staff the information needed to respond to inquiries or complaints about activities at the home.

The Type B Home Occupation category would also be similar to the existing Type B category, with added descriptive language and more permissive specifications. The changes would allow two non-household employees to be employed and a maximum of ten visits per day from customers, clients, or deliveries. Two off-street parking spaces would still be required, unless the Zoning Administrator determines that based on the location, use, and parking demand that fewer

spaces would be needed. The category allows the Zoning Administrator the ability to add other conditions if necessary and appropriate to the proposed use.

And finally, a new Type C Home Occupation would be created to allow for a wider range and more intensive range of home occupations throughout the City. A Type C Home Occupation would be one that may have an impact on the property beyond that associated with Home Occupation Types A and B or which exceeds the number of employees or daily visitors of a Type B. The Type C category would be considered the most intensive form of home occupation allowed by the Zoning Ordinance and would require a Conditional Use Permit. The criteria and procedures would be the same as other uses requiring a Conditional Use Permit as set for in Section VII-2 of the Zoning Ordinance, requiring a public notice and a public hearing in front of the Urbana Zoning Board of Appeals (ZBA). The Conditional Use Permit process provides an avenue for nearby residents of the proposed home occupation to provide input and allows the City to permit a more intensive home occupation where appropriate. The ZBA also may impose conditions to minimize potential negative impacts.

In addition to the revised and new regulations, the proposed text amendment would also add new definitions of home occupations in Section II-3 and an adjustment to the signage regulation for home occupations in Article IX.

The proposed text amendment's goal is to update the existing home occupation regulations to respond to a changing economy and technological advances. It aims to provide more flexibility and to accommodate a wider variety of home occupations without compromising the zoning safeguards needed in residential neighborhoods.

Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 1.0 Preserve and enhance the character of Urbana's established neighborhoods

Objectives

1.5 Ensure appropriate zoning in established neighborhoods to help foster the overall goals for each unique area.

Goal 23.0 Promote Urbana's potential for technology-related businesses.

Objectives

23.1 Capitalize on the proximity of the University of Illinois engineering and science campuses of promote technology-related business.

23.2 Explore the development of technology-friendly business space as a part of new development.

Goal 30.0 Develop a comprehensive approach to economic development.

Objectives

30.4 Establish economic development programs to promote economic and business growth.

The proposed text amendment would help to accomplish these goals and objectives by allowing home occupations to continue to exist as an accessory use while preserving a property's principal use as a dwelling in residential districts. Additionally, it would encourage business and employment opportunities of a smaller scale for the City's residents, including those that are technology-related.

Proposed Text Changes

The proposed changes are listed below, using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted language~~, while an underline is used to indicate added language. Commentary on the proposed changes are listed *in italics*.

Section II-3. Definitions

Home Occupation: Any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the ~~immediate family~~ household residing on the premises.

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.

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.

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 which exceeds the number of employees or daily visitors set forth in Section V-12.B.

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 be reviewed by the Urbana Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations shall be permitted as follows:

~~A. Without a Certificate of Occupancy, any activity that meets (but does not exceed) the following criteria~~

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 may include, but are not limited to, private consulting, non-retail based arts and crafts studios, internet-based business, and telecommunication-based commuting. Type A Home Occupations do not require a Certificate of Occupancy or Conditional Use Permit. They are permitted with the following criteria:

1. Employees - There are no persons, other than members of the household residing in the dwelling unit, engaged in the home occupation; and
2. Signage - There are no signs on the premises identifying the home occupation other than a nameplate, not more than ~~one-three~~ square ~~feet-feet~~ in area, only permitted as a wall-mounted sign and not internally illuminated; and
3. Exterior Visibility - The occupation is wholly operated and contained within the dwelling; and there is no activity, construction, or display which 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 materials or equipment are stored outside the dwelling unit or visible from a public right-of-way; and
- ~~5-~~ 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; and
- ~~6-~~ 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; and
- ~~7-~~ 6. Equipment - No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises.

~~B. Any activity which exceeds any of the criteria set forth under Section V-12.A, above, shall require approval by the Zoning Administrator and require the issuance of a Certificate of Occupancy, and furthermore shall be limited to the following restrictions and conditions:~~

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 shall require approval by the Zoning Administrator and the issuance of a Certificate of Occupancy. The following restrictions and conditions shall apply to Type B Home Occupations:

1. Employees - No more than ~~one person~~ two persons, other than members of the household residing in the dwelling unit, ~~is~~ are engaged by the home occupation; and
2. ~~Two off-street parking spaces must be provided on-premise as approved by the Zoning Administrator. Driveways may qualify in meeting this requirement; and~~
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 (2) additional off-street parking spaces may be required by the Zoning Administrator to accommodate commercial vehicles. The off-street parking requirement may be

waived or reduced with approval from the Zoning Administrator based upon demand generated by the use, location of the home occupation, and on-street parking supply; and

~~3. No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises; and~~

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. Day Care Homes shall be allowed a total of up to five children or dependent adults to be cared for on the premises at any time, which shall not be counted in the limit of customer/client visits; and

~~4. There is no activity, construction, or display which 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 as provided in Section V-12.A.5; and~~

4. Exterior Visibility – The occupation is wholly contained within the dwelling and there is no activity, construction, or display which 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; and

~~5. Signage – There are no other signs other than a nameplate, not more than one three square feet~~ feet in area, only permitted as a wall-mounted sign and not internally illuminated; and

~~6. Storage of materials and space for equipment use in an accessory building is limited to 200square feet. No outdoor storage is permitted; and~~

~~7. 6. Nuisance -~~ The occupation does not or will not constitute a violation of any nuisance code; and

~~8. No more than two customers or clients may be on the premises at any one time; and~~

~~9.7. Vehicle Storage -~~ There is no exterior storage of vehicles other than those owned by members of the immediate family household residing on the premises; and

8. Other – The Zoning Administrator shall identify and impose other conditions on the Home Occupation as determined by the specifics of the application in order to meet the intentions of this Ordinance and to protect the health, safety and general welfare of the City of Urbana

~~10. No more than two commercial or business vehicles used in conjunction with the home occupation may be parked on the premises or on an abutting street.~~

~~C. Any activity which exceeds the criteria under Section V-12.B shall be prohibited as a home occupation as herein defined. Furthermore, since it is the intent of this subsection to prohibit any activity as a home occupation which may use hazardous materials, any activity which the Zoning Administrator classifies as exterminator, lawn care (except lawn manicuring), dry cleaning, or medical diagnostic laboratory shall be prohibited as a home occupation as herein defined.~~

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 which exceeds the number of employees or daily visitors set forth in Section V-12.B above, shall be required to obtain a Conditional Use Permit, in accordance with the procedures and criteria set forth in Section VII-2 of this Ordinance. 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 Type A or B.

~~D. A home occupation involving a landscaping business shall not be permitted to grow outdoor plant materials on the home premises for the purpose of later removing the material for sale or transplanting on another site.~~ Prohibited Home Occupations - Any activity which may use hazardous materials, or which otherwise may pose a hazard or nuisance to surrounding properties, shall be 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 shall be permitted as a home occupation only if subject vehicle(s) are repaired inside a garage and no inoperable vehicles are stored outside. Any vehicle to be repaired may not queue outside of 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 this ordinance are permitted as a home-based occupation.

~~F. Only one home occupation, as defined herein, is permitted per dwelling unit and/or accessory structure.~~ More than one home occupation at a single premise may be permitted provided that the cumulative number of total employees and visitors do not exceed the restrictions set forth in Section V-12.B.

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 of this Ordinance.

Section IX-2. Sign and OASS Definitions

J. *Home Occupation Sign.* A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the ~~immediate family~~ household residing on the premises.

Section IX-4. General Sign Allowances

J. *Signs Authorized Without a Permit.* The following signs shall be allowed in all zoning districts without a sign permit and with the following limitations.

1. *Flags:* No more than two flags for each premise.
2. *Private Traffic Direction Signs and Related Signs:* Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.
3. *Property Sale, Rental, or Exchange Signs:* Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs shall not be internally illuminated and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-7.

4. *Home Occupation Signs:* Home occupation signs that are wall-mounted, not internally illuminated and do not exceed ~~one~~ three square ~~feet~~ feet in area. There shall be only one such sign per building or structure for a home occupation permitted under ~~Section V-13.B~~ Section V-12.

Staff is proposing that Home Occupations be categorized at three different levels based on the intensity of the accessory use. Type A Home Occupations would be allowed by right and would not need a Certificate of Occupancy.

Type B Home Occupations would exceed the customer or client traffic or employee restrictions of Type A home occupations. Type B Home Occupations are restricted in the number of customer or client visits and deliveries. Additionally, the number of employees allowed that do not reside in the dwelling has been increased from one to two. Also, the size of the allowable signage is increased to three square feet. Lastly, parking requirements can be lowered if warranted and conditions can be placed on the use.

Type C Home Occupations would be categorized as uses that exceed the number of daily visits or employees not residing in the dwelling as set forth in the description of Type B Home Occupations. This type would require a Conditional Use Permit. It allows additional conditions to be added by the ZBA during the Conditional Use Permit application process.

The proposed changes would allow more than one home occupation per household. The changes also make slight adjustments signage for home occupations in Article IX for consistency.

Summary of Findings

1. The Zoning Administrator is proposing a text amendment to the Zoning Ordinance to add definitions and use provisions for home occupations. The proposed amendment will modify Articles II, V, and IX of the Urbana Zoning Ordinance to add new definitions, categories, and use regulations for Home Occupation.
2. The proposed changes would create a new category of Home Occupation requiring a Conditional Use Permit to provide more allowance for non-resident employees, parking, and signage.
3. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to preserve and enhance the character of Urbana's established neighborhoods, promote Urbana's potential for technology-related businesses, and develop a comprehensive approach to economic development.
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 Urbana City Council has the following options regarding Plan Case 2270-T-16:

- a. Approve the proposed Zoning Ordinance text amendment as presented herein;
- b. Approve the proposed Zoning Ordinance text amendment with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

Recommendation

At their January 21, 2016 meeting, the Urbana Plan Commission voted with six ayes and zero nays to forward Plan Case 2270-T-16 to the Urbana City Council with a recommendation for **APPROVAL** for the proposed text amendment regarding home occupations. Staff concurs with this recommendation.

Prepared by:

Christopher Marx
Planner I

Attachments:

- Exhibit A: Text – Existing Zoning Ordinance Language Regarding Home Occupations
- Exhibit B: Urbana Plan Commission Draft Minutes From January 21, 2016 Meeting

ORDINANCE NO. 2016-02-009

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article II, Article V, and Article IX to change definitions, use provisions, and regulations for "Home Occupations" / Plan Commission Case No. 2270-T-16)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #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 which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Urbana Zoning Administrator is proposing a text amendment to the Urbana Zoning Ordinance to amend and add definitions and amend and add use provisions for home occupations.

WHEREAS, the proposed changes would modify the provisions for Categories A and B and create a new category of Home Occupation requiring a Conditional Use Permit to provide more allowance for non-resident employees, parking, and signage; and

WHEREAS, the proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to preserve and enhance the character of Urbana's established neighborhoods, promote Urbana's potential for technology-related businesses, and develop a comprehensive approach to economic development; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their January 21, 2016 meeting; and

WHEREAS, the Urbana Plan Commission on January 21, 2016 voted 6 ayes to 0 nays to recommend approval of the proposed Zoning Ordinance amendment as presented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of the Urbana Zoning Ordinance is hereby amended to read:

Home Occupation: Any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the household residing on the premises.

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.

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.

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 which exceeds the number of employees or daily visitors set forth in Section V-12.B.

Section 2. That Section V-12, Regulation of Home Occupation, of the Urbana Zoning Ordinance is hereby amended to read:

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 be reviewed by the Urbana Zoning Administrator. Upon approval by the Zoning Administrator, 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 may include, but are not limited to, private consulting, non-retail based arts and crafts studios, internet-based business, and telecommunication-based commuting. Type A Home Occupations do not require a Certificate of Occupancy or Conditional Use Permit. They are permitted with the following criteria:

1. Employees - There are no persons, other than members of the household residing in the dwelling unit, engaged in the home occupation; and
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; and
3. Exterior Visibility - The occupation is wholly operated and contained within the dwelling; and there is no activity, construction, or display which 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 materials or equipment are stored outside the dwelling unit or visible from a public right-of-way; and

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; and

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; and

6. Equipment - No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create 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 shall require approval by the Zoning Administrator and the issuance of a Certificate of Occupancy. The following restrictions and conditions shall 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 by the home occupation; and

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 (2) additional off-street parking spaces may be required by the Zoning Administrator to accommodate commercial vehicles. The off-street parking requirement may be waived or reduced with approval from the Zoning Administrator based upon demand generated by the use, location of the home occupation, and on-street parking supply; and

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. Day Care Homes shall be allowed a total of up to five children or dependent adults to be cared for on the premises at any time, which shall not be counted in the limit of customer/client visits; and

4. Exterior Visibility - The occupation is wholly contained within the dwelling and there is no activity, construction, or display which 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; and

5. Signage - There are no other signs other than a nameplate, not more than three square feet in area, only permitted as a wall-mounted sign and not internally illuminated; and

6. Nuisance - The occupation does not or will not constitute a violation of any nuisance code; and

7. Vehicle Storage - There is no exterior storage of vehicles other than those owned by members of the household residing on the premises; and

8. Other - The Zoning Administrator shall identify and impose other conditions on the Home Occupation as determined by the specifics of the application in order 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 which exceeds the number of employees or daily visitors set forth in Section V-12.B above, shall be required to obtain a Conditional Use Permit, in accordance with the procedures and criteria set forth in Section VII-2 of this Ordinance. 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 Type A or B.

D. Prohibited Home Occupations - Any activity which may use hazardous materials, or which otherwise may pose a hazard or nuisance to surrounding properties, shall be 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 shall be permitted as a home occupation only if subject vehicle(s) are repaired inside a garage and no inoperable vehicles are stored outside. Any vehicle to be repaired may not queue outside of 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 this ordinance are permitted as a home-based occupation.

F. More than one home occupation at a single premise may be permitted provided that the cumulative number of total employees and visitors do not exceed the restrictions set forth in Section V-12.B.

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 of this Ordinance.

Section 3. That Section IX-2.J. of the Urbana Zoning Ordinance is hereby amended to read:

J. Home Occupation Sign. A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the household residing on the premises.

Section 4. That Section IX-4.J. of the Urbana Zoning Ordinance is hereby amended to read:

J. Signs Authorized Without a Permit. The following signs shall be allowed in all zoning districts without a sign permit and with the following limitations.

1. Flags: No more than two flags for each premise.
2. Private Traffic Direction Signs and Related Signs: Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.

3. Property Sale, Rental, or Exchange Signs: Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs shall not be internally illuminated and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-

4. Home Occupation Signs: Home occupation signs that are wall-mounted, not internally illuminated and do not exceed three square feet in area. There shall be only one such sign per building or structure for a home occupation permitted under Section V-12.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2016.

PASSED by the City Council this _____ day of _____, 2016.

AYES:
NAYS:
ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article II, Article V, and Article IX to change definitions, use provisions, and regulations for "Home Occupations" / Plan Commission Case No. 2270-T-16)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2016, 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 ____ day of _____, 2016.

Exhibit A: Existing Zoning Ordinance Language Regarding Home Occupations

Section V-12. Regulation of Home Occupation.

Any person seeking a Home Occupation shall submit an application to be reviewed by the Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations shall be permitted as follows:

A. Without a Certificate of Occupancy, any activity that meets (but does not exceed) the following criteria:

1. There are no persons, other than members of the household residing in the dwelling unit engaged in the home occupation; and
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
3. The occupation is wholly operated and contained within the dwelling; and
4. No materials or equipment are stored outside the dwelling unit; and
5. 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; and
6. No more than two commercial or business vehicles used in conjunction with the home occupation may be parked on the premises or on an abutting street; and
7. No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises.

B. Any activity which exceeds any of the criteria set forth under Section V-12.A, above, shall require approval by the Zoning Administrator and require the issuance of a Certificate of Occupancy, and furthermore shall be limited to the following restrictions and conditions:

1. No more than one person, other than members of the household residing in the dwelling unit, is engaged in the home occupation; and
2. Two off-street parking spaces must be provided on-premise as approved by the Zoning Administrator. Driveways may qualify in meeting this requirement; and
3. No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises; and
4. There is no activity, construction, or display which 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 as provided in Section V-12.A.5; and
5. There are no other signs other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and
6. Storage of materials and space for equipment use in an accessory building is limited to 200 square feet. No outdoor storage is permitted; and

7. The occupation does not or will not constitute a violation of any nuisance code; and
8. No more than two customers or clients may be on the premises at any one time; and
9. There is no exterior storage of vehicles other than those owned by members of the immediate family residing on the premises; and
10. No more than two commercial or business vehicles used in conjunction with the home occupation may be parked on the premises or on an abutting street.

C. Any activity which exceeds the criteria under Section V-12.B shall be prohibited as a home occupation as herein defined. Furthermore, since it is the intent of this subsection to prohibit any activity as a home occupation which may use hazardous materials, any activity which the Zoning Administrator classifies as exterminator, lawn care (except lawn manicuring), dry cleaning, or medical diagnostic laboratory shall be prohibited as a home occupation as herein defined.

D. A home occupation involving a landscaping business shall not be permitted to grow outdoor plant materials on the home premises for the purpose of later removing the material for sale or transplanting on another site.

E. A home occupation involving vehicle repair shall be permitted as a home occupation only if subject vehicle(s) are repaired inside the garage and no inoperable vehicle is stored outside. Any vehicle to be repaired may not queue outside of the garage. Additionally, the garage must meet all applicable building codes, and any such work may not violate any of the City's nuisance codes and ordinances. Additionally, no major automobile repairs as defined in this Ordinance are permitted.

F. Only one home occupation, as defined herein, is permitted per dwelling unit and/or accessory structure.

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. (Ord. No. 1999-06-045, 06-11-99)

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.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: January 21, 2016

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Barry Ackerson, Andrew Fell, Lew Hopkins, Christopher Stohr, David Trail, Daniel Turner

MEMBERS EXCUSED: Maria Byndom, Tyler Fitch, Dannie Otto

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT: None

COMMUNICATIONS

- Revised Staff Memo regarding Plan Case No. 2270-T-16

NEW PUBLIC HEARINGS

Plan Case No. 2270-T-16: A request by the Urbana Zoning Administrator to amend Article II and Article V of the Urbana Zoning Ordinance to change definitions, use provisions, and regulations of “Home Occupations”.

Acting Chair Hopkins opened the item. Christopher Marx of the Planning Division presented the case. He explained the reasons for the text amendment including a request from Council and elaborated the proposed changes. He summarized the staff findings, read the options of the Plan Commission and presented City staff’s recommendation for approval.

Mr. Fell asked about whether Conditional Use Permits were permanent and if principal use of a property could be fundamentally altered in ways unintended by the Ordinance. Mr. Marx explained the limits and expirations of a permit along with the existence of other code in the Zoning Ordinance. Ms. Pearson added home occupations were still only allowed as accessory uses to the principal residential use.

Mr. Ackerson asked for further clarification about the time limits and ownership of a Conditional Use Permit. Ms. Pearson offered the explanation.

Mr. Stohr asked about the singling out of vehicle repair and if it might limit the ability to repair automobiles. He asked about the ability of someone to continue working on cars as a hobby. Mr. Marx replied that the regulation for home occupation of vehicle repair was changing very little and that additional language was clarifying as opposed to changing the ordinance. He also noted there are other regulations limiting commercial vehicle repairs at home, such as environmental restrictions.

Mr. Fell moved that the Plan Commission forward the case to City Council with a recommendation for approval. Mr. Ackerson seconded the motion.

Mr. Stohr moved a friendly amendment to strike language involving vehicle repair in Section V-12.E. Mr. Turner noted that the language in Section E already exists in the current Zoning Ordinance. City staff is only proposing additional language to clarify that minor (not major) vehicle repairs would be allowed as a home-based occupation. Mr. Stohr removed the motion for a friendly amendment. Roll call was taken and the motion passed by unanimous vote.