

# CASE NO. 732-AT-12

## SUPPLEMENTAL MEMORANDUM

April 11, 2013

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**  
**Andy Kass, Associate Planner**

Request: Amend the Champaign County Zoning Ordinance as follows:

**Part A. Revise paragraph 7.1.2B. as follows:**

- (1) Strike "non-family" and replace with "non-resident".
- (2) Revise subparagraph 7.1.2B.i. to strike "five acres" and replace with "two acres in area"; and renumber the subparagraph to 7.1.2B.(1).
- (3) Revise subparagraph 7.1.2B.ii. to strike "five acres" and replace with "that are two acres in area"; add the phrase "and provided that"; and renumber the subparagraph to 7.1.2B.(2).
- (4) Add new subparagraph 7.1.2B.(3) to authorize that all employees may be present and working on the premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated by other business considerations.
- (5) Add new subparagraph 7.1.2B.(4) to authorize that family members who are residents of the property when the HOME OCCUPATION is operating but who 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.

**Part B. Revise paragraph 7.1.2E. as follows:**

- (1) Strike "Second Division vehicle as defined by the Illinois Vehicle Code" and replace with "MOTOR VEHICLES"; and add the phrase "and parked at".
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike "vehicles over 8,000 lbs. gross weight" and replace with "MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)"; and add the phrase "and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)".
- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike "vehicles" and replace with "MOTOR VEHICLES"; and strike "vehicles under 8,000 lbs. gross vehicle weight"; and insert "licensed"; and strike "and off-road vehicles"; and insert the phrase "or owner".
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike "Second Division vehicles" and replace with "MOTOR VEHICLES and licensed trailers"; and strike "indoors" and replace with "in an enclosed building"; and add "outdoors subject to the following minimum separations for outdoor parking:"; and add the following subparagraphs:
  - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
  - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.

- (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
  - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
  - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

**Part C. Add new paragraph 7.1.2F. as follows:**

- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
- (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).

**Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.**

**Part E. Revise paragraph 7.1.2K. as follows:**

- (1) Add the phrase “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:”.
- (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
- (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.

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**STATUS**

A simplified revision to the working definition of “equipment” and a “no limit” alternative to equipment attachments are proposed. Necessary revisions to the RHO Application Form are also reviewed.

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## Revision to the Definition of Equipment

The following revision to the working definition of “equipment” is recommended (the changes are indicated in yellow highlighting):

### ANNOTATED

- F. Non-farm equipment and supplemental equipment attachments that may be stored outdoors and/ or used outdoors 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 and used in any way for that may be stored outdoors and/ or used outdoors at in any way for the a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:
    - a. Complete pieces of Equipment shall include, but not be limited to, any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; bucket loaders; road graders; bulldozers; trenchers; backhoes; riding lawn mowers; 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 barrows or similar tools.

### NON-ANNOTATED

- F. Non-farm equipment and supplemental equipment attachments that may be stored outdoors and/ or used outdoors 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 outdoors 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 barrows or similar tools.

### Alternative Approach to the Limit on Equipment Attachments

The following revision to paragraph 7.1.2 F.3. eliminates the proposed limit on equipment attachments but clearly requires that attachments that are used outdoors or kept in outdoor STORAGE must be screened:

3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/or used outdoors ~~subject to the following:~~
  - a. ~~The maximum number of supplemental equipment attachments that may be kept in outdoor STORAGE and/or used outdoors is 15 but that limit shall be reduced by the number of MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers and/or complete pieces of equipment that are also parked or used outdoors.~~
  - b. ~~Supplemental equipment attachments that are attached to equipment shall not be counted separately from that piece of equipment.~~
  - c. ~~When supplemental equipment attachments are on a trailer other than a semitrailer or pole trailer, the trailer and all supplemental equipment attachments on the trailer are all counted as only one piece of equipment and when the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.~~

### Revisions to the RHO Application Form

The Rural Home Occupation Application Form is included as Attachment A and Draft revisions to the Rural Home Occupation Application Form based on the Revised Draft amendment are included as Attachment B.

### ATTACHMENTS

- A Rural Home Occupation Application Form
- B Draft Revisions to Rural Home Occupation Application Form

Champaign County  
 Department of  
**PLANNING & ZONING**  
 1776 E. Washington Street  
 Urbana, Illinois 61802  
 Telephone: (217)384-3708  
 FAX: (217)819-4021  
 Hours: 8:00 am - 4:30 pm

FOR OFFICE USE ONLY	
Township _____	
Section _____ T _____ N _____	
Tax Parcel No. _____	
Permit Application No. _____	
Receipt No. _____	Date _____
Zoning District _____	Lot Area _____

**RURAL HOME OCCUPATION PERMIT APPLICATION**

All information requested **must** be completed on this application. Attach additional pages, if necessary. Applicants are encouraged to visit this office and assistance will be given in filling out this form. If possible, please call (217) 384-3708 for an appointment to avoid delays.

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Application is hereby made for a Zoning Use Permit for a RURAL HOME OCCUPATION as required under the Zoning Ordinance for Champaign County, Illinois. In making this application, the applicant represents all of the following statements and any attachments as a true description of the proposed RURAL HOME OCCUPATION to be carried on in the house and/or accessory buildings on the property described herein. The permit fee for a RURAL HOME OCCUPATION is \$33.00.

Owner and/or Lessee of the Property: \_\_\_\_\_ Telephone: \_\_\_\_\_

Property Owner or Agent, if other than Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Address of Proposed RURAL HOME OCCUPATION: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Size of Parcel: \_\_\_\_\_

**SPECIFICS OF RURAL HOME OCCUPATION**

- Name of RURAL HOME OCCUPATION (Assumed Name, if any): \_\_\_\_\_  
 \_\_\_\_\_
- Name of Proprietor(s) of RURAL HOME OCCUPATION (if different than owner): \_\_\_\_\_  
 \_\_\_\_\_
- Name and address of any other person having an ownership interest in the RURAL HOME OCCUPATION:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Brief description of the nature of the RURAL HOME OCCUPATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Number of Employees other than resident family members: Full time: \_\_\_\_\_ Part time: \_\_\_\_\_
- If you will have a sign advertising the RURAL HOME OCCUPATION, describe the size, height, type (freestanding or wall mounted), and the location (show on site plan): \_\_\_\_\_  
 \_\_\_\_\_

7. Explain which portions of the house and/or any accessory building to be used in the operation of the RURAL HOME OCCUPATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
8. Describe any commercial vehicle(s) to be kept on site (make, model, and license #): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. List all **types and quantities** of solvents, acids, paints, organic chemicals, heavy metals, flammable liquids, compressed gases, or other hazardous or potentially hazardous materials used in the RURAL HOME OCCUPATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
10. Identify any products offered for sale: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
11. Other Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
12. Attach a Site Plan Showing:
- |   |  |
|---|--|
| a. Property Boundaries  | e. Outdoor Sales Display Area                              |
| b. Street Access  | f. Outdoor Storage Area                                    |
| c. Location of all Buildings (identify buildings used in RURAL HOME OCCUPATION)               | g. Parking Area for Vehicles Used in RURAL HOME OCCUPATION |
| d. Parking Areas (Minimum 9' x 20' - 1 per Non-Resident Employee, 1 Guest and 2 for Dwelling) | h. Location of Sign (if any)                               |

I/We am/are the proprietor(s) and owners or lessees of the above described property and RURAL HOME OCCUPATION business and have received a copy of , and have read Section 7.1.2 of the *Champaign County Zoning Ordinance*, relating to **RURAL HOME OCCUPATION** regulations, and fully understand them.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

.....  
**DO NOT WRITE BELOW THIS LINE**  
 .....

Permit issued ( ) Permit Number: \_\_\_\_\_ DATE: \_\_\_\_\_

Permit denied ( ) Cause: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Signature of Enforcing Officer

ADDITIONAL COMMENTS:  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attachment B: Draft Revisions to Rural Home Occupation Application Form**

APRIL 11, 2013

**1. Revise item 5 on the RHO Application to read as follows:**

5. Number of on-site employees other than resident family members:  
 Full time: \_\_\_\_\_ Part time: \_\_\_\_\_

**2. Revise item 8 on the RHO Application to read as follows:**

8. ~~Describe any commercial~~ Identify all vehicles to be kept used in the home occupation that will be on-site at anytime.

a. Identify any vehicles that are either a truck tractor and/ or a vehicle with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq). Please identify each truck tractor and tandem axle as indicated below and include make, model, year, color, and license # (indicate "NA" if not applicable):

<u>Check if :</u>		<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Number</u>
<u>TRUCK TRACTOR</u>	<u>TANDEM AXLE</u>					

b. List all other vehicle(s) and licensed semitrailers and licensed pole trailers used in the home occupation that will be on-site at anytime. Please identify the make, model, year, color, license #, and gross vehicle weight for each. (indicate "NA" if not applicable):

<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Number</u>	<u>Gross Vehicle Weight</u>

c. Indicate how many employee vehicles and/ or patron vehicles may be on-site at anytime (indicate "NA" if not applicable):

Employee vehicles \_\_\_\_\_

Patron vehicles \_\_\_\_\_





**Attachment B: Draft Revisions to Rural Home Occupation Application Form**  
**APRIL 11, 2013**

**5. Insert a new item 11 on the RHO A (and renumber) as follows:**

11. Please list all home occupation activities that will be occurring outdoors on the property and indicate where the activities will be occurring on the site plan (indicate "NA" if not applicable):

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**6. Revise existing item 12 to read as follows:**

12. Attach a Site Plan ~~Showing~~ that indicates the following:

- |  |   |
|--|---|
| a. Property boundaries and <u>overall dimensions of property</u>   | g. Outdoor storage area ( <u>indicate overall dimensions and distance(s) from property line(s) and any required screening</u> ) |
| b. Street access   | h. Outdoor Sales Display Area( <u>indicate overall dimensions and distance(s) from property line(s)</u> )                       |
| c. Location of all existing and proposed buildings on the property and identify all proposed buildings and each building used in the home occupation   | i. <del>Parking Areas for Vehicles Used in the Business</del>   |
| d. <u>Water well (if present)</u>  | j. Location of any business sign <u>advertising the home occupation</u>   |
| e. <u>Septic field or sewer location</u>   |   |
| f. <u>Parking areas for all vehicles listed on the application (include dimensions and distance(s) to property line(s) and any required screening (Minimum space 9' x 20' )—1 per Non-Resident Employee, 1 Guest and 2 for Dwelling)</u> |   |
|  | i.  |