

ORDINANCE NO. 1999-06-045

**AN ORDINANCE APPROVING MISCELLANEOUS AMENDMENTS TO THE
ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS**

(Plan Case No. 1716-T-99)

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 the 1979 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the text of the Urbana Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1716-T-99; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing to consider the proposed text amendment on May 6, 1999 and May 20, 1999; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on May 20, 1999 to forward Plan Case No. 1716-T-99 and the proposed amendments to the Urbana City Council with a recommendation for approval of a portion of said proposed amendments; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as recommended by the Urbana Plan Commission in Plan Case No. 1716-T-99, and as described herein.

NOW, THEREAFTER, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Zoning Ordinance of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Amend Section II-3, Definitions, of the Urbana Zoning Ordinance to read as follows:

Applicant (as it applies to telecommunications structure): Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City.

Add the following definitions to Section II-3, Definitions, of the Urbana Zoning Ordinance to read as follows:

Arts and crafts store and studio: A studio for the creation, display or sale of arts and crafts.

Construction Yard: A construction yard is an area for the storage of building material and equipment which is required to be enclosed by other sections of this ordinance. Temporary or on-site construction storage or staging area shall not be considered a construction yard.

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 residing on the premises.

Hotel or Motel: A building in which lodging, or lodging and meals, is regularly provided and offered to the public for a period of less than 30 consecutive days for compensation, and which is customarily open to transient guests. An establishment that is subject to state hotel/motel tax and is required to have a Certificate of Registration from the Department of Revenue shall be considered a hotel or motel.

Amend Section IV-1, Districts and Boundaries Thereof, to do the following:

Add the listings “Medical Institutional Campus” and “Office Park” to Section IV-1, Number and Designation of Zoning Districts.

Amend Section V-1, Table of Uses, to do the following:

Add “contractor shop and show room” to the table of uses under the category Business Uses, Miscellaneous. Subcategories of the contractor’s shop and show room include carpentry, electrical, exterminating, upholstering, sign painting, and other home improvement shops. Permit “contractor’s shop and show room” as a conditional use in the B-1, Neighborhood Business Zoning District and allowed by right in the B-3, General Business; B-3U, General Business-University; B-4, Central Business; B-4E, Central Business Expansion and IN, Industrial zoning districts.

Amend Table V-1, Table of Uses, to do the following:

Add “lawn care and landscaping service” to the table of uses under the category Business Uses, Miscellaneous as a conditional use in the B-1, Neighborhood Business Zoning District and as allowed by right in the B-3, General Business; B-3U, General Business-University; B-4, Central Business; B-4E, Central Business Expansion and the IN, Industrial zoning districts.

Add a new Section V-13, Regulation of Home Occupation, to read as follows:

Home Occupations shall be permitted as follows:

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

1. There are no persons, other than immediate members of the family residing in the dwelling unit, engaged therein;
2. There are no signs on the premises identifying the home occupation;
3. The occupation is wholly operated and contained within the dwelling;
4. No materials or equipment are stored outside the dwelling unit;
5. No more than two (2) 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(5) vehicle visits per day;
6. No more than two (2) commercial or business vehicles used in conjunction with the home occupation maybe parked on the premises or on an adjacent street;
7. No equipment, mechanical or electronic, is used except equipment which is incidental to the occupation, and which does not or will not create 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 paragraph 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 (1) person, other than members of the immediate family residing in the dwelling unit, is engaged therein;
2. Two (2) off-street parking spaces must be provided on –premise as approved by the Zoning Administrator. Driveways may qualify in meeting this requirement;
3. No equipment, mechanical or electronic, is used except equipment which is incidental to the occupation, and which does not or will not crate objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises;
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 point 5, below;
5. There are no other signs other than a name plate, not more than one (1) square foot in area, only permitted as a wall-mounted sign and not internally illuminated;
6. Storage of materials and use of equipment in an accessory building is limited to two hundred (22) square feet;
7. No storage outside the dwelling unit is permitted, except in accordance with point 6 above;
8. The occupation does not or will not constitute a violation of any nuisance code;
9. No more than two (2) customers or clients may be on the premises at any one time;
10. There is no exterior storage of vehicles other than those owned by members of the Immediate family residing on the premises;
11. No more than two (2) commercial or business vehicles used in conjunction with the home occupation maybe parked on the premises or on an adjacent street.

C. Any activity which exceeds the criteria under paragraph B, above, 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 landscape 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 (1) home occupation, as defined herein, is permitted per dwelling unit and/or accessory structure.
- G. Certificate of Occupancy for home occupations issued prior to the effective date of this amendment not meeting the conditions of paragraph B, above, shall be considered legally nonconforming.

Amend Section VII-6 I to read as follows:

In addition to any conditions imposed by the City Council, as provided in paragraph G, above, a special use authorized by a special use permit is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other regulations are specifically stated in the special use permit, as authorized by the City Council and granted by the Zoning Administrator. Special uses are also subject to the regulations pertaining to parking and access which are applicable for the use and district, as provided in Article VIII, and to the following additional requirements, unless otherwise specifically stated in the terms of the special use permit:

For radio and television towers and stations in the B-4 zoning district: Minimum lot size applicable to freestanding towers and stations, not to those within buildings of other uses. For any radio or television tower/antenna which requires an obstruction notice to the Federal Aeronautics Administration (F.A.A.) under the requirements of the Federal Aviation Regulations, the findings of the F.A.A., if any, shall be made part of an application for a special use permit. The City Council shall consider any findings of the F.A.A. in determining whether a tower constitutes a hazard to aviation or the flight operations of any airport.

Amend Section VIII-3 F.2, Location of Parking Facilities, to read as Follows:

Accessory off-street parking may encroach into the required side yard and rear yard, provided that the parking is located behind the rear face of the principal structure. In the case of a lot with

no principal structure on which a principal use parking lot is to be located, parking may encroach into the rear and side yards.

Amend Section VIII-6, Parking Requirements by Use, to do the following:

Add a category arts and crafts stores and studios and require one parking space for every one space for every 500 square feet of floor area. This is the same requirement as for an art gallery.

Section 2. 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 super-majority of the Members of the City Council of the City of Urbana, Illinois, at a special meeting of said Council.

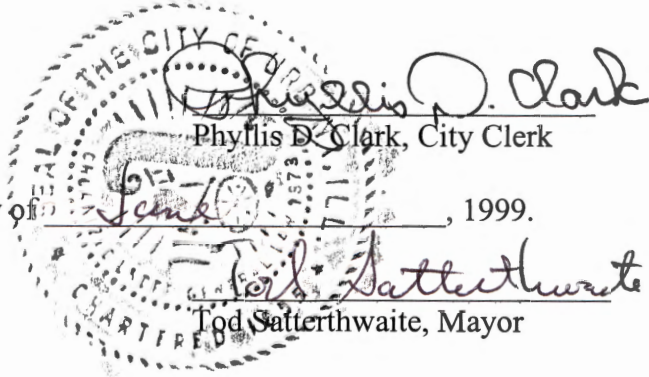
PASSED by the City Council this 7th day of June, 1999.

AYES: Hayes, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:

APPROVED by the Mayor this 11th day of June, 1999.





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 7th day of June, 1999, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 1999-06 045, entitled:

**"AN ORDINANCE APPROVING MISCELLANEOUS AMENDMENTS
TO THE ZONING ORDINANCE OF THE CITY OF URBANA,
ILLINOIS (PLAN CASE NO. 1716-T-99)"**

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

The pamphlet form of Ordinance No. 1999-06-045 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 15th day of June, 1999, and continuing
for at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 15th day of June,
1999.



Phyllis D. Clark
City Clerk
By: Robert L. Roberts
Deputy Clerk