



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: John A. Schneider, MPA, Director, Community Development Services Department
Lily Wilcock, Planner I

DATE: April 11, 2019

SUBJECT: **An Ordinance Amending the Urbana Zoning Ordinance** (Revising Articles II and Article V to amend the definitions and regulations for Day Care Home and Day Care Facilities – Plan Case 2370-T-19)

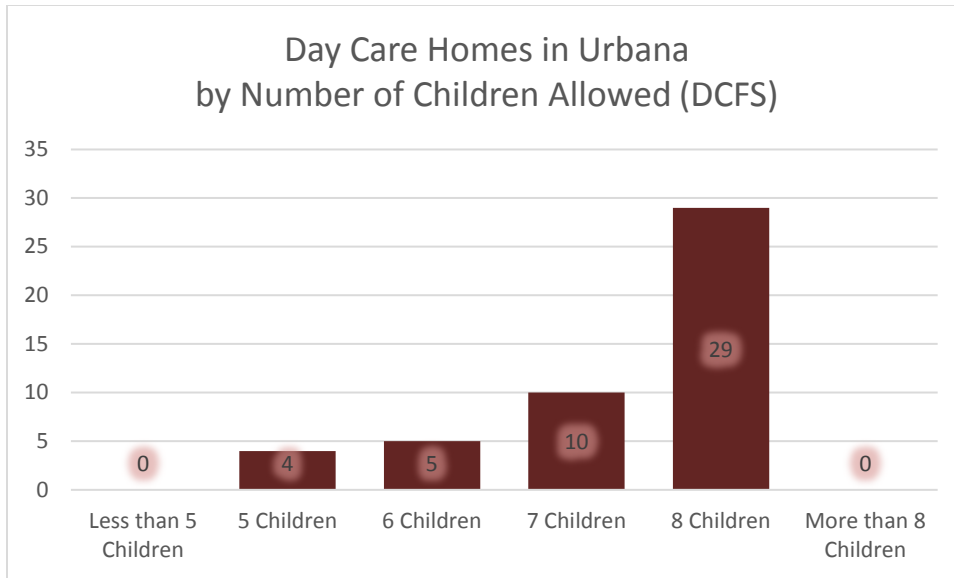
Introduction

The Zoning Administrator requests an amendment to the Zoning Ordinance regarding home occupations and Day Care Facilities to align with the regulations of the Illinois Department of Children and Family Services (DCFS), allow Day Care Facilities as a permitted use in business districts, and correct inconsistencies.

Proposed Text Amendment

Staff recently determined that the Zoning Ordinance requirements for a Day Care Home differs from DCFS requirements for Day Care Homes, which makes it difficult to operate a Day Care Home for children as a Home Occupation in Urbana while complying with the State’s rules. DCFS licenses homes that care for between three and eight children. Urbana’s regulations established that all Day Care Homes with five or fewer children or dependent adults be considered a Type B Home Occupation. Beyond eight children is classified as a Type C Home Occupation and requires a conditional use permit.

As you can see in the chart below, of all day care homes in Urbana, most are allowed eight children by DCFS, and most operate without known complaints to the City. Requiring a conditional use permit for the most popular size of Day Care Homes could be a barrier to new homes opening and is unnecessary for a use that typically has not required issue mitigation.



The proposed changes would allow Day Care Homes to operate as a Type A Home Occupation when fewer than three children or dependent adults are cared for, as a Type B Home Occupation when between three and eight children or dependent adults are cared for, and a Type C Home Occupation (with a Conditional Use Permit) if more than eight children or dependent adults are cared for. The change would better align with the threshold for DCFS regulation.

The current home occupation regulations prohibit outdoor equipment or activity. State requirements for day care homes for children, however, require access to the outdoors and recommend play equipment. The proposed text amendment addresses this inconsistency by allowing outdoor activity and equipment for Day Care Homes.

The last substantive change in this text amendment pertains to the definition of Day Care Facilities and in which zoning districts they can operate. Currently, Day Care Facilities are not allowed as Home Occupations. If someone has a large enough home on a large enough lot, and the desire to run a day care business, they should be able to apply for a Type C Home Occupation and a Conditional Use Permit.

The Plan Commission and staff recommend that the City Council approve the attached text amendment that would close the gap between DCFS regulations and Urbana’s Home Occupation regulations for Day Care Homes and Facilities. The current regulations make it difficult for Day Care Home operators to comply with both the City and DCFS, and the proposed changes should eliminate that difficulty.

Discussion

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

The following summarizes the miscellaneous proposed changes organized by Zoning Ordinance article. Changes are numbered by article, followed by a brief explanation in italics, and a number of grammatical corrections and organizational changes as well to improve clarity.

Proposed Text Changes

Article II. Definitions

1. Split the definition for “Day Care Home” into “Day Care Home, Children” and “Day Care Home, Adults.” Amend the definition for “Day Care Facility.”

These definitions have been rewritten to make them more understandable, and in some cases to move regulatory language from the definitions section into the proper section of the Zoning Ordinance. Day Care Homes for children are regulated by the Illinois Child Care Act of 1969 and Day Care Homes for adults are regulated by the Illinois Department of Public Health (IDPH).

Article V. Use Regulations

2. Add and amend Day Care Home, Child and Day Care Home, Adult Section V-12.A Regulation of Home Occupation.

Suggested changes reflect coherence with licensure requirements for child Day Care Homes by DCFS. Type A Home Occupation is defined as less than three children or adults. Additionally, Exterior Visibility and Vehicles and Customer Visits have been changed to reflect the needs of Day Care Homes with three or fewer children.

3. Amend Section V-12.B Regulation of Home Occupation.

Suggested changes reflect coherence with licensure requirements for child Day Care Homes by DCFS. Type B Home Occupation is defined as four to eight children or adults in a Day Care Home.

Like the Type A home occupation, an exemption for exterior visibility for play equipment is proposed. In addition, day care pick-ups and drop-offs are exempt from being considered customer and client visits. Finally, the Zoning Administrator may require a drop-off zone as a condition of approval of Home Occupations, as some areas traffic patterns are unique and may require extra attention to mitigate negative traffic impacts.

4. Include Day Care Facilities as a permitted Home Occupation, Type C in Section V-12.C. Regulation of Home Occupation

Day Care Facility was added to the Type C Home Occupations, which requires a Conditional Use Permit. This change clarifies the application and approval process for home-based Day Care Facilities and makes it consistent with the requirement that a non-home-based Day Care Facility receive a Conditional Use Permit to operate in a residential zoning district.

5. Amend the use of Day Care Facilities in Table V-1. Table of Uses

Day Care Facilities are currently not permitted by right in commercial districts or the Conservation Recreation Education (CRE) district. Non-home-based Day Care Facilities are allowed by right only in the Mixed Office Residential (MOR) district; otherwise, they require a Conditional Use Permits in any district they are allowed in. After considering the use intensity relative to other permitted uses in the affected zoning districts, staff recommends changing the Table of Uses

(Table V-1) to allow Day Care Facilities by right in all business districts and the CRE district and in the Campus Commercial District (CCD) with a Special Use Permit. Conditional Use Permits would still be required for Day Care Facilities in residential districts.

6. General revisions to the sections for grammar and clarity.

Summary of Findings

1. The proposed amendment to the Zoning Ordinance addresses home occupations and Day Care Facilities in order to align with the regulations of DCFS, allow Day Care Facilities as a permitted use in business districts, and correct inconsistencies.
2. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
3. The proposed amendment 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 City Council has the following options:

1. Approve the ordinance as presented;
2. Approve the ordinance as modified by specific suggested changes; or
3. Deny the ordinance.

Recommendation

At its March 7, 2019, meeting, the Plan Commission voted eight ayes to zero nays to forward to City Council a recommendation to **APPROVE** the proposed text amendment to revise Articles II and V to amend the definitions and regulations for Day Care Homes and Facilities. Staff concurs with this recommendation.

Attachments: A: Zoning Ordinance Changes
B: Approved 3/7/2019 Plan Commission Minutes

Section II-3. Definitions

~~Day Care Home: Any facility, in a home, for the care of no more than a total of five children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care home shall be considered a home occupation.~~

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: Any facility, other than a day care home, for the care of children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care facility shall not be considered a home occupation.~~

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.

~~Nursery: See "Day care home," "Day care facility."~~

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~~ home occupation shall submit an application to ~~be reviewed by the Urbana Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations~~ 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.~~, 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. ~~They and~~ are permitted with the following criteria:
 1. Employees - ~~There are no~~ No persons, other than members of the household, residing in the dwelling unit, are 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~~ .

Exhibit A - Blackline

3. Exterior Visibility - The occupation is wholly operated and contained within the dwelling; and there is no activity, construction, or display ~~which 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~~ except for the signage provisions set forth in Section V-12.A.2. No storage of materials or equipment are stored visible from outside the dwelling unit or 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.; ~~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 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 ~~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 in~~ in 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 Zoning Administrator may waive or reduce 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~~ 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. 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. 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.; ~~and~~
 4. Exterior Visibility – The occupation is wholly contained within the dwelling and there is no activity, construction, or display ~~which 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.; ~~and~~

Exhibit A - Blackline

5. Signage – There are no ~~other~~ 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~~
 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 may identify and impose other conditions on the ~~Home Occupation~~ 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 that exceeds the number of employees or daily visitors set forth in Section V-12.B₁ above, shall be required to~~ requires obtain a Conditional Use Permit, in accordance with ~~the procedures and criteria set forth in Section VII-2₁ 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 Types A or B.
- D. Prohibited Home Occupations - Any home-based activity which that may use hazardous materials, or ~~which that~~ otherwise may pose a hazard or nuisance to surrounding properties, ~~shall be 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 ~~shall be is~~ permitted as a home occupation only if the 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~~ 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 ~~Section V-12.B~~ 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 ~~of this Ordinance.~~

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			U D	U D	U D	U D	U D	U D	S	D	P	C	C

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

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: March 7, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Ouedraogo, Daniel Turner, Jonah Weisskopf, Chenxi Yu

MEMBERS EXCUSED: Barry Ackerson

STAFF PRESENT: Lorrie Pearson, Planning Manager/Zoning Administrator; Lily Wilcock, Planner I; Teri Andel, Planning Administrative Assistant II

OTHERS PRESENT: Karen Fresco

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Fitch called the meeting to order at 7:01 p.m. Roll call was taken and a quorum of the members was declared present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

The minutes of the February 7, 2019 regular Plan Commission meeting were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Mr. Turner seconded the motion. The minutes were approved as written by unanimous voice vote.

4. COMMUNICATIONS

There were none.

Chair Fitch announced that this was Dan Turner's last meeting as a Plan Commission member. He is moving to another town. He thanked Mr. Turner for his service.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2370-T-19 – An application by the Urbana Zoning Administrator to amend Article II (Definitions), Article V (Use Regulations) and Table V-1 of the Urbana Zoning Ordinance to clarify the regulations of day care home occupations and allow Day Care Facilities to be a permitted use in all business districts.

Chair Fitch opened the public hearing for this case. Lily Wilcock, Planner I, presented the staff report. She began by presenting background information on the 2016 text amendment revising the Home Occupation regulations. She noted a correction on Page 2 of the written staff memo, stating that the table should not have been included. She read the options of the Plan Commission. She reviewed the changes being proposed in the current text amendment, which included changes to the following:

- Article II – Definitions
 - Splitting Day Care Home into Day Care Home, Child and Day Care Home, Adult

Ms. Pearson noted that the Department of Children and Family Services (DCFS) defines children in family. This means that a child in a daycare would be counted as one child; however, if the child has a sibling at the same daycare, they would still be counted as one child. Regarding impact to traffic, there would not be an impact because the two children would probably be arriving/departing in the same vehicle.

Ms. Wilcock continued her presentation:

- Article II – Definitions
 - Update definition for Day Care Facility
 - Deleted Nursery”
- Section V-12.A – Home Occupation, Type A

Mr. Hopkins stated that the language for the exterior visibility of a Day Care Home is different from the wording for the exterior visibility of a Day Care Facility. Ms. Wilcock explained that a Day Care Facility would fall under a Type C permit requiring approval of a Conditional Use Permit.

Mr. Hopkins preferred the language for the exterior visibility for Type A in Section V-12.A.3 to read the same as the language for Type B in Section V-12.B.4 concerning “the exterior visibility provisions to allow activities and equipment customary to Day Care Homes, such as outdoor play equipment.” Ms. Wilcock said that she could make that change.

Lorrie Pearson, Planning Manager/Zoning Administrator, realized that staff had not provided an accurate strike through/underline version of the proposed changes. She recommended that the Plan Commission continue to discuss the changes and then continue the case to the April 4 meeting to allow City staff time to provide an accurate version for the Plan Commission. Mr. Hopkins felt that they could review the changes and still be able to vote on the case at this meeting. Ms. Pearson said she would compare the proposed changes to the existing language in the Zoning Ordinance while Ms. Wilcock finished the staff report.

Ms. Wilcock proceeded with her presentation:

- Table V-1 – Table of Uses
 - Change to allow Day Care Facilities (Non-Home Based) as a permitted use in all business districts and in the CRE (Conservation-Recreation-Education) zoning district and as a special use in the CCD (Campus Commercial District) zoning district.

Chair Fitch asked about permitting Day Care Facilities in the CRE Zoning District. Ms. Wilcock explained that the CRE district includes mostly parks, schools and the University properties. One of the long-standing day care facilities is the University Laboratory Preschool.

Mr. Fell wondered how many children day care home needs before DCFS requires them to obtain a license. Ms. Wilcock replied three unrelated children or more require a license. Mr. Fell stated that DCFS has many rules regulating Day Care Homes that the City does not cover. How can the City give approval to a day care home provider without DCFS reviewing to ensure their regulations are being met? Ms. Wilcock replied that the University of Illinois Extension Office has a helpful resource for understanding the nebulous rules of DCFS for running a day care home. Many of these rules, including requiring a commercial kitchen are inside the purview of the City of Urbana. When City staff receives an application for a Home Occupation Permit to allow a Day Care Home, then City staff would check DCFS's website to see if that daycare/applicant is registered. The daycare/applicant would not get a Certificate of Occupation if they were not registered by DCFS.

Mr. Fell asked if there could be more than one Home Occupation Permit granted for a home. Ms. Pearson answered yes, because often homes are lived in by more than one adult who wants a home occupation. Mr. Fell expressed concern about the possibility of too many vehicles being parked at a Day Care Home if there was a second Home Occupation Permit granted for a use that involves a lot of traffic, such as a car repair shop. Ms. Pearson referred to Section V-12.F, which states, *"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."*

Mr. Fell asked if City staff was trying to fit the regulations to existing day care uses. Ms. Wilcock replied no. She explained that Planning staff was working with some applicants in trying to complete Home Occupation Permit applications to allow each one to have a day care service in their homes. When Planning staff began researching DCFS regulations, they discovered that the City's regulations were not aligning with how DCFS certifies day care home providers. In fact, our regulations made it difficult for applicants to have a daycare as a home occupation.

Ms. Billman inquired what the abbreviations P, S and C stood for in Table V-1 – Table of Uses. Ms. Wilcock explained that P means permitted, S means Special Use and C means Conditional Use. There is an explanation under the table on each page of Table V-1 in the Zoning Ordinance. She had not included the explanation in the table in the written staff report.

Ms. Pearson clarified the language that was proposed to be deleted (strike-through) and the language that was proposed to be added (underlined).

Mr. Fell moved that the Plan Commission forward Plan Case No. 2370-T-19 to the City Council as amended by City staff with a recommendation for approval. Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Turner	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Ms. Billman	-	Yes

The motion passed unanimously.

Ms. Pearson noted that this case would be forwarded to City Council on April 1, 2019.

Plan Case Nos. 2373-PUD-19 and 2374-PUD-19 – A request by Chris Saunders of 1007 West University, LLC, for preliminary and final approvals of a mixed use Planned Unit Development at 1007 and 1011 West University Avenue under Section XIII-3 of the Urbana Zoning Ordinance.

Chair Fitch opened the public hearings for these two cases and continued them to the April 4, 2019 Plan Commission meeting at the request of City staff.

8. NEW BUSINESS

Plan Case No. 2372-M-19 – Annual Update of the Official Zoning Map

Chair Fitch opened this item on the agenda. Lily Wilcock, Planner I, presented the staff report to the Plan Commission. She summarized noting that there were a number of map amendments, one annexation and many subdivisions in 2018. She talked about the alley vacation from 1977 that was approved in 2018. She read the options of the Plan Commission.

Ms. Ouedraogo noticed that there was some language missing (possibly north, south, east, west) from the location of the vacated alley from 1977. Lorrie Pearson, Planning Manager/Zoning Administrator, replied that Planning staff would figure out the missing language before sending the case to City Council.

Mr. Turner moved that the Plan Commission forward Plan Case No. 2372-M-19 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Ouedraogo	-	Yes	Mr. Turner	-	Yes
Mr. Weisskopf	-	Yes	Ms. Yu	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes

The motion was passed unanimously.

Ms. Pearson noted that this case would be forwarded to City Council for final action on Monday, March 18, 2019.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Lorrie Pearson, Planning Manager/Zoning Administrator, reported on the following:

- Rael rezoning and special use permit requests for redevelopment of the southeast corner of Lincoln and University Avenues were approved by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission

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 ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

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