

## **CASE NO. 873-AT-17**

*SUPPLEMENTAL MEMORANDUM #1*

*January 8, 2018*

**Petitioner:** Zoning Administrator

**Request:** Part A. Amend Sections 7.1.1 and 7.1.2 to require a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I. or 7.1.2J. and specify that the residential use shall remain the principal use on the property and the dwelling on the subject property shall remain the principal building.

Part B. Amend Section 7.1.1 to authorize “minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home occupation and subject to several standard conditions including but not limited to a condition that the minor auto repair shall be conducted inside a building and a condition that the total building area occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the dwelling unit area, whichever is greater.

**Location:** Unincorporated Champaign County

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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### **STATUS**

The following are highlights from the June 15, 2017 ZBA meeting:

- Mr. Dinovo referred to Case 794-AT-92, which is the text amendment that added the current Neighborhood Home Occupation requirement. He said that during Case 794-AT-92 there were concerns expressed about minor auto repair and the high probability of stuff accumulating on the property due to the minor auto repair. He requested additional consideration of the rationale in that case.
- Ms. Burgstrom distributed her summary of what the minutes for Case 794-AT-92 indicated in regards to minor automobile repair. She said that the summary is a draft of how the evidence might be included in the current case in terms of what the rationale is in having or not having minor auto repair as a home occupation.
  - New information was added to the Revised Summary of Evidence dated January 11, 2018, based on this summary.

- There was discussion of the intent of the text amendment as it relates to municipalities with a 1.5 extraterritorial jurisdiction that neither prohibit nor authorize automobile repair as a home occupation.
  - Mr. Hall has edited the proposed text amendment based on this discussion; the changes are shown in the “Revisions since June 15, 2017” section below and in the Revised Summary of Evidence dated January 11, 2018.
  - Generally, if the relevant comprehensive land use plan indicates something other than “residential”, then the minor auto repair may be done as a Neighborhood Home Occupation Special Use Permit.
  - Boundary agreements are also taken into account.
  
- Board members in attendance expressed general agreement with the proposed text amendment, but took no action so that municipalities would have sufficient time to comment if desired.

The City of Urbana provided comments by phone to John Hall on July 25, 2017. The primary concern was in regard to the number of vehicles awaiting repair that may be outside. Mr. Hall said that we would reduce the number of customer vehicles that could be outside to one and then only during business hours. John Hall revised the following text from Item M.3.d.: No more than two resident vehicles and one customer vehicle may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.

On December 21, 2017, the City of Urbana Plan Commission reviewed the proposed revisions, including those listed below, and recommended that the Urbana City Council defeat a resolution of protest. On January 16, 2018, the Urbana City Council will vote on the resolution of protest.

### REVISIONS SINCE JUNE 15, 2017

The following text was added under Item 2:

2. The proposed amendment is intended to update the requirements for NEIGHBORHOOD HOME OCCUPATIONS and RURAL HOME OCCUPATIONS in the Zoning Ordinance.
  - A. The City of Urbana has some time ago decided to allow minor auto repair as a home occupation as a special use permit and there is little or no justification for the County Zoning Ordinance to be more restrictive.
  
  - B. Authorizing Minor Auto Repair as a very restricted type of SUP is arguably better than outright prohibition because it should provide a somewhat easier means to achieve compliance provided that the SUP conditions are not waived too much. This suggests that the ZBA needs to be very careful in approving waivers of the standard conditions.
  
  - C. Authorizing differences from the standard requirements by means of a SUP rather than by means of a Variance is more consistent with the “no use variance” requirement of Sec. 9.1.9 B.1. of the County Ordinance.

Based on the summary of minutes from Case 794-AT-92, the following evidence will be added under Item 11, LRMP Goal 6, page 4 of the Finding of Fact:

(2) Policy 6.1.4. states, “**The County will seek to abate blight and to prevent and rectify improper dumping.**”

- a. Automobile repair was discussed during Case 794-AT-92, which established the division between Rural and Neighborhood Home Occupations, approved by the County Board on February 16, 1993.
  - (a) At the February 20, 1992 ZBA meeting, ZBA member E.J. Cornelius questioned why automobile and truck repair would not be permitted. Frank DiNovo (staff member at the time) responded, “One of the most common complaints in the Planning and Zoning office relates to backyard mechanics. Mr. Cornelius added that a lot of farmers work on machinery and things like that because they have the facilities to do it. Mr. DiNovo stated that this is an issue that needs to be carefully considered. The problem is when it happens on an occasional basis, as with farmers, it is not a problem, but on a full time basis people tend to end up with an inventory of junk cars and car parts.”
  - (b) At the March 12, 1992 ZBA meeting, staff member Ms. Sommerlad stated, the reason the prohibited uses are included in the home occupation regulations is because these are uses that typically cause problems and generate a lot of complaints. To try to limit some of the problem uses, the amendment regulates vehicles stored on a lot.” ZBA member Mr. Parnell stated, “It is important to keep junkyards, etc. from being established and to prevent the appearance of an automobile repair shop. This is where there are potential problems.”
  - (c) At the April 9, 1992 ZBA meeting, Frank DiNovo (staff member at the time) stated, “The concern is that ultimately there could be quite a large number of vehicles, i.e., illegal junkyards. The problem with illegal junkyards includes the blight on the value of the property, and also environmental problems due to the leaking of broken batteries, brake and radiator fluid, oil, etc. that might be spilled on the ground. This is not a problem generally with a small number of vehicles, but with a large number of vehicles, it could be a problem.”
- b. The proposed amendment will **HELP ACHIEVE** Policy 6.1.4, because proposed paragraph 7.1.1 M(9) states, “Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.”

The following is the revision to Section 7.1.1 M. by John Hall regarding intent of the text amendment in a municipality's 1.5 mile extra-territorial jurisdiction. Note that black underlined text is the language as proposed on June 15, 2017, and the red underline/strikethrough text is John Hall's proposed revision for the January 11, 2018, Finding of Fact.

- M. MINOR AUTOMOBILE REPAIR may be authorized as a NEIGHBORHOOD HOME OCCUPATION by means of a Special Use Permit ~~when located~~ as follows:
1. ~~when located~~ more than 1½ miles from a municipality or village ~~that whose~~ Zoning Ordinance ~~that does not explicitly authorize~~ ~~prohibits~~ "minor auto repair" as a home occupation; or
  2. ~~when located less than 1½ miles from a municipality or village whose~~ Zoning Ordinance does not explicitly authorize "minor auto repair" as a home occupation but at a location that meets one of the following conditions:
    - a. ~~a location in an area indicated as a future land use other than~~ residential on the relevant comprehensive plan; or
    - b. ~~a location subject to an intergovernmental agreement regarding~~ municipal extraterritorial jurisdiction and which is therefore within the extraterritorial jurisdiction of a municipality or village that does explicitly authorize "minor auto repair" as a home occupation; and
  3. ~~subject to the following standard conditions which may be waived as~~ authorized in Section 6.1 and Section 9.1.11 except that paragraph 7.1.1M.(7) shall be subject to variance as authorized in Section 9.1.9:
    - a. ~~All MINOR AUTOMOBILE REPAIR shall be conducted inside a~~ building.
    - b. ~~No MINOR AUTOMOBILE REPAIR shall be conducted and no~~ customers shall be on the property between the hours of 10:00 p.m. and 9:00 a.m. except that vehicles may be dropped off for repair as early as 6:30 a.m.
    - c. ~~No parking shall occur within a public right of way.~~
    - d. ~~No more than two resident vehicles and ~~two~~ one customer vehicle~~ may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.
    - e. ~~Any vehicle parked outdoors on the property must be intact and~~ have a valid license.
    - f. ~~No more than one inoperable vehicle may be parked outdoors on the~~ property at any time.

- g. No vehicle shall leak hazardous materials onto the surface of the ground or onto a paved surface and any leak or spill of hazardous material that does occur shall be immediately and appropriately cleaned up consistent with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.
- h. All vehicles parked outdoors on the property must be at least 10 feet from a FRONT LOT LINE and at least 5 feet from a SIDE or REAR LOT LINE and shall be parked on a surface other than bare ground. This requirement is subject to a variance as authorized in Section 9.1.9.
- i. Storage and/ or use of volatile liquids and hazardous materials in excess of that for normal household use in typical household quantities must be as approved in the SPECIAL USE Permit.
- j. Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.
- k. Floor drains are prohibited in new buildings proposed to be used for MINOR AUTOMOBILE REPAIR unless installed with an oil separator inspected and approved by the State Plumbing Inspector. Floor drains in existing buildings proposed to be used for MINOR AUTOMOBILE REPAIR shall be blocked off or outfitted with an oil separator that is inspected and approved by the State Plumbing Inspector.
- l. The ACCESSORY BUILDING AREA occupied by the MINOR AUTOMOBILE REPAIR (including, if applicable, any area for a service counter and waiting area, repair area, material storage, vehicle storage, etc.) shall not exceed 1,500 square feet or more than 150% of the PRINCIPAL BUILDING AREA, whichever is greater, and shall be indicated on a floor plan drawing which shall be part of the approved site plan.
- m. Evidence of vehicle ownership shall be provided at the request of the Zoning Administrator.

## ATTACHMENTS

- A Approved minutes from June 15, 2017 ZBA meeting
- B Urbana Staff Memo for the December 21, 2017 Urbana Plan Commission meeting
- C Draft Finding of Fact, Summary Finding of Fact and Final Determination, including updated Strikeout Version of Proposed Text Amendments to the Zoning Ordinance dated January 11, 2018

AS APPROVED SEPTEMBER 14, 2017

MINUTES OF REGULAR MEETING

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CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street  
Urbana, IL 61802

DATE: June 15, 2017 PLACE: John Dimit Meeting Room  
1776 East Washington Street  
TIME: 7:00 p.m. Urbana, IL 61802

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MEMBERS PRESENT: Frank DiNovo, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol

MEMBERS ABSENT: Eric Thorsland, Catherine Capel

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: None

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1. Call to Order

The meeting was called to order at 7:00 p.m.

Mr. Hall informed the Board that due to the absence of Eric Thorsland, Chairman of the Zoning Board of Appeals, the Board needs to appoint an interim Chair for tonight’s meeting.

Mr. Passalacqua moved, seconded by Mr. DiNovo, to appoint Debra Griest as interim Chair for tonight’s meeting. The motion carried by voice vote.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

Ms. Griest informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath.

3. Correspondence

None

4. Approval of Minutes (April 27, 2017)

Ms. Griest entertained a motion to approve the April 27, 2017, minutes.

Mr. Randol moved, seconded by Ms. Lee, to approve the April 27, 2017, minutes.

1 Ms. Griest asked the Board if there were any additions or corrections to the April 27, 2017, minutes, and  
2 there were none.

3 **The motion carried by voice vote.**

4  
5 **5. Continued Public Hearing**

6  
7 None

8  
9 **6. New Public Hearings**

10  
11 **Case 873-AT-17** Petitioner: **Champaign County Zoning Administrator Request to amend the**  
12 **Champaign County Zoning Ordinance as follows: Part A: Amend Sections 7.1.1 and 7.1.2 to require**  
13 **a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that**  
14 **exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the**  
15 **Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I or 7.1.2.J. and**  
16 **specify that the residential use shall remain the principal use on the property, and the dwelling on the**  
17 **subject property shall remain the principal building. Part B: Amend Section 7.1.1 to authorize**  
18 **“minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when**  
19 **located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home**  
20 **occupation and subject to several standard conditions including but not limited to a condition that the**  
21 **minor auto repair shall be conducted inside a building and a condition that the total building area**  
22 **occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the**  
23 **dwelling unit area, whichever is greater.**

24  
25 Ms. Griest informed the audience that anyone wishing to testify for any public hearing tonight must sign the  
26 witness register for that public hearing. She reminded the audience that when they sign the witness register  
27 they are signing an oath.

28  
29 Ms. Griest asked the petitioner if he would like to make a statement regarding the request.

30  
31 Mr. John Hall, Zoning Administrator, stated that recently it was brought to his attention that the City of  
32 Urbana allows minor auto repair as a home occupation, but the County does not, which is an unusual  
33 situation. He said that while there are any number of amendments that could be proposed to the Zoning  
34 Ordinance, he thought that this is something that homeowners would like to take advantage of, so he  
35 presented the amendment to the Environmental and Land Use Committee (ELUC) at their March meeting.  
36 He said that ELUC approved the request to forward the amendment to the Zoning Board of Appeals (ZBA)  
37 for recommendation. He said that even though the City of Urbana allows minor auto repair as a home  
38 occupation, the City of Champaign is heavily opposed to it. He said that he does not know how other  
39 municipalities feel about allowing minor auto repair as a home occupation, which is the reason why this  
40 recognizes that it cannot be within one and one-half miles of a municipality that does not allow it. He said  
41 that the amendment has been constructed to make sure that not too many bad things will happen, but of  
42 course, if this were adopted he is sure that there will be violations just as they are today as there are people  
43 doing minor auto repair in their garages, or so staff has been told. He said that staff seldom ever gets actual  
44 evidence for enforcement action and in his mind, there should be a better way for this to occur within  
45 conformance with the Zoning Ordinance, rather than trying to completely shut it down when and if staff ever  
46 encounters it.

47

1 Ms. Griest asked the Board if there were any questions for Mr. Hall.  
2

3 Mr. DiNovo stated that since this case will not be finalized at this meeting, he does not expect any of his  
4 questions to be fully answered tonight; therefore, staff should take as much time as they need for a response.  
5 He said that there were rationales expressed for Case 794-AT-92, which, as he remembers, took one year to  
6 complete and normally a text amendment is proposed with an argument that either there is an error in the  
7 Ordinance or new information has changed the conditions. He said that during Case 794-AT-92 there were  
8 concerns expressed about minor auto repair and the high probability of stuff accumulating on the property  
9 due to the minor auto repair. He said that it would be good for staff to indicate new information regarding  
10 changed conditions, apart from the City of Urbana's ordinance. He said that he would guess most municipal  
11 ordinances are silent on this issue and they have minimal provisions regarding home occupations. He asked  
12 staff how this would affect the one and one-half mile jurisdiction if there were no explicit prohibition or  
13 permission. He said that his big questions are in regards to Paragraph 7.1.1.L and 7.1.2.M. that allows  
14 expanded uses by a special use permit. He said that variances have been granted for the limits on home  
15 occupations, so what is gained by allowing exceedance of those limits by a special use rather than a variance.  
16

17 Mr. Hall stated that there is one thing that will be subject to a variance, and that is the distance for parking  
18 from a lot line, and that is a function of lot width and lot area and could be justified by the uniqueness of the  
19 property. He said that the rest of these things have to do with the operations, and generally, in the Ordinance  
20 you cannot obtain a use variance; therefore, to vary the use characteristics a special use permit would be  
21 required.  
22

23 Mr. DiNovo stated that given the home occupations will remain accessory uses, they would also have to be  
24 customarily incidental and subordinate, and he is not 100% clear on how the ZBA's discretion in granting a  
25 special use permit interacts with that limitation. He asked if the ZBA would have to determine what use is  
26 customarily incidental and subordinate on a case-by-case basis. He said that the special use provision  
27 interacting with the accessory use requirement creates a situation where the Board is potentially allowing  
28 accessory uses that might not be otherwise allowed by utilizing the ZBA's discretion implied by that  
29 provision. He said that there is nothing that would prevent the ZBA from overriding the Zoning  
30 Administrator's opinion on that point, and if there was a case with no objectors, and the applicant appears to  
31 be a good person, the ZBA could potentially erode the standards that would otherwise apply to accessory  
32 uses. He asked how would it be resolved if the ZBA wanted to allow a special use that the Zoning  
33 Administrator does not believe is customarily incidental and subordinate. He asked if the Zoning  
34 Administrator could refuse to bring a case to the ZBA if the Zoning Administrator determines that a use is  
35 not customarily incidental and subordinate. He asked how much flexibility with the home occupations would  
36 really be created.  
37

38 Mr. Hall stated that as Zoning Administrator, he would not be hung up on what is customarily incidental and  
39 subordinate.  
40

41 Mr. Randol requested clarification of Mr. DiNovo's comments.  
42

43 Mr. Hall stated that Mr. DiNovo referred to Case 794-AT-92, which is the text amendment that added the  
44 current Neighborhood Home Occupation requirement. He said that Case 794-AT-92 should have been  
45 included in the Preliminary Memorandum, and is only referred to as the amendments adopted in 1993, which  
46 was Case 794-AT-92. He said that staff reviewed Case 794-AT-92 and the minutes specifically reference  
47 minor auto repair, and why it was not being proposed to be allowed. He said that he thought that the minutes

1 had been distributed to the Board for review, but they were not and a copy of those minutes would be  
2 included in the next mailing, because it is a relevant consideration. He said that the Board does have the  
3 benefit of Mr. DiNovo's great experience in understanding what is an accessory use, it is supposed to be  
4 customarily incidental and subordinate. Mr. Hall said that he believes that minor auto repair is in fact  
5 something that is customarily incidental to residences, because it happens all of the time, and is currently not  
6 allowed in the Ordinance, and that is why it is so important, if possible, to amend the Ordinance to allow it.  
7

8 Mr. DiNovo stated that his point is that the customary part of the definition is constraining in that, just  
9 because it is otherwise incidental to the residential principal use doesn't mean that it is customarily  
10 incidental. He said that it is a real headache when people present novel land uses and the special use  
11 conceivably loosens that up a lot or at least flips the question as to what qualifies as customary to the ZBA.  
12 He asked Mr. Hall if the ZBA would have to make an explicit finding that the proposed use was customarily  
13 incidental.  
14

15 Mr. Hall stated that he hopes not. He said that he does hope that the ZBA would find that the use is  
16 appropriate for the location given the conditions that may be imposed. He said that he does disagree with  
17 requiring accessory uses to be something that are customary and incidental. He said that today we  
18 understand that society is changing in many ways; it is better to accommodate those changes in the best way  
19 that we can.  
20

21 Mr. DiNovo stated that the word customary should be removed from the definition, because if the word  
22 customary is taken at face value you cannot have anything novel, because nothing novel is customary.  
23

24 Mr. Hall stated that there is a whole class of things like that which are problems with the Ordinance, such as,  
25 why does a special use permit have to be found to be necessary at that location, because many ordinances do  
26 not require that.  
27

28 Mr. DiNovo stated that comes from back in the day with electrical substations, fire stations, telephone  
29 exchanges, things that were not compatible and should not be there except for the fact that they are necessary  
30 and need to go somewhere.  
31

32 Ms. Burgstrom distributed her summary of what the minutes for Case 794-AT-92 indicated in regards to  
33 minor automobile repair. She said that the summary is a draft of how the evidence might be included in the  
34 current case in terms of what the rationale is in having or not having minor auto repair as a home occupation.  
35

36 Mr. DiNovo stated that the summary is good, and the comment from Mr. Parnell at the March 12, 1992,  
37 ZBA meeting is good evidence regarding an auto repair shop.  
38

39 Ms. Griest asked the Board if there were any questions for Ms. Burgstrom and there were none.  
40

41 Ms. Griest asked Mr. Randol if he is satisfied with the clarification.  
42

43 Mr. Randol stated yes.  
44

45 Ms. Griest stated that she appreciates the summary of the previous minutes for Case 794-AT-92 as they  
46 relate to automobile repair. She said that she struggled a bit with what Mr. DiNovo was discussing, even  
47 though Mr. DiNovo's knowledge regarding how the Ordinance was established and what was intended far

1 exceeds her knowledge. She said that the Board deals with these kinds of things all of the time and the  
2 Board could prevent any of these things from becoming a problem by restricting the use through the special  
3 use process. She said that the special use process provides the Board with the ability to define what type of  
4 outside storage could occur, what type of screening is required for the outdoor storage, the number of  
5 vehicles that could be on the property at any given time. She said that she believes that this is a good text  
6 amendment, and the Board had a previous case on Airport Road and all of these issues were dealt with and  
7 the approval appears to have worked very well for that petitioner.

8  
9 Ms. Griest asked the Board if there were any additional questions or comments for staff.

10  
11 Mr. Passalacqua stated that he agrees with the text amendment as written.

12  
13 Ms. Griest stated that she too agrees with the text amendment as written which would permit the Board to  
14 allow minor auto repair as a home occupation as a special use permit that could be regulated. She asked Mr.  
15 Hall if the intent is that if the use is not specifically prohibited then it is allowed.

16  
17 Mr. Hall asked Ms. Griest if she is referring to Mr. DiNovo's question as to how this will be applied within  
18 the one and one-half mile extra-territorial jurisdiction of a municipality that did not explicitly prohibit minor  
19 auto repair as a home occupation.

20  
21 Ms. Griest stated that she is referring to a municipality that does not prohibit or authorize it. She said that if  
22 the municipality was silent then it is allowable.

23  
24 Mr. Hall stated that it might be worth including that text so that the Zoning Administrator knows that he is  
25 following the direction of the County Board.

26  
27 Mr. Passalacqua asked if a municipality that is within one and one-half miles of the subject property would  
28 receive notification of a special use?

29  
30 Mr. Hall stated yes.

31  
32 Mr. DiNovo stated that the problem with the smaller villages is that they generally have part-time zoning  
33 administrators, and one might tell you that minor auto repair as a home occupation is allowed and the next  
34 one might indicate that it isn't. He said that in order to have consistency from town to town and year to year,  
35 it would be better if this was nailed down in the County's Ordinance and not relying on municipal  
36 ordinances.

37  
38 Mr. Hall stated that he would make sure that the City of Champaign's ordinance explicitly prohibits this use.

39  
40 Mr. DiNovo stated that it bothers him that we are delegating our zoning authority, to some extent, to the  
41 municipalities. He said that the municipalities could change the way our home occupation rules work by  
42 changing their zoning ordinance and it would be a lot better if the Champaign County Zoning Ordinance was  
43 just uniform across all of the incorporated territory of the County.

44  
45 Mr. Hall stated that it could if it did less, but recognizing the municipal differences is a way to work with  
46 them and allow greater freedom. He said that we have to work with the municipalities.

47

1 Mr. Randol stated that this could be an issue with any municipality.  
2

3 Mr. Hall stated that if the subject property were within one and one-half miles from an incorporated  
4 municipality then that municipality's ordinance would need to be reviewed, which is why it would be good  
5 for this Board to determine the standard. He asked the Board if they want the standard to be what is  
6 explicitly authorized or is not explicitly prohibited.  
7

8 Mr. DiNovo stated that advantage of saying that the use is allowed unless explicitly prohibited puts the onus  
9 on the municipality, and they can change their ordinance if they do not like it.  
10

11 Ms. Griest agreed with Mr. DiNovo. She said that she would like the standard to say explicitly prohibited in  
12 their ordinance so that it is not an interpretation, but is a clearly delineated standard. She said that if the  
13 municipality does not agree and they amend their ordinance, then the Board would abide by the amended  
14 ordinance. She said that the one and one-half mile jurisdiction for municipalities is a sore spot for her,  
15 because she does not believe that the municipalities should have the authority that they currently have as they  
16 far exceed what they are authorized to do. She asked Mr. Hall to indicate which municipality has  
17 jurisdiction when their ETJ's meet.  
18

19 Mr. Hall stated that there is an explicit agreement between Champaign and Urbana.  
20

21 Ms. Griest stated that north of Urbana there was some swapping that occurred within that area.  
22

23 Mr. DiNovo stated that at one point, the negotiated line only went so far and their inter-governmental  
24 agreement specified that the line only went so far out.  
25

26 Ms. Griest stated that the line goes to Ford Harris.  
27

28 Mr. DiNovo stated that he does not remember the specifics but there was a problem with the fine line,  
29 because as they both continued to annex property there became a point where there was no line. He said that  
30 we are also getting to a point where Savoy and Tolono overlap and he does not believe that they have  
31 negotiated an annexation boundary. He said that the provisions of the line is an annexation boundary,  
32 Champaign can annex west of the line and Urbana can annex east of the line, or an extra-territorial zoning  
33 boundary unless we choose to recognize it as such. He said that this Board would need to indicate in the  
34 Ordinance that the County would recognize any adopted municipal annexation boundary as the boundary for  
35 this purpose. He said that he is not suggesting inclusion of this statement with the proposed amendment, but  
36 it should be placed in the basket of things for the future.  
37

38 Mr. Passalacqua stated that there are changes to the boundaries every week.  
39

40 Mr. Hall stated that he is trying to remember if this concern arises in different portions of the Ordinance, and  
41 he is sure that it does at some varying degrees, but this may be the spot in the Ordinance where it would have  
42 the most affect.  
43

44 Ms. Lee asked Mr. Hall how the one and one-half mile extra-territorial jurisdiction originated.  
45

46 Mr. Hall stated that it is a state law.  
47

1 Ms. Griest asked the Board if there were any additional questions for Mr. Hall and there were none.

2

3 Ms. Griest asked Mr. Hall to indicate any homework assignments for the Board.

4

5 Mr. Hall stated that he is getting the sense that the Board is in support of the amendment, but no final action  
6 can occur tonight. He said that he hopes that the amendment will not take too much of the Board's time,  
7 because it seems to be pretty cut and dried. He said that in any amendment that attempts to closely  
8 coordinate with the municipal ordinances there is always a chance that it will be mired in disagreements, but  
9 he has not heard any of those yet. He said that staff did not provide the full 15-day notice to the  
10 municipalities; therefore, no action can occur tonight and we would not want to rush them on this anyhow.  
11 He said that he has no outstanding questions, because he believes that the amendment is solid, but the Board  
12 may find holes that staff has not seen.

13

14 Mr. Passalacqua asked if the Board could begin the Finding of Fact, or should they wait until a full Board is  
15 present.

16

17 Mr. Hall stated that no action can occur tonight, but the Board could walk through the Finding of Fact  
18 tonight.

19

20 Mr. Passalacqua asked the Board how they would like to proceed.

21

22 Ms. Griest stated that the Finding of Fact should be reviewed by the whole Board after responses from the  
23 municipalities have been received.

24

25 Mr. Randol and Ms. Lee agreed.

26

27 Ms. Griest stated that she is in support of the amendment.

28

29 Ms. Lee asked Mr. Hall if the amendment would affect the farmers.

30

31 Mr. Hall stated that anything considered as agriculture would not be affected by this amendment.

32

33 Mr. DiNovo stated that we are effectively liberalizing Rural Home Occupations and allowing a wider range  
34 of home occupations that could generate more traffic.

35

36 Mr. Hall stated that he does believe that is possible. He said that the Rural Home Occupation standards are  
37 very liberal and staff does not receive many complaints.

38

39 Mr. Passalacqua stated that the square footage limitation would not allow eight cars in a garage for  
40 employees to work on, and at the most there will probably be one vehicle coming in and one going out every  
41 two or three days.

42

43 Mr. Hall stated that the amendment might be too nailed down when you consider how someone will manage  
44 vehicles coming in for repairs and going out when the repair is completed. He said that the Board might see  
45 a swarm of waivers, which would indicate that the amendment is too nailed down and some liberalization  
46 needs to occur on the number of vehicles allowed onsite.

47

1 Mr. Passalacqua stated that he would keep the amendment tight until it is begged differently.

2  
3 Ms. Griest agreed and stated that if there does appear to be a need for liberalization the Board could consider  
4 it at that time if necessary. She said that she would not start out with the amendment being loose.  
5

6 Mr. Randol stated that it could be a case-by-case basis when the permit is requested, depending on the  
7 amount of property that is available.  
8

9 Ms. Lee stated that the requirement that all vehicles parked outdoors on the property must be at least 5 feet  
10 from the side and rear property lines appears to be very close.  
11

12 Mr. Hall stated that is the current standard for parking of any vehicle. He said that someone could say, why  
13 it should not be greater if the vehicle is part of the business, but there really is no difference in the vehicles  
14 and there should not be that many outside anyway.  
15

16 Ms. Lee asked if the five feet applies to indoor parking as well.  
17

18 Mr. Hall stated that the five feet requirement only applies to outdoor parking. He said that as a practical  
19 matter the vehicle would be at least five feet when parked indoors, because accessory buildings generally  
20 have a five-foot yard.  
21

22 Ms. Griest asked the Board if there were any additional questions for staff and there were none.  
23

24 Ms. Griest asked staff if there were any questions for the Board and there were none.  
25

26 Ms. Griest requested a continuance date for Case 873-AT-17.  
27

28 Mr. Hall recommended that Case 873-AT-17 be continued to the August 17, 2017, meeting.  
29

30 Ms. Griest entertained a motion to continue Case 873-AT-17 the August 17, 2017, meeting.  
31

32 **Mr. Passalacqua moved, seconded by Mr. DiNovo, to continue Case 873-AT-17 to the August 17, 2017,**  
33 **meeting. The motion carried by voice vote.**  
34

## 35 **7. Staff Report**

36

37 Mr. Hall informed the Board that a change in County working hours might be possible, which may slow  
38 things down across the board. He said that nine hour workdays are being discussed, but the Department of  
39 Planning and Zoning recommended that the County consider five, seven hour workdays, because it would  
40 have less effect on citizens. He said that the Board should not be concerned but staff did want the Board to  
41 be aware of the possibility of a change in the workweek for staff. He said that no change would occur until  
42 January 1, 2018.  
43

## 44 **8. Other Business**

45 A. Review of Docket  
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47 None

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**9. Audience Participation with respect to matters other than cases pending before the Board**

None

**10. Adjournment**

Ms. Griest entertained a motion to adjourn the meeting.

**Mr. Randol moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 7:44 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Christopher Marx, AICP, Planner I

**DATE:** December 15, 2017

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

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### **Introduction**

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

### **Background**

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

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

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

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

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

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

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

## **Discussion**

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

## **Summary of Findings**

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

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

## Options

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

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

## Recommendation

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

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

cc: John Hall, Champaign County Zoning Administrator

## Exhibit A: Text Amendment Language Changes

(changes to text amendment indicated in strikethrough and underline)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Exhibit B: Champaign County Public Nuisance Ordinance – Section 3.3**

### **3.3 Activities and Conditions Not Constituting Public Nuisances**

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

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

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

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

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

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

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

**REVISED DRAFT 01/11/18**

**873-AT-17**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{January 11, 2018}***

Petitioner: **Zoning Administrator**

Request: Part A. **Amend Sections 7.1.1 and 7.1.2 to require a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I. or 7.1.2J. and specify that the residential use shall remain the principal use on the property and the dwelling on the subject property shall remain the principal building.**

Part B. **Amend Section 7.1.1 to authorize “minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home occupation and subject to several standard conditions including but not limited to a condition that the minor auto repair shall be conducted inside a building and a condition that the total building area occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the dwelling unit area, whichever is greater.**

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## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 15, 2017** and **December 14, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to update the requirements for NEIGHBORHOOD HOME OCCUPATIONS and RURAL HOME OCCUPATIONS in the Zoning Ordinance.
  - A. The City of Urbana has some time ago decided to allow minor auto repair as a home occupation as a special use permit and there is little or no justification for the County Zoning Ordinance to be more restrictive.
  - B. Authorizing Minor Auto Repair as a very restricted type of SUP is arguably better than outright prohibition because it should provide a somewhat easier means to achieve compliance provided that the SUP conditions are not waived too much. This suggests that the ZBA needs to be very careful in approving waivers of the standard conditions.
  - C. Authorizing differences from the standard requirements by means of a SUP rather than by means of a Variance is more consistent with the “no use variance” requirement of Sec. 9.1.9 B.1. of the County Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.
  - A. On December 21, 2017, the Urbana Plan Commission discussed the proposed text amendment for this case. No comments were received, and they recommended that the City Council defeat a resolution of protest.
  - B. On January 16, 2018, the Urbana City Council will vote on the resolution of protest for this text amendment.

## SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

## GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
  - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
  - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

**REGARDING LRMP GOALS**

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment is *NOT RELEVANT* to Goal 5 in general.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. Policies 6.1.1, 6.1.2, and Objectives 6.2, 6.3, and 6.4 and their subsidiary policies are not relevant to the proposed amendment. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:

(1) Policy 6.1.3. states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed amendment will *HELP ACHIEVE* Policy 6.1.3 for the following reasons:

a. For MINOR AUTOMOBILE REPAIR as a Neighborhood Home Occupation:

(a) A Special Use Permit is required, which must comply with the standard conditions for lighting established in Section 6.1.2.

(b) All repair must be done inside a building.

(c) No repair can be conducted between 10:00 p.m. and 9:00 a.m.

b. For MINOR AUTOMOBILE REPAIR as a Rural Home Occupation:

(a) A Special Use Permit is required, which must comply with the standard conditions for lighting established in Section 6.1.2.

(b) Existing Section 7.1.2 M establishes exterior lighting requirements for Rural Home Occupations.

(2) Policy 6.1.4. states, “**The County will seek to abate blight and to prevent and rectify improper dumping.**”

a. Automobile repair was discussed during Case 794-AT-92, which established the division between Rural and Neighborhood Home Occupations, approved by the County Board on February 16, 1993.

- (a) At the February 20, 1992 ZBA meeting, ZBA member E.J. Cornelius questioned why automobile and truck repair would not be permitted. Frank DiNovo (staff member at the time) responded, “One of the most common complaints in the Planning and Zoning office relates to backyard mechanics. Mr. Cornelius added that a lot of farmers work on machinery and things like that because they have the facilities to do it. Mr. DiNovo stated that this is an issue that needs to be carefully considered. The problem is when it happens on an occasional basis, as with farmers, it is not a problem, but on a full time basis people tend to end up with an inventory of junk cars and car parts.”
- (b) At the March 12, 1992 ZBA meeting, staff member Ms. Sommerlad stated, the reason the prohibited uses are included in the home occupation regulations is because these are uses that typically cause problems and generate a lot of complaints. To try to limit some of the problem uses, the amendment regulates vehicles stored on a lot.” ZBA member Mr. Parnell stated, “It is important to keep junkyards, etc. from being established and to prevent the appearance of an automobile repair shop. This is where there are potential problems.”
- (c) At the April 9, 1992 ZBA meeting, Frank DiNovo (staff member at the time) stated, “The concern is that ultimately there could be quite a large number of vehicles, i.e., illegal junkyards. The problem with illegal junkyards includes the blight on the value of the property, and also environmental problems due to the leaking of broken batteries, brake and radiator fluid, oil, etc. that might be spilled on the ground. This is not a problem generally with a small number of vehicles, but with a large number of vehicles, it could be a problem.”

- b. The proposed amendment will *HELP ACHIEVE* Policy 6.1.4, because proposed paragraph 7.1.1 M(9) states, “Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.”

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:  
**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

Goal 9 has 5 objectives and 5 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:  
**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 has 1 objective and 1 policy. Goal 10 is ***NOT RELEVANT*** to the proposed amendment in general.

***REGARDING THE PURPOSE OF THE ZONING ORDINANCE***

16. The proposed amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.  
  
The proposed amendment is consistent with this purpose.
  - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.  
  
The proposed amendment is consistent with this purpose.
  - C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.  
  
The proposed amendment is consistent with this purpose.
  - D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.  
  
The proposed amendment is consistent with this purpose.
  - E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

- 17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
  - A. A classification under which MINOR AUTOMOBILE REPAIR can occur as a HOME OCCUPATION while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
  - B. Continuity with adjacent communities' regulations for MINOR AUTOMOBILE REPAIR.
  - C. A means to regulate an activity for which there is a demand and that is already occurring without authorization in various locations.

## **SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 15, 2017** and **January 11, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goal 6.
  - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 4, 7, 8, and 9.
  - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goals 5 and 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
  - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
  - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

## DOCUMENTS OF RECORD

1. Memo to the Environment and Land Use Committee dated March 7, 2017, with attachments:
  - A City of Urbana Zoning Requirements for Minor Auto Repair Home Occupation dated March 8, 2017
  - B Strikeout Version of Proposed Text Amendments to the Zoning Ordinance dated March 8, 2017
  
2. Preliminary Memorandum dated June 7, 2017, with attachments:
  - A Memo to the Environment and Land Use Committee dated March 7, 2017, with attachments:
    - City of Urbana Zoning Requirements for Minor Auto Repair Home Occupation dated March 8, 2017
    - Strikeout Version of Proposed Text Amendments to the Zoning Ordinance dated March 8, 2017
  
  - B LRMP Land Use Goals, Objectives, and Policies
  
  - C Draft Finding of Fact, Summary Finding of Fact and Final Determination, including updated Strikeout Version of Proposed Text Amendments to the Zoning Ordinance dated June 15, 2017
  
3. Compiled minutes from Case 794-AT-92
  
4. Summary of compiled minutes from Case 794-AT-92 (handed out at June 15, 2017 ZBA meeting)
  
5. Supplemental Memorandum #1 dated January 8, 2018, with attachments:
  - A Approved minutes from June 15, 2017 ZBA meeting
  
  - B Urbana Staff Memo for the December 21, 2017 Urbana Plan Commission meeting
  
  - C Draft Finding of Fact, Summary Finding of Fact and Final Determination, including updated Strikeout Version of Proposed Text Amendments to the Zoning Ordinance dated January 11, 2018

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 873-AT-17** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

## PROPOSED AMENDMENT

Existing Zoning Ordinance text to be removed is indicated with strike-out and gray highlighting (“~~text to be removed~~”).

Proposed text to be added to the Zoning Ordinance is indicated with underlining and yellow highlighting.

### 7.1.1 NEIGHBORHOOD HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE subject to the following standards:

- A. No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.
- B. All business activities shall be conducted entirely indoors, and limited to the DWELLING and no more than one ACCESSORY BUILDING located on the LOT. The DWELLING or ACCESSORY BUILDING shall not be modified and no DISPLAY or activity shall be conducted that would indicate from the exterior that it is being used for any purpose other than that of a residential DWELLING or residential ACCESSORY BUILDING.
- C. No SIGN other than a name plate not more than two square feet in area shall be permitted.
- D. No storage of volatile liquids, flammable gases, hazardous materials, or explosives shall be permitted except as might be kept for normal household use in typical household quantities.
- E. No more than three patrons, clients, congregants, or similar persons may be present on the premises at one time except:
  - i. up to 12 children may be present in day care homes;
  - ii. up to 12 clients, patients or other congregants may be present for religious services, group counselling, or similar purposes not more than three times in any seven day period nor more than twice in one day; and
  - iii. up to 12 patrons may be present at sales parties, open houses or similar events not more than once in any 30 day period;
  - iv. up to eight guests in no more than four guest rooms may be present at one time in a bed and breakfast establishment.
- F. No patrons, clients, or other congregants shall be present on the premises earlier than 9:00 a.m. nor later than 10:00 p.m. except that day care recipients may be present as early as 6:30 a.m.
- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with the exclusive residential use of a similar DWELLING.

H. Deliveries by truck shall be limited to no more than an average of one per week and a maximum of two in any given week for trucks no larger than a standard commercial delivery truck. Deliveries by semi-trailer trucks are prohibited.

I. Prohibited NEIGHBORHOOD HOME OCCUPATION Activities shall include:

1. ~~automobile and truck repair~~ MAJOR AUTOMOBILE REPAIR;
2. MINOR AUTOMOBILE REPAIR within 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation and/ or MINOR AUTOMOBILE REPAIR conducted more than 1½ miles from a municipality or village that prohibits “minor auto repair” as a home occupation but without the approval required by Section 7.1.1M;
3. salvage, recycling and solid waste hauling;
4. sale of articles not produced on the premises except as provided in Section 7.1.1Eiii or as such sales are incidental to the provision of a service;
5. sales of guns and ammunition provided that a Gun Dealers License is obtained from the Federal Bureau of Alcohol, Tobacco and Firearms and sales are made by appointment only subject to the limitations of Section 7.1.1E.

J. Outdoor STORAGE or DISPLAY is prohibited.

K. No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.

L. A NEIGHBORHOOD HOME OCCUPATION that exceeds any of the standards in paragraphs 7.1.1 A. through K. may be authorized by SPECIAL USE Permit provided as follows:

1. The USE is not a prohibited activity in paragraph 7.1.1I.
2. The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

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

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

- a. a location in an area indicated as a future land use other than residential on the relevant comprehensive plan; or
- b. a location subject to an intergovernmental agreement regarding municipal extraterritorial jurisdiction and which is therefore within the extraterritorial jurisdiction of a municipality or village that does explicitly authorize "minor auto repair" as a home occupation; and

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

- a. All MINOR AUTOMOBILE REPAIR shall be conducted inside a building.
- b. No MINOR AUTOMOBILE REPAIR shall be conducted and no customers shall be on the property between the hours of 10:00 p.m. and 9:00 a.m. except that vehicles may be dropped off for repair as early as 6:30 a.m.
- c. No parking shall occur within a public right of way.
- d. No more than two resident vehicles and one customer vehicle may be parked outdoors on the property at any one time, and no customer vehicles may be parked outside between 10:00 p.m. and 6:30 a.m. The customer parking space shall be identified on the approved site plan.
- e. Any vehicle parked outdoors on the property must be intact and have a valid license.
- f. No more than one inoperable vehicle may be parked outdoors on the property at any time.
- g. No vehicle shall leak hazardous materials onto the surface of the ground or onto a paved surface and any leak or spill of hazardous material that does occur shall be immediately and appropriately cleaned up consistent with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.
- h. All vehicles parked outdoors on the property must be at least 10 feet from a FRONT LOT LINE and at least 5 feet from a SIDE or REAR LOT LINE and shall be parked on a surface other than bare ground. This requirement is subject to a variance as authorized in Section 9.1.9.
- i. Storage and/ or use of volatile liquids and hazardous materials in excess of that for normal household use in typical household quantities must be as approved in the SPECIAL USE Permit.

- j. Disposal of used liquids and hazardous materials and used parts must be documented to be in conformance with all relevant state and federal regulations and best management practices must be as approved in the SPECIAL USE Permit.
  - k. Floor drains are prohibited in new buildings proposed to be used for MINOR AUTOMOBILE REPAIR unless installed with an oil separator inspected and approved by the State Plumbing Inspector. Floor drains in existing buildings proposed to be used for MINOR AUTOMOBILE REPAIR shall be blocked off or outfitted with an oil separator that is inspected and approved by the State Plumbing Inspector.
  - l. The ACCESSORY BUILDING AREA occupied by the MINOR AUTOMOBILE REPAIR (including, if applicable, any area for a service counter and waiting area, repair area, material storage, vehicle storage, etc.) shall not exceed 1,500 square feet or more than 150% of the PRINCIPAL BUILDING AREA, whichever is greater, and shall be indicated on a floor plan drawing which shall be part of the approved site plan.
  - m. Evidence of vehicle ownership shall be provided at the request of the Zoning Administrator.
- EN.** All NEIGHBORHOOD HOME OCCUPATIONS shall be registered with the Department of Planning and Zoning on forms prepared by the Zoning Administrator and any NEIGHBORHOOD HOME OCCUPATION authorized by SPECIAL USE Permit shall be required to obtain a Zoning Use Permit in accordance with Section 9.1.2 prior to operation. The fee for the Zoning Use Permit shall be the same as the fee for RURAL HOME OCCUPATION.

- 7.1.2 RURAL HOME OCCUPATIONS** as defined in Section 3, are permitted as an ACCESSORY USE in any DWELLING in the AG-1, Agriculture, AG-2; Agriculture; and CR, Conservation-Recreation DISTRICTS subject to the following standards:
- A. RURAL HOME OCCUPATIONS shall not be located on lots fronting on streets located wholly within a recorded subdivision or within 500 feet of a residential zoning DISTRICT.
  - B. Non-family employees shall only be authorized subject to the following limitations:
    - 1. On lots smaller than two acres in area no more than one employee may be present on that premises and no more than one additional employee may report to the site for work performed off the premises; but
    - 2. On lots that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and

3. All employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and
  4. Family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.
- C. Changes to the exterior of the DWELLING or ACCESSORY BUILDING which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm BUILDING are prohibited.
- D. No more than one SIGN, not more than six square feet in area shall be permitted.
- E. Non-farm MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers used and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers displaying the name of the RURAL HOME OCCUPATION and/or used at any RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
  2. No more than three MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Motor Vehicle Code (*625 ILCS 5/1 et seq*), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Coe (*625 ILCS 5/15-111*).
  3. No more than 10 MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers in total shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.
  4. All MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored in an enclosed BUILDING or parked outdoors subject to the following:
    - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
    - b. Outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE; and

- c. In addition to parking spaces for MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, subject to the following:
- (1) No parking shall occur in the STREET RIGHT OF WAY.
  - (2) The requirements of Section 7.4 notwithstanding, all off-street parking and outside STORAGE of MOTOR VEHICLES and/or any licensed semitrailer and/or licensed pole trailer that is visible from and located with 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:
    - (a) Any required SCREEN shall meet the requirements of paragraph 4.3.3H.
    - (b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along a REAR LOT LINE.
    - (c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer than weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/or licensed pole trailers.
  - (3) The requirements of Section 7.4 notwithstanding, loading berths are not required for RURAL HOME OCCUPATIONS.
  - (4) The requirements of Section 7.4 notwithstanding, paragraph 7.4.1D.2. shall not be applicable to any parking at a RURAL HOME OCCUPATION.

F. Non-farm equipment and supplemental equipment attachments that may be stored and/or used at any RURAL HOME OCCUPATION shall be limited as follows:

1. The number of complete pieces of equipment that are motorized or non-motorized and/or the number of supplemental equipment attachments that may be stored and/or used outdoors at a RURAL HOME OCCUPATION

shall be within the limits established in this paragraph and subject to the following:

- a. Equipment shall include any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; devices mounted on trailers and any agricultural equipment used for non-agricultural uses.
  - b. Equipment does not include MOTOR VEHICLES or licensed semitrailers or licensed pole trailers; hand tools or bench tools or tools mounted on a table or wheel barrow or similar tools.
  - c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE.
  - d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a BUILDING but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor STORAGE and/or used outdoors exceed the limits of paragraphs 7.1.2F.2. and 7.1.2F.3.
  - e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.
2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/or used outdoors subject to the following:
- a. The number of complete pieces of equipment that may be kept in outdoor STORAGE and/or used outdoors shall be reduced by the number of MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed BUILDING.
  - b. When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment.
  - c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.
  - d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the

semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.

3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/or used outdoors.
4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/or used outdoors must be stored or used at least 10 feet from any LOT LINE and screened as required by paragraph 7.1.2K. except as follows:
  - a. Equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE, in which case the required SCREEN shall be as required in paragraph 7.1.2E.
  - b. When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross vehicle weight), in which case no SCREEN is required unless the total number of MOTOR VEHICLES (each weighing less than 15,000 pounds gross vehicle weight) and equipment is more than four in which case the required SCREEN shall be as required by 7.1.2E.4.c.
- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernable at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE.
- H. No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
- I. Off-street parking spaces shall be provided subject to the provisions of Section 7.4 for all employees and patrons.
- J. Prohibited RURAL HOME OCCUPATION activities shall include:
  1. outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
  2. outdoor automobile or truck repair OPERATIONS;
  3. salvage or recycling STORAGE or OPERATIONS;
  4. outdoor storage of any vehicle equipment or container used for solid waste hauling;
  5. retail sale of articles not produced on the site except grain seed sales or as such sales are incidental to the provision of a service.

- K. Outdoor sales DISPLAY shall be limited to items produced on-site, shall occupy an area no larger than 500 square feet, and shall not be permitted in required SETBACKS or the SIDE and REAR YARDS.
  
- L. Outdoor STORAGE used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be screened as follows:
  - 1. Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.
  
  - 2. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances:
    - a. Any point within the BUILDING RESTRICTION LINE of any lot located in any R DISTRICT or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or
  
    - b. Any designated urban arterial street or MAJOR STREET.

**M.** A RURAL HOME OCCUPATION that exceeds any of the standards in paragraphs 7.1.2 A. through M. may be authorized by SPECIAL USE Permit provided as follows:

(1) The USE is not a prohibited activity in paragraph 7.1.2 J.

(2) The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.

**N.** Any exterior lighting for Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or a new building with exterior lighting authorized after November 21, 2013, for any RURAL HOME OCCUPATION shall be required to minimize glare from exterior lighting onto adjacent properties and roadways by the following means:

- 1. All exterior lighting shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass onto adjacent properties. Full-cutoff means that the lighting fixture emits no light above the horizontal plane.
  
- 2. No lamp in any exterior lighting fixture shall be greater than 250 watts.

3. Locations and numbers of exterior lighting fixtures used to illuminate the RURAL HOME OCCUPATION shall be indicated on the site plan (including floor plans and building elevation).
4. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all light fixtures.
5. The requirements of this paragraph 7.1.2M. shall only apply to lighting for any Outdoor STORAGE and/or OPERATIONS, and/or parking area, and/or building exterior that is part of a RURAL HOME OCCUPATION established after November 21, 2013 or any new Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or building exterior that is added after November 21, 2013 to any existing RURAL HOME OCCUPATION and shall not apply to any existing Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or building exterior that existed at any duly authorized RURAL HOME OCCUPATION on November 21, 2013.

**O.** Applicability and nonconformities.

1. The requirements of paragraphs 7.1.2E. and 7.1.2F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.
2. The requirements of paragraphs 7.1.2E. and 7.1.2F. and the requirements of Section 8 notwithstanding:
  - a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be at that RURAL HOME OCCUPATION.
  - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2N.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

**P.** All RURAL HOME OCCUPATIONS shall obtain a Zoning Use Permit in accordance with Section 9.1.2 of the Champaign County Zoning Ordinance prior to operation.