

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).

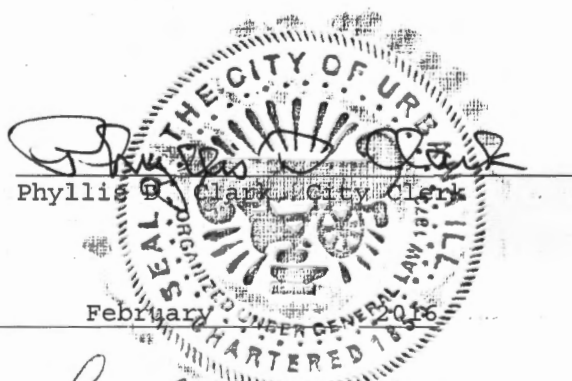
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 1st day of February, 2016.

PASSED BY THE CITY COUNCIL this 1st day of February, 2016.

AYES: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

NAYS:

ABSTAINED:



Phyllis G. Clark
Phyllis G. Clark, City Clerk

APPROVED BY THE MAYOR this 3rd day of February, 2016

Laurel Lunt Prussing
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 1st day of February, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. 2016-02-009, 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. 2016-02-009, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 3rd day of February, 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 3rd day of February, 2016.