

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **September 26, 2013**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (July 11, 2013 and July 25, 2013)
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Case 685-AT-11 Petitioner: Zoning Administrator

- Request: **Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:**
- (1) **Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
 - (2) **Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
 - (3) **Require a minimum driveway separation between driveways in the same development;**
 - (4) **Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
 - (5) **Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
 - (6) **Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;**
 - (7) **Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

Case 732-AT-12 Petitioner: Zoning Administrator

- 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.**

**CHAMPAGIN COUNTY ZONING BOARD OF APPEALS
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Case 732-AT-12 cont:

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.

Case 756-AT-13 Petitioner: Champaign County Zoning Administrator

Request:

Amend the Champaign County Zoning Ordinance as follows:

Amend Paragraph 7.1.2L. to add a requirement that any new RURAL HOME OCCUPATION with any new exterior lighting for an outdoor storage area, and/or outdoor operations area, and/or parking area, and/or new building with exterior lighting or any wholly new outdoor storage area that is lighted or wholly new outdoor operations area that is lighted or parking area that is lighted, and/or new building with exterior lighting, that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

**CHAMPAGIN COUNTY ZONING BOARD OF APPEALS
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6. New Public Hearings
 7. Staff Report
 8. Other Business
 - A. Review of docket
 9. Audience Participation with respect to matters other than cases pending before the Board
 10. Adjournment
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5 **MINUTES OF REGULAR MEETING**
6
7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
8 **1776 E. Washington Street**
9 **Urbana, IL 61802**

10
11 **DATE: July 11, 2013** **PLACE: Lyle Shields Meeting Room**
12 **1776 East Washington Street**
13 **TIME: 7:00 p.m.** **Urbana, IL 61802**

14
15 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
16 Passalacqua

17
18 **MEMBERS ABSENT :** Roger Miller

19
20 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

21
22 **OTHERS PRESENT :** Alan Singleton, Elista Dimitrova, Khalid Hussain

23
24
25 **1. Call to Order**

26
27 The meeting was called to order at 7:01 p.m.

DRAFT

28
29 **2. Roll Call and Declaration of Quorum**

30
31 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

32
33 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
34 sign the witness register for that public hearing. He reminded the audience that when they sign the
35 witness register they are signing an oath.

36
37 **3. Correspondence**

38
39 None

40
41 **4. Approval of Minutes (May 1, 2013)**

42
43 Mr. Thorsland requested that the Board continue its review of the submitted minutes and delay the approval
44 of the May 1, 2013, minutes until the July 25, 2013, meeting. He said that the May 1, 2013, minutes will be
45 heavily scrutinized therefore he would like to make sure that the Board has had adequate time to review
46 the minutes for edits or corrections.

47
48 Mr. Thorsland entertained a motion to place the May 1, 2013, minutes on the July 25, 2013, agenda for
49 approval.

50
51 **Ms. Capel moved, seconded by Mr. Palmgren to place the May 1, 2013, minutes on the July 25, 2013,**
52 **agenda for approval. The motion carried by voice vote.**
53

1 Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 754-V-13, KH Farms, Inc. with
2 owner Khalid Hussain prior to Case 757-AT-13, Zoning Administrator.

3
4 **Ms. Capel moved, seconded by Mr. Courson to rearrange the agenda and hear Case 754-V-13, KH**
5 **Farms, Inc. with owner Khalid Hussain prior to Case 757-AT-13, Zoning Administrator. The motion**
6 **carried by voice vote.**

7
8 Mr. Thorsland called Case 754-V-13.

9
10
11 **5. Continued Public Hearing**

12
13 **Case 757-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
14 **Champaign County Zoning Ordinance as follows: Part A. Adopt an updated Flood Insurance Study**
15 **with an effective date of October 2, 2013; and Part B. Adopt updated Digital Flood Insurance Rate**
16 **Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new**
17 **maps can be viewed at www.illinoisfloodmaps.org; and Part C. Adopt a new Special Flood Hazard**
18 **Area Ordinance based on the minimum requirements of the National Flood Insurance Program**
19 **(NFIP) and the State of Illinois.**

20
21 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
22 sign the witness register for that public hearing. He reminded the audience that when they sign the
23 witness register they are signing an oath.

24
25 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

26
27 Mr. John Hall, Zoning Administrator, recommended that the Board do the same with this case that they did
28 with Case 754-V-13 which is to work through the findings so that it is ready for final approval at the next
29 meeting. He said that pages of evidence could be added indicating all of the good stuff that this amendment
30 will do but frankly even by the next meeting staff will not have had time to do that. He said that he wanted
31 the Board to know that there are still many problems with the model ordinance but we simply have to adopt
32 it and then continue to work on the problems. He said that one problem in the model ordinance is in regards
33 to the crawlspace requirements. He said that recently the office had a permit submitted which indicated that
34 the existing grade was no more than one foot below the base flood elevation and that the building could not
35 be located outside of the mapped floodplain. He said that the flood waters are only one foot in depth but the
36 flood requirements still require that flood vents be installed. He said that he does not agree that flood vents
37 are necessary but FEMA does not listen to the Champaign County Zoning Administrator. He said that staff
38 will continue to work on issues like this and there may be another round of amendments after this case is
39 adopted. He said that he has found that the state employees who are responsible for making sure that the
40 County is meeting FEMA requirements are very reasonable, if you take the time to work with them.

41

1 Mr. Hall stated that there are things that he hopes we can change about this ordinance once it gets in place
2 but staff and the Board are not going to have time to make all of those changes right now. He said that as it
3 stands right now the model ordinance is much better than the current ordinance therefore we are not making
4 things worse and are making things better and we intend to make it even more better in the future. He said
5 that staff needs to get handouts prepared but staff has not had time to do that as part of this amendment. He
6 said that when the handouts are ready for review staff will present them to the ZBA for review to make sure
7 that they are not misleading and that they do their job.
8

9 Mr. Hall stated that the Board received a Draft Finding of Fact in their mailing packets for review. He said
10 that staff didn't find that the proposed amendment was terribly relevant to the LRMP and the best that staff
11 can say is that it will help achieve the purpose of the Ordinance and help improve the Ordinance. He said
12 that staff has a couple of ways that the amendment will improve the Ordinance and that information will help
13 in determining what properties will be subject to the floodplain regulations. He said that the amendment will
14 update the existing Special Flood Hazard Area Ordinance and will meet state and federal requirements in
15 order to allow Champaign County to continue participation in the National Flood Insurance Program. He
16 said that he will leave it up to Board whether they want to put something in the Finding of Fact that makes it
17 clear that there are other improvements that can and should be made in the future but given the pressing need
18 to get it adopted the Zoning Board of Appeals did not take the time to do that at this time. He said that since
19 time is so pressing perhaps the Board should keep this as simple as possible and take up those issues at a
20 later date.
21

22 Mr. Thorsland stated that the Board could create a Finding #4 to indicate that while excellent the model
23 ordinance could be improved to best suit Champaign County's unique characteristics.
24

25 Mr. Kass stated that the Board could insert that the Ordinance could be improved at a later date to reflect the
26 unique characteristics of Champaign County.
27

28 Mr. Hall stated that it should be noted that this is an improvement to the existing ordinance.
29

30 Mr. Kass stated that Finding #4 could indicate the following: While this is an improvement over the existing
31 Special Flood Hazard Area Ordinance the model ordinance could use improvements at a later date.
32

33 Mr. Hall stated that staff will work on new Finding #4 and include it for the Board's review at a later date.
34

35 Mr. Passalacqua asked Mr. Hall if it is the Zoning Board of Appeals who is the responsible party to ensure
36 federal compliance.
37

38 Mr. Hall stated that it is up to the Zoning Administrator to ensure compliance.
39

40 Ms. Capel stated that this is a federal guideline which is being adopted into a county ordinance.
41

1 Mr. Hall stated that it is a federal guideline written into a state model ordinance that the County must adopt
2 and they allow the County to make several changes to help the County's citizens.
3

4 Mr. Passalacqua stated that when a label is placed upon the property the homeowner can insure that property
5 properly.
6

7 Mr. Thorsland stated that the Summary Finding of Fact should be reviewed by the entire Board for
8 discussion at the July 25th meeting.
9

10 Mr. Passalacqua asked Mr. Hall what substantial changes can be made to the Ordinance if we have to make
11 sure that it follows the federal guidelines.
12

13 Mr. Hall stated that it is a matter of discussing them with the state.
14

15 Mr. Passalacqua stated that they are not going to allow the County to strike the requirement of flood vents in
16 a crawlspace.
17

18 Mr. Hall stated that they might if it is limited to those instances when the existing grade is no more than one
19 foot below the base flood elevation. He said that he does not believe that it has occurred to them that they
20 are not accomplishing anything when there is only one foot except making more problems and it is their
21 view that a little more fill should be brought in to solve the problem. He said that this is just an example of a
22 phone call that staff has into the State office and they have not had time to reply but perhaps they will have
23 time to apply by the next meeting.
24

25 Mr. Passalacqua asked Mr. Hall if the maps will be revised.
26

27 Mr. Hall stated yes. He said that on July 17, 2012, he approved a Zoning Use Permit for a house that was on
28 a major drainage ditch and using the current maps with a scale it was determined to be outside of the mapped
29 floodplain. He said that shortly thereafter the new flood maps were received but the old flood maps were the
30 adopted maps for the County at the time of approval. He said that on July 17, 2013, the construction must be
31 completed, and it is, and a Zoning Compliance Inspection is required. He said that the new flood maps
32 indicate that the house is located within the floodplain.
33

34 Mr. Passalacqua asked Mr. Hall if the subject property has a history of getting wet.
35

36 Mr. Hall stated that staff will discover that when the elevation information is completed because staff was
37 originally concerned about connection to the floodplain. He said that conditions were placed on the Zoning
38 Use Permit to ensure that the construction is above the base flood elevation and that it was built properly.
39

40 Mr. Passalacqua asked Mr. Hall if since the property is now located in the floodplain on the new maps if the
41 homeowners will take a hit on their insurance.

1
2 Mr. Hall stated that he doubts that it will make a change because the property always went to the center of
3 the ditch and there was always a part of the property that was located in the floodplain. He said that staff
4 required elevations to prove that the construction was above so it depends on the finance company. He said
5 that the area that the property is located in is an area with very large mortgages therefore it is almost certain
6 that the homeowner will need to obtain flood insurance. He said that in instances like this the new flood
7 maps will be problematic for existing homeowners in the County.

8
9 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

10
11 Mr. Thorsland entertained a motion to continue Case 757-AT-13 to the July 25, 2013, meeting.

12
13 **Mr. Courson moved, seconded by Ms. Capel to continue Case 757-AT-13 to the July 25, 2013, meeting.**
14 **The motion carried by voice vote.**

15
16 **6. New Public Hearings**

17
18 **Case 754-V-13 Petitioner: KH Farms, Inc. with owner Khalid Hussain Request to authorize the**
19 **following in the AG-1 Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the**
20 **minimum required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the**
21 **minimum required 200 feet. Location: Lot 1 of KH Farms Subdivision in the Southwest Quarter of**
22 **Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N,**
23 **Champaign.**

24
25 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
26 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
27 of hands for those who would like to cross examine and each person will be called upon. He requested that
28 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
29 those who desire to cross examine are not required to sign the witness register but are requested to clearly
30 state their name before asking any questions. He noted that no new testimony is to be given during the cross
31 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
32 from cross examination.

33
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
35 sign the witness register for that public hearing. He reminded the audience that when they sign the
36 witness register they are signing an oath.

37
38 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

39
40 Mr. Alan Singleton, attorney for the petitioner, stated that Mr. Hussain is the owner of KH Farms, Inc.,
41 which is actually the petitioner in this case. He said that Mr. Hussain will not speak this evening unless the

1 Board has specific questions.
2

3 Mr. Singleton stated that in 2005 Mr. Hussain purchased property which included the subject property and
4 the property located to the west. He said that the historic farm house was in drastic need of repair and the
5 historic barn and metal machine shed required remodeling as well. Mr. Singleton stated that Mr. Hussain
6 purchased the home with the mindset that he would remodel it and make it his family home and Mr. Hussain
7 invested thousands of dollars in remodeling the barn and the house. He said that Mr. Hussain installed new
8 flooring in the house as well as new plumbing, roof, and kitchen. He said that Mr. Hussain enclosed the
9 open back porch and constructed a second story porch on top and he also constructed a new open front
10 porch. Mr. Singleton stated that staff has indicated that a Zoning Use Permit and fees were required for the
11 new construction therefore Mr. Hussain will submit that application and fees as soon as possible.
12

13 Mr. Singleton stated that Mr. Hussain has spent a substantial amount of money remodeling the barn. He said
14 that unfortunately due to Mr. Hussain's family situation, he manages a motel in Rantoul where he resides at
15 with his wife, Mr. Hussain is unable to reside at the subject property. Mr. Singleton stated that Mr. Hussain
16 decided that he would sell the property and contacted Nick Taylor at Remax Realty, for assistance with the
17 sale. Mr. Singleton stated that the historic barn was sold to the neighbor to the west of the subject property
18 and it was assumed that the sale was permitted under a plat act exception. He said that when Mr. Hussain
19 subsequently attempted to sell the home and entered into a sales contract it was discovered that there was a
20 zoning issue which must be remedied therefore the buyer backed out of the sales contract. Mr. Singleton
21 stated that the realtor indicated that the subject property's zoning issue must be cleared up prior to any
22 further progress on a sale therefore the Village of Bondville was contacted to obtain written approval of the
23 division of the property. Mr. Singleton stated that Bondville indicated that they did not have an issue with
24 the division therefore a subdivision plat was approved by Bondville and is included in the Board's packet for
25 review. He said that in order to get everything cleaned up a variance is required by the County for lot size
26 and lot width.
27

28 Mr. Singleton stated that during his discussions with staff the subject of the septic system was mentioned.
29 He said that he did determine the location of the septic tank on the property and Mr. Hussain believes, but is
30 not positive, that the laterals run to the north. Mr. Singleton noted that the septic tank is indicated on the
31 subdivision plat.
32

33 Mr. Singleton stated that currently the house is vacant and it is located in a beautiful location. He said that
34 basically the area has two houses with a historic barn situated between them. He said that the area is very
35 peaceful but when a house is vacant in a rural area it is open to intrusion and vandalism. He said that Mr.
36 Hussain would like to have the home occupied as a single family residence and owned by someone who
37 could maintain and respect it.
38

39 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.
40

41 Mr. Thorsland asked if staff had any questions for Mr. Singleton and there were none.

1
2 Mr. Thorsland asked Mr. Hussain if he had any information to add and he did not.

3
4 Mr. Thorsland called John Hall.

5
6 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated July 11, 2013, to the
7 Board for review. He said that the new memorandum includes proposed evidence and revisions and a
8 special condition. He said that the proposed evidence, Item 5.B.(1) is in regard to the additions of the home
9 with no Zoning Use Permit and Item 7 indicates that there are no records regarding the existing septic system
10 on the subject property. He said that the new memorandum includes a revision to Item 8.D. regarding the
11 purchase of additional land and expansion of the lot. He read revised Item 8.D. as follows: Regarding the
12 purchase of addition land and expansion of the lot: (1) The petitioner has not pursued purchasing additional
13 land in order to meet the minimum lot area or width requirements; and (2) 90 feet of additional width is
14 needed for the lot to meet the minimum required lot width of 200 feet; and (3) 0.076 acre of land is needed
15 to meet the minimum required lot area of 1 acre; and (4) Expanding the lot to the north would increase the
16 area of the lot, but would not increase the width of the lot; and (5) Expanding the lot to the east would
17 require taking agricultural land out of production; and (6) Regarding expansion of the lot to the west: (a)
18 Expanding the lot to the west is feasible, and the petition may be able to purchase enough land to meet the
19 average lot width and lot area requirements; and (b) There is an existing barn on the property to the west that
20 is approximately 90 feet from the shared property line. It is possible that expanding 90 feet could result in
21 the barn being on the property line, or very close to it; and (c) the area to the west may not be adequate for a
22 septic system because it appears to have been an area for animal grazing in the past and the soils are likely
23 compacted, and may not accommodate a septic system. He said that Item 8.F should be deleted. He said
24 that the following special condition is proposed:

- 25
26 **A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning**
27 **Use Permit Application (ZUPA) for any previous renovations that may have expanded**
28 **the footprint of the existing home.**

29 The above special condition is required to ensure the following:

30 **To ensure compliance with the *Zoning Ordinance* requirements.**

31
32 Mr. Hall stated that Mr. Singleton did submit an e-mail regarding record of the existing septic system, as
33 attached to the new Supplemental Memorandum, for the Board's review. Mr. Hall stated it is up to the
34 Board whether or not to include the proposed special condition but a ZUPA is required and the fees will not
35 be substantial. He said that it is his view that the proposed special condition is not harmful but it is up to the
36 Board and obviously the petitioner has to agree to the condition.

37
38 Mr. Passalacqua asked Mr. Hall if a report regarding the sanitary system is necessary.

39
40 Mr. Hall stated that under the terms of the Ordinance, it is his view that the Board does not need a report on
41 the sanitary system. He said that the lot is very close to being one acre which is the most critical part of the

1 minimum lot requirement.

2

3 Mr. Passalacqua asked if the new sanitary regulations would require a report.

4

5 Mr. Hall stated that the new regulations have not been adopted and even if they had been the property is still
6 almost one acre.

7

8 Mr. Passalacqua asked if the new sanitary regulations would only apply to new systems.

9

10 Mr. Hall stated that if the new regulations were in place then this case might merit a little more scrutiny but
11 they have not been adopted. He said that the property is almost one acre therefore it would be hard to
12 believe that a septic system could not be placed on the property.

13

14 Mr. Passalacqua stated that it would be up to the buyer to have a septic report generated therefore he is fine
15 with that.

16

17 Mr. Thorsland asked Mr. Hall if staff is positive that all of the laterals are located on the subject property.

18

19 Mr. Hall stated that no one knows where the laterals are actually located.

20

21 Mr. Thorsland stated that presumably a Zoning Use Permit will be applied for therefore it is up to the Board
22 whether or not to include the proposed special condition.

23

24 Mr. Passalacqua asked Mr. Hall if the Zoning Use Permit requires a septic inspection.

25

26 Mr. Hall stated no.

27

28 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

29

30 Mr. Thorsland asked the Board if there were any questions for Mr. Hussain and there were none.

31

32 Mr. Hall stated that he trusts that the Board saw the note included in the Preliminary Memorandum dated
33 July 5, 2013, regarding the legal notice error.

34

35 Mr. Thorsland stated yes, but the Board could work through the Summary of Evidence and Findings of Fact
36 tonight and complete the Final Determination at the next meeting. He said that the proposed evidence from
37 the Supplemental Memorandum can be added to the Summary of Evidence.

38

39 Mr. Passalacqua asked staff if the petitioner is aware of legal notice error and that the Final Determination
40 cannot take place at tonight's meeting.

41

1 Mr. Kass stated that the petitioner is aware of the situation.

2
3 Mr. Thorsland stated that he agrees with the inclusion of the proposed special condition A. He asked the
4 Board if a condition should be made regarding a septic inspection.

5
6 Mr. Passalacqua stated that no special condition should be required regarding a report for the existing septic
7 system.

8
9 Mr. Thorsland read the proposed special condition as follows:

- 10
- 11 **A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning**
- 12 **Use Permit Application (ZUPA) for any previous renovations that may have expanded**
- 13 **the footprint of the existing home.**

14 The above special condition is required to ensure the following:

15 **To ensure compliance with the *Zoning Ordinance* requirements.**

16
17 Mr. Thorsland asked the petitioner if he agreed to the special condition.

18
19 Mr. Singleton, attorney for the petitioner, indicated that the petitioner does agree to the special condition as
20 read.

21
22 Mr. Thorsland entertained a motion to approve the special condition as read.

23
24 **Mr. Passalacqua moved, seconded by Mr. Palmgren to approve the special condition as read. The**
25 **motion carried by voice vote.**

26
27 Mr. Thorsland stated that new Item #7 should be added to the Documents of Record as follows:
28 Supplemental Memorandum dated July 11, 2013 with attachments.

29
30 **Findings of Fact for Case 754-V-13:**

31
32 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
33 754-V-13 held on July 11, 2013 and July 25, 2013, the Zoning Board of Appeals of Champaign County finds
34 that:

- 35
- 36 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
- 37 **structure involved, which are not applicable to other similarly situated land and**
- 38 **structures elsewhere in the same district.**

39
40 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land
41 or structure involved, which are not applicable to other similarly situated land and structures elsewhere in

1 the same district because the previous owner subdivided the property without proper authorization.

2
3 Mr. Thorsland stated that the right of way for County Road 1700N causes the lot area to be less than one
4 acre. He said that the land to the west is a logical choice for expansion but it has been sold.

5
6 Mr. Kass read the Board's findings as follows:

- 7 • **The previous owner subdivided the property without proper authorization**
- 8 • **The right of way for County Road 1700N causes the lot area to be less than one acre**
- 9 • **The land to the west would be a logical choice for expansion but it has been sold.**

10
11 The Board agreed.

- 12
- 13 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
- 14 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
- 15 **the land or structure or construction.**
- 16

17 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of
18 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land
19 or structure or construction because the width requirement does not affect the functionality of the lot with
20 the house on it.

21
22 Mr. Thorsland stated that without the variance the property owner would be unable to obtain a Zoning Use
23 Permit.

24
25 Ms. Capel stated that without the variance the property cannot be sold and/or financed.

26
27 Mr. Kass read the Board's findings as follows:

- 28
- 29 • **The width requirement doesn't affect the functionality of the lot with the house on it.**
- 30 • **Without the variance the property owner would not be able to receive a Zoning Use**
- 31 **Permit.**
- 32 • **Without the variance the property cannot be sold and/or refinanced.**
- 33

34 The Board agreed.

- 35
- 36 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
- 37 **result from actions of the applicant.**
- 38

39 Mr. Courson stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
40 result from actions of the applicant because the petitioner sold the lot with the barn to the neighbor with
41 the understanding that it was permissible to do so per the advice of his real estate attorney. He said that the

1 appearance of two Permanent Index Numbers gave the appearance of two legal lots, particularly the lot that
2 is the subject of this case.

3
4 Mr. Thorsland stated that the petitioner assumed the one acre lot was indeed one acre without taking the
5 right-of-way for CR 1700N into account.

6
7 Mr. Kass read the Board's findings as follows:

- 8
9
- 10 • **The petitioner sold the lot with the barn on it to an adjacent landowner with the**
understanding that it was permissible to do so per the advice of his legal counsel.
 - 11 • **The two PINs gave the appearance of two legal lots, particularly the lot that is the**
12 **subject of this case.**
 - 13 • **The petitioner assumed the one acre lot was indeed one acre without taking the right-**
14 **of-way for CR 1700N into account.**
- 15

16 The Board agreed.

- 17
18 **4. The requested variance, subject to the proposed special condition, WILL NOT be**
19 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
20 **welfare.**

21
22 Mr. Courson stated that the requested variance, subject to the proposed special condition, WILL NOT be
23 injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the
24 small amount of variance allows for the home to be used and sold on this property which otherwise may not
25 be able to be sold if the variance is not granted.

26
27 Ms. Capel stated that expansion of the lot is not feasible.

28
29 Mr. Kass read the Board's findings as follows:

- 30
31 • **The small amount of variance still allows for the home to be used and sold on this**
32 **property. Which without the variance this may not be possible.**
- 33 • **Expansion of the lot is not feasible.**
- 34

35 The Board agreed.

- 36
37 **5. The requested variance, subject to the proposed special condition, WILL NOT be**
38 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
39 **welfare.**

40
41 Mr. Passalacqua stated that the requested variance, subject to the proposed special condition, WILL NOT be

1 injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because there
2 will be no change to traffic, fire or flood from current use.

3
4 Mr. Thorsland stated that the petitioner's point of having a vacant property is not desirable for the health,
5 safety, and welfare of the neighborhood.

6
7 Mr. Palmgren stated that letters of support have been received from neighboring landowners and the Village
8 of Bondville has granted subdivision approval for the subject property.

9
10 Mr. Kass read the Board's findings as follows:

- 11
- 12 • **No change to traffic, public service usage, or flood hazards.**
 - 13 • **The petitioner's point of having a vacant property is not desirable for the health, safety,**
14 **and welfare of the neighborhood.**
 - 15 • **Letters of support have been received from neighboring landowners.**
 - 16 • **The Village of Bondville has granted subdivision approval for the subject property.**
- 17

18 The Board agreed.

- 19
- 20 6. **The requested variance, subject to the special condition, IS the minimum variation that**
21 **will make possible the reasonable use of the land/structure.**
- 22

23 Mr. Thorsland stated that the requested variance, subject to the special condition, IS the minimum variation
24 that will make possible the reasonable use of the land/structure.

- 25
- 26 7. **The special condition imposed herein is required for the particular purpose described**
27 **below:**
- 28

- 29 A. **Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a**
30 **Zoning Use Permit Application (ZUPA) for any previous renovations that may**
31 **have expanded the footprint of the existing home.**

32 The above special condition is required to ensure the following:

33 **To ensure compliance with the *Zoning Ordinance* requirements.**

34

35 Mr. Hall stated that staff had discussed the idea of a condition that would have the case essentially decided
36 at tonight's public hearing if staff does not receive any calls before July 19th. He said that if calls were
37 received by July 19th then the case would come back on the next meeting date. He said that the reason why
38 staff did not propose this condition is how can the Board make a final determination and provide for the
39 case to be re-opened. He said that he hates to have the petitioner come back to another meeting with a 99%
40 likelihood that there is no need.

41

- 1 Mr. Passalacqua stated that the only reason why the Board would change their opinion is if there was some
2 sort of striking new evidence.
3
- 4 Mr. Hall stated that the Board cannot make a decision if someone within that 15 day period had a question
5 regarding the request.
6
- 7 Mr. Thorsland stated that it is called a legal notice for a reason.
8
- 9 Mr. Passalacqua asked Mr. Hall if, in order for the Board to make its Final Determination, is the petitioner's
10 attendance necessary.
11
- 12 Mr. Hall stated that the petitioner's presence at the meeting is up to the Board. He said that according to the
13 By-laws someone needs to present but the Board can always waive that requirement.
14
- 15 Mr. Thorsland stated that the main reason why someone should be in attendance is because if there is not a
16 full Board in attendance the petitioner can request that the case be continued until a full Board is present.
17
- 18 Mr. Passalacqua stated that if the petitioner agrees and the Board has not received any new evidence by July
19 19th then he sees no reason why the petitioner should be present.
20
- 21 Mr. Hall stated that, in his mind, Mr. Passalacqua's statement is entirely reasonable.
22
- 23 Mr. Passalacqua asked Mr. Singleton if he agreed.
24
- 25 Mr. Singleton asked Mr. Passalacqua to explain the purpose of the condition.
26
- 27 Mr. Passalacqua stated that for simplicity and the petitioner's convenience the Board is proposing that the
28 petitioner does not need to attend the next public hearing for the Board's Final Determination of this case.
29
- 30 Mr. Thorsland stated that the Board will entertain a motion to continue this case the July 25th meeting to
31 complete the minimal amount time required for the Final Determination. He said that the case would be
32 placed as the first case on the docket.
33
- 34 Mr. Singleton stated that he will attend the next meeting .
35
- 36 Mr. Thorsland entertained a motion to continue Case 754-V-13 to the July 25, 2013, meeting.
37
- 38 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 754-V-13 to the July 25, 2013, meeting.**
39 **The motion carried by voice vote.**
40
- 41 Mr. Thorsland stated that due to the case load the Board had considered changing the time of the July 25th

1 meeting to 6:30.

2
3 Mr. Passalacqua stated that with his current work schedule it would be very difficult for him to be in
4 attendance at 6:30.

5
6 Mr. Thorsland stated he agreed with Mr. Passalacqua.

7
8 Mr. Courson asked Mr. Hall if he anticipates final determination for any of the other cases on the July 25th
9 docket.

10
11 Mr. Hall stated that Case 757-AT-13 has to be decided at the July 25th meeting. He said that Case 760-V-13,
12 based on the roaring success that Sangamon Valley has had with previous cases, should be finalized at the
13 meeting.

14
15 Mr. Passalacqua stated that it is his impression that Case 760-V-13 may be controversial.

16
17 Mr. Hall stated that he was impressed during the last variance of the amount of evidence to support the
18 location.

19
20 Mr. Thorsland stated that the Board will now hear Case 757-AT-13, Zoning Administrator.

21

22

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7. **Staff Report**

None

8. **Other Business**

Mr. Passalacqua requested an update on the Denny Anderson property.

Mr. Kass stated that after it was apparent that Mr. Anderson was ignoring his phone calls staff visited the property in April which was approximately two weeks after the deadline. He said that Mr. Anderson has started to remove a portion of the wall and the long narrow shed that was up against the fence has been removed. Mr. Kass stated that the materials which were being stored inside of the long narrow shed were now being stored in the larger shed.

A. Review of Docket

Mr. Kass stated that staff reviewed some of the information required for Cases 731-S-12 and 747-AM-13, Warner Brothers Inc., and even though it is difficult to determine how much time each case will take he does

1 not believe that they will take a lot of time at the next meeting
2
3 Mr. Kass said that Cases 758-AM-13 and 759-S-13, Charles Jesse, require a lot of information for review
4 therefore he expects those cases to be continued to a later date. He said that Mr. Jesse does have an engineer
5 involved therefore kudos to Mr. Jesse.
6
7 Mr. Kass stated that Case 760-V-13, Sangamon Valley Public Water District should be completed at the next
8 meeting.
9

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

11
12 None

13
14 **10. Adjournment**

15
16 Mr. Thorsland entertained a motion to adjourn the meeting.

17
18 **Ms. Capel moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
19 **vote.**

20
21 The meeting adjourned at 8:03 p.m.

22
23
24
25 Respectfully submitted

26
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30 Secretary of Zoning Board of Appeals

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10 **MINUTES OF REGULAR MEETING**

11 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

12 1776 E. Washington Street
13 Urbana, IL 61802

14
15 **DATE:** July 25, 2013

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

16
17 **TIME:** 7:00 p.m.

Urbana, IL 61802

18
19 **MEMBERS PRESENT:** Catherine Capel, Eric Thorsland, Paul Palmgren, Roger Miller, Jim Randol

20
21 **MEMBERS ABSENT :** Brad Passalacqua

22
23 **STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

24
25 **OTHERS PRESENT :** Kerry Gifford, Keith Padgett, Charles Jesse, Alan Singleton, Paul Cole, Ken
26 Warner, Don Wauthier, Elista Dimitrova

27
28
29 **1. Call to Order**

30
31 The meeting was called to order at 7:00 p.m.

DRAFT

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one member absent and one vacant seat.

36
37 Mr. Thorsland welcomed Jim Randol as the newest Zoning Board of Appeals member.

38
39 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
40 sign the witness register for that public hearing. He reminded the audience that when they sign the
41 witness register they are signing an oath.

42
43 **3. Correspondence**

44
45 None

46
47 **4. Approval of Minutes (April 11, 2013, May 1, 2013, and May 30, 2013)**

48
49 Mr. Thorsland entertained a motion to approve the April 11, 2013, May 1, 2013, and May 30, 2013, minutes
50 as submitted.

51
52 **Mr. Palmgren moved, seconded by Ms. Capel to approve the April 11, 2013, May 1, 2013, and May**
53 **30, 2013, minutes as submitted. The motion carried by voice vote.**

1
2 Mr. Thorsland entertained a motion to rearrange the docket and hear Case 754-V-13 as the first hearing of
3 the meeting.

4
5 **Mr. Palmgren moved, seconded by Ms. Capel to rearrange the docket and hear Case 754-V-13 as the**
6 **first hearing of the meeting. The motion carried by voice vote.**

7
8 **5. Continued Public Hearing**

9
10 **Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald**
11 **Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela**
12 **Warner Request: Authorize the storage and dispensing of agriculture fertilizer as a “Farm**
13 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer”**
14 **facility as a Special Use in the AG-1 Agriculture Zoning District. Location: A .96 acre (41,817.6**
15 **square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section**
16 **18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm**
17 **equipment dealership at 1254 CR 2700N, Rantoul.**

18
19 **Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H., Warner and**
20 **Gerald E. Warner Request: Amend the Zoning Map to change the zoning district designation**
21 **from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center zoning District to bring**
22 **an existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre**
23 **tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the**
24 **Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul**
25 **Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N,**
26 **Rantoul.**

27
28 Mr. Thorsland called Cases 731-S-12 and 747-AM-13 concurrently.

29
30
31 Mr. Thorsland informed the audience that Case 731-S-12 is an Administrative Case and as such the County
32 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
33 show of hands for those who would like to cross examine and each person will be called upon. He requested
34 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
35 that those who desire to cross examine are not required to sign the witness register but are requested to
36 clearly state their name before asking any questions. He noted that no new testimony is to be given during
37 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
38 exempt from cross examination.

39
40 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
41 sign the witness register for that public hearing. He reminded the audience that when they sign the

1 witness register they are signing an oath.

2
3 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

4
5 Mr. Paul Cole, attorney for the petitioners, stated that at the last public hearing for these cases he was tasked,
6 along with Mr. Brian Schurter, attorney for the Rantoul Township, to come to an agreement regarding how
7 the approval of these petitions might adversely affect township roads and what was going to be done about it.
8 Mr. Cole stated that he has provided evidence that there is an agreement with the Rantoul Township
9 Highway Commissioner to staff and Mr. Hall requested that he share this evidence with the ZBA. Mr. Cole
10 stated that he had no objection to sharing the evidence with the ZBA because the agreement will be recorded
11 publically if the petitions are allowed. He said that to his knowledge this submitted evidence would have
12 addressed all outstanding issues except for a few that were brought to his attention today and he has no
13 objection to the last minute changes to the petitioner’s efforts and he believes that those changes can be
14 accommodated.

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.

17
18 Mr. Thorsland asked if staff had any questions for Mr. Cole and there were none.

19
20 Mr. Thorsland called John Hall to testify.

21
22 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 25, 2013, for
23 Case 731-S-12 to the Board for review. He said that the road agreement with Rantoul Township to assist
24 with maintenance costs of the road is attached to the memorandum. He said that he understands that the
25 Board does not normally review road agreements therefore the agreement is merely an item of evidence
26 because it is implicated in one of the special conditions.

27
28 Mr. Hall stated that the special conditions, including revised special condition D., are as follows:

29
30 **D. The Special Use shall be void if the owner/operator fails to comply with the road
31 agreement with Rantoul Township.**

32 The special condition above is required to ensure the following:
33 **There is no undue burden for Rantoul Township arising from any damage to
34 public streets or extra street maintenance caused by the Special Use.**

35
36 **E. All inbound and outbound trucks delivering fertilizer and any other associated
37 product to the proposed Special Use shall enter and exit the subject property on
38 the east side of the Warner Farm Equipment building.**

39 The special condition stated above is required to ensure the following:
40 **To prevent nuisance issues on the adjacent property.**

41

1 Mr. Hall stated that since the Board has received the road agreement we do not have to refer to that any
2 longer.

3
4 **F. Regarding the ongoing operation of the Special Use as authorized by the Illinois
5 Department of Agriculture and Illinois Environmental Protection Agency:**

6 **(1) The Special Use shall at all times be operated in conformance with
7 Illinois Department of Agriculture and Illinois Environmental Protection
8 Agency requirements, permits, and any special conditions thereof.**
9

10 Mr. Hall noted that staff has attached both permits here because there are numerous special conditions that
11 IDAG and IEPA included.

12
13 **(2) The owner/operator of the Special Use shall provide the Zoning Administrator
14 with copies of all semi-annual testing of product piping that is required by the
15 Illinois Department of Agriculture (IDAG) and Illinois Environmental
16 Protection Agency (IEPA) and the copies shall be provided to the Zoning
17 Administrator concurrently with their submission to IDAG and IEPA.**

18 **(3) The owner/operator of the Special Use shall make all inspection and
19 maintenance records required by the Illinois Department of Agriculture
20 (ADAG) and Illinois Environmental Protection Agency (IEPA) available to
21 Champaign County upon request by the Zoning Administrator and shall
22 cooperate with Champaign County in resolving any valid complaint or concern
23 that is related to public safety and environmental protection.**

24 **(4) The owner/operator of the Special Use shall provide the Zoning Administrator
25 with copies of renewal permits over the lifetime of the Special Use for Illinois
26 Department of Agriculture (IDAG) and Illinois Environmental Protection
27 Agency (IEPA) Permit #AC13030985 that expires on April 17, 2015, and Permit
28 #AC13020954 that expires on April 17, 2018.**
29

30 Mr. Hall noted that the experimental permit expires in two years and all permits must be renewed on a five
31 year basis.

32
33 **(5) The Special Use shall become void under any of the following situations:**

34 **(a) Failure to receive a renewal permit for either Illinois Department of
35 Agriculture (IDAG) and Illinois Environmental Protection Agency
36 (IEPA) Permit #AC13030985 that expires on April 17, 2015, or Permit
37 #AC13020954 that expires on April 17, 2018, over the lifetime of the
38 Special Use.**

39 **(b) If the experimental design approved by the Illinois Department of
40 Agriculture (IDAG) and the Illinois Environmental Protection Agency
41 (IEPA) in Permit #AC13030985 fails to provide adequate containment in**

1 which case the owner/operator of the Special Use shall provide notice to
2 the Zoning Administrator upon a determination by either IDAG or
3 IEPA that the experimental design fails to provide adequate
4 containment.

5 (c) Failure of the owner/operator to comply with any part of the special
6 conditions in Case 731-S-12.

7 The special conditions above are required to ensure the following:
8 To ensure that Champaign County is fully informed of any risks that
9 arise for public safety and environmental protection.
10

11 Mr. Hall stated that special condition is an extensive condition and all it really does is informs the County as
12 to what is going on between the petitioner and the Illinois Department of Agriculture and Illinois
13 Environmental Protection Agency. He said that there are two other attachments to the Supplemental
14 Memorandum and Attachment E. is a Material Safety Data Sheet from Terra Industries. He said that Terra is
15 not the supplier of the petitioner’s fertilizer solution but is an example of the kind of low level concerns that
16 are present with the solution. He said that Attachment F. is a short paper reviewing nitrogen sources and
17 even though it is from the University of Nebraska it was the easiest one that he could find on the internet to
18 establish the concerns with 28%, urea, ammonia- nitrate fertilizer are not at all the kinds of concerns that
19 apply with anhydrous-ammonia fertilizer. He said that these concerns were an understanding that staff has
20 been operating on from the beginning but has not bothered to document it.
21

22 Mr. Hall distributed a new Supplemental Memorandum dated July 25, 2013, regarding Case 747-AM-13, to
23 the Board for review. He said that the memorandum reviews some inconsistencies between the site plan and
24 the map amendment and the inconsistencies actually arose in May when the site plan was submitted either
25 during the day of the meeting or at the meeting. He said that when staff receives site plans in this fashion it
26 sometimes takes staff a while to recognize everything that is on the site plan. He said that the annotated site
27 plan which is attached to the new memorandum illustrates that there is an area of Kinze Equipment display
28 that is shown to be established east of the line of the map amendment. He said that the whole point of the
29 map amendment is that farm equipment sales and service is not allowed in AG-1 and for that reason we
30 cannot allow a display area that is part of the farm equipment sales and service to be in AG-1. He said that
31 the reason why the display area was moved to the east was to provide access to the fertilizer tank and so it is
32 not that there is really a problem with the display area but there is a problem with where it is shown and it is
33 an issue which needs to be resolved before the case can be determined. He said that while he was reviewing
34 this area he thought that some County Board members will look at the north edge of the property and see an
35 83 foot, .075 acre area, of existing crushed stone in AG-1 next to the area proposed to be B-1 and wonder
36 why that is there and if it is going to be used as part of the equipment sales. He said that if the crushed stone
37 area is intended to be used as part of the equipment sales then it should be included in the map amendment.
38 He apologized for bringing this matter up so late but the display area to the east absolutely requires
39 clarification and he would recommend that the area to the north also be clarified. He said that whatever
40 happens to the area to the north is up to the Board and the Board may be content with simply a note on the
41 site plan specifying that no equipment sales or service can occur within that space but if the petitioner

1 believes that they may need to utilize this area in the future then they should include that area in the map
2 amendment and he sees no reason why it would jeopardize the map amendment. He said that if both of the
3 areas are added to the map amendment it doesn't change the substance of the map amendment but will
4 change the area to the extent that the case should be re-advertised. He said that the memorandum reviews
5 that staff could re-advertise the map amendment case and have it back to the Board in time for the August
6 15, 2013, meeting. He said that at this point with the resolution regarding the road agreement and if there are
7 no objections to the special conditions, which are created to protect the County, then staff would recommend
8 that both cases be continued to the August 15th meeting for final determination.
9

10 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
11

12 Mr. Thorsland called Ken Warner to testify.
13

14 Mr. Ken Warner declined to testify at this time.
15

16 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
17 regarding these cases and there was no one.
18

19 Mr. Thorsland asked Mr. Cole if he would like to add any additional testimony regarding either case.
20

21 Mr. Cole stated no. He said that his clients do not object to a continuation of both cases to the August 15th
22 meeting and that Mr. Hall's suggestions are useful to everyone involved.
23

24 Mr. Thorsland stated that the question which needs to be answered is the following: What is the purpose of
25 the crushed stone areas and how will they be defined and will they be included in the map amendment case.
26

27 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.
28

29 Mr. Hall pointed out that if the Board will review the encroachment illustration and trace around the areas
30 highlighted that will be the shape of the map amendment and he believes that there is nothing wrong with the
31 map amendment because it is very carefully drawn to accommodate the site plan. He said that he does not
32 have a problem with it and he wants to make sure that the Board does not have a problem with it and if the
33 Board does not then the cases should be continued to the August 15th meeting.
34

35 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
36

37 Ms. Capel stated that the site plan is very carefully drawn but if more crushed stone was hauled in no one
38 would ever know the difference. She asked if it would be an enforcement issue.
39

40 Mr. Hall stated that we will know the difference and there will be no enforcement issue. He said that some
41 people have a belief that zoning should be more elegant than it usually ends up being and personally he

1 believes that this is an elegant solution although elegant is only in the eye of the beholder.

2
3 Mr. Hall stated that the fertilizer sales could happen in B-1 by-right and the reason why these cases came
4 before the Board in the way that they are is because in the beginning it was an attempt to deal with the
5 parcels as they are found and the uses. He said that even though the fertilizer sales could happen in B-1 by-
6 right if it were on the same parcel as the equipment sales then that would require a Special Use Permit for
7 two uses on one property. He said that in the beginning there was a decision made which was very rational
8 to keep these on separate parcels because it was just easier. He said that the two cases have gotten more
9 meshed with each other by virtue of the site plan and there is nothing wrong with that because fertilizer sales
10 can be done in B-1 by-right. He said that the property that is being zoned B-1 the principal use is equipment
11 sales and so indeed you could probably carry over some of the fertilizer sales things over to the B-1 property
12 but once the fertilizer sales becomes the principal use, separate building or area used only for fertilizer sales,
13 then Special Use Permit authorization is required. He said that this is not an enforcement problem and staff
14 can deal with issues as they arise and staff will do its best to make the owner aware of these issues and at this
15 point he is mainly concerned whether or not the ZBA is comfortable with these two cases being so carefully
16 meshed with each other. He said that he does not see it being an enforcement problem and he doubts that
17 another 750,000 gallon fertilizer tank is going to be constructed on the B-1 property but if so then a Special
18 Use Permit will be required.

19
20 Mr. Thorsland entertained a motion to continue Cases 731-S-12 and 747-AM-13 to the August 15, 2013,
21 meeting.

22
23 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 731-S-12 and 747-AM-13 to the**
24 **August 15, 2013, meeting. The motion carried by voice vote.**

25
26 Mr. Thorsland entertained a motion to rearrange the agenda again and hear Case 757-AT-13, as the last case
27 of the meeting.

28
29 **Ms. Capel moved, seconded by Mr. Palmgren to rearrange the agenda and hear Case 757-AT-13 as**
30 **the last case of the meeting. The motion carried by voice vote.**

31
32 Mr. Thorsland stated that the Board will now hear Cases 758-AM-13 and 759-S-13.

33
34 **Case 754-V-13 Petitioner: KH Farms, Inc. with owner Khalid Hussain Request to authorize the**
35 **following in the AG-1 Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the**
36 **minimum required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the**
37 **minimum required 200 feet. Location: Lot 1 of KH Farms Subdivision in the Southwest Quarter of**
38 **Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N,**
39 **Champaign.**

40
41 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows

1 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
2 of hands for those who would like to cross examine and each person will be called upon. He requested that
3 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
4 those who desire to cross examine are not required to sign the witness register but are requested to clearly
5 state their name before asking any questions. He noted that no new testimony is to be given during the cross
6 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
7 from cross examination.

8
9 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
10 sign the witness register for that public hearing. He reminded the audience that when they sign the
11 witness register they are signing an oath.

12
13 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

14
15 Mr. Alan Singleton, attorney for the petitioner, stated that last week the petitioner submitted a Zoning Use
16 Permit Application and fees as requested.

17
18 Mr. Thorsland stated that the Board has completed all of the steps for this case other than the final
19 determination. He said that due to an incorrect date for the public hearing included in the first advertisement
20 the case had to be republished in the July 4, 2013, edition of the Mahomet Citizen. He said that the
21 publication on July 4, 2013, did not meet the 15 day notification requirement therefore the Board heard
22 testimony and worked through the findings at the July 11th meeting. He said that the Finding of Fact should
23 include this meeting date, July 25, 2013.

24
25 Mr. Hall stated that a new item #8 should be added to the Documents of Record indicating the following:
26 Supplemental Memorandum dated July 19, 2013.

27
28 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and
29 Findings of Fact as amended.

30
31 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
32 **Record and Findings of Fact as amended. The motion carried by voice vote.**

33
34 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant
35 therefore it is at his discretion to either continue Case 754-V-13 until a full Board is present or request that
36 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative
37 votes are required for approval.

38
39 Mr. Singleton requested that the present Board move forward to the Final Determination.

40
41 Mr. Thorsland stated that Mr. Randol, new Board member, was not present during the last public hearing for

1 this case and he has not indicated his comfort level in voting for a final determination.

2
3 Mr. Randol stated that he would not be comfortable voting on a final determination for this case or other
4 cases tonight.

5
6 Mr. Thorsland stated that Mr. Randol should not be called during the roll call vote.

7
8 Mr. Thorsland informed Mr. Singleton that four affirmative votes by the four present Board members will be
9 required for approval. He asked Mr. Singleton if he desired to proceed with the Final Determination.

10
11 Mr. Singleton requested that the four Board members proceed to the Final Determination.

12
13 Mr. Thorsland entertained a motion to the move to the Final Determination for Case 754-V-13.

14
15 **Ms. Capel moved, seconded by Mr. Palmgren to move to the Final Determination for Case 754-V-13.**
16 **The motion carried by voice vote.**

17
18 **Final Determination for Case 754-V-13:**

19
20 **Mr. Palmgren moved, seconded by Mr. Miller that the Champaign County Zoning Board of Appeals**
21 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
22 **requirements for approval in Section 9.1.9.C HAVE been met and pursuant to the authority granted**
23 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
24 **Champaign County determines that the variance requested in Case 754-V-13 is hereby GRANTED**
25 **WITH CONDITONS to the petitioner KH Farms, Inc. to authorize the following in the AG-1,**
26 **Agriculture Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the minimum**
27 **required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the minimum**
28 **required 200 feet. Subject to the following condition:**

- 29
30 **A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning**
31 **Use Permit Application (ZUPA) for any previous renovations that may have expanded**
32 **the footprint of the existing home.**

33 **The above special condition is required to ensure the following:**

34 **To ensure compliance with the *Zoning Ordinance* requirements.**
35

36 Mr. Thorsland requested a roll call vote.

37
38 The roll was called:

39
40 **Capel-yes**

Miller-yes

Palmgren-yes

41 **Passalacqua-absent**

Thorsland-yes

1
2 Mr. Hall informed the petitioner that he has received an approval of his request. He said that staff will mail
3 the appropriate paperwork as soon as possible and if there are any questions the petitioner may call staff at
4 any time.

5
6 **Case 757-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
7 **Champaign County Zoning Ordinance as follows: Part A. Adopt an updated Flood Insurance Study**
8 **with an effective date of October 2, 2013; and Part B. Adopt updated Digital Flood Insurance Rate**
9 **Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new**
10 **maps can be viewed at www.illinoisfloodmaps.org; and Part C. Adopt a new Special Flood Hazard**
11 **Area Ordinance based on the minimum requirements of the National Flood Insurance Program**
12 **(NFIP) and the State of Illinois.**

13
14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
15 sign the witness register for that public hearing. He reminded the audience that when they sign the
16 witness register they are signing an oath.

17
18 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

19
20 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 25, 2013, to
21 the Board for review. He said that staff added some evidence to the Finding of Fact and to make it easier for
22 the Board to follow the new evidence, staff attached the annotated version of the amendment. He read the
23 new evidence as follows: Item 16.D: Paragraph 2.0 (d) of the Ordinance states that one purpose of the
24 zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to
25 persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
26 Regarding the effect of the proposed amendment on this purpose of the Zoning Ordinance: (1) The
27 proposed amendment is consistent with this purpose because the adoption of the new Digital Flood
28 Insurance Rate Maps (DFIRMSs) will provide the best information available to determine what properties
29 are subject to floodplain regulations for the following reasons: (a) This is especially true in the floodplains
30 for the Upper Salt Fork River and the Embarras River in which Base Flood Elevations have been identified
31 because the Base Flood Elevations have been compared to the LIDAR digital topography which results in
32 the most accurate possible mapping in the floodplain short of surveying each property. (b) As mapped on the
33 DFIRMS, the floodplain is a continuous area between the unincorporated area and the municipalities. This is
34 an improvement over the existing Champaign County FIRMS which are discontinuous at the municipal
35 boundary that was in place when the FIRMS were first prepared in 1984. (c) The DFIRM has been prepared
36 using an aerial photograph as the base map and that makes the DFIRM much easier to use than the current
37 FIRM which has no background other than section lines and street indications. (d) The digital floodplain
38 data has been provided separately by FEMA and can also be used for other mapping purposes including
39 updates of the aerial photograph background.

40
41 Mr. Hall read revised Item 16.D.2. as follows: Adoption of the new Special Flood Hazard Areas Ordinance

1 will allow Champaign County to continue to participate in the National Flood Insurance Program and will
2 provide updated standards for construction within the Special Flood Hazard Areas, and has been made more
3 restrictive by the following changes: (a) As defined in Section 2 and regulated in Section 7.A., “substantial
4 improvement” and “substantial damage” will be figured cumulatively subsequent to the adoption of the
5 proposed amendment. This is a requirement of the National Flood Insurance Program. (b) Section 3.C.
6 requires the applicant to finance an engineering study if there is no Base Flood Elevation data available and
7 the current Ordinance does not require the applicant to finance an engineering study. The requirement for
8 the applicant to finance an engineering study is not a requirement of the National Flood Insurance Program
9 and is therefore a requirement of the Illinois Department of Natural Resources/Office of Water Resources
10 (IDNR/OWR) which is the state agency that coordinates the NFIP. (c) Section 8.C. requires that in new
11 subdivisions the floodplains shall be included within parks or other public grounds whenever possible and
12 that new streets, blocks or lots shall be located in such a manner so as to preserve and utilize natural streams
13 and channels, which is generally consistent with the Stormwater Management Policy. (d) Paragraph 9.A.5.
14 increases the degree of protection required for “critical facilities” from simply the 500-year flood elevation
15 required by the current Ordinance to requiring critical facilities that are constructed within the Special Flood
16 Hazard Area to be dry floodproofed to the higher of either the 500-year flood elevation or three feet above
17 the 100-year flood elevation, whichever is higher. Also, critical facilities will only be permissible within the
18 floodplain if no feasible alternative site is available. These requirements are not requirements of the
19 National Flood Insurance Program and are therefore requirements of the Illinois Department of Natural
20 Resources/Office of Water Resources (IDNR/OWR) which is the state agency that coordinates the NFIP. (e)
21 Section 10 is a wholly new section that requires that the flood carrying capacity of a watercourse be
22 maintained in any project involving channel modification, fill, or stream maintenance. This is a requirement
23 of the National Flood Insurance Program.
24

25 Mr. Hall stated that the previously read items are changes to the Ordinance and it isn’t that being restrictive
26 is always a good thing but he wanted to make it clear to the County Board where these things are becoming
27 more restrictive and when that is the case where it is and isn’t required by the NFIP but this section was
28 written in a hurry and if he had more time he would have tried to organize it along those lines. He said that
29 other changes are included in Item 17.C. as follows: Clarify the following paragraphs by adding specificity
30 to the following existing requirements: (1) Paragraph 5.D.6. adds requirements for drawings of proposed
31 wall and footing construction, which is already required for floodplain construction but not mentioned in the
32 existing Ordinance. (2) Section 7 requires all footings to be on undisturbed earth unless certified in writing
33 by an Illinois Professional Engineer, which is already required for floodplain construction but not mentioned
34 in the existing Ordinance. (3) Throughout the Draft Ordinance “development permit” is replaced with
35 “floodplain development permit”, which is the name of the permit required for construction in the
36 floodplain. (4) Clarification has been added throughout Section 7 to make clear that not just the building is
37 required to be protected but also the “building related development” such as air conditioning compressors,
38 propane tanks, etc. (5) New paragraph 11.D clarifies the standards that apply to floodplain variances for
39 “agriculture”. These standards already apply but are not specifically detailed in the current Ordinance.
40

41 Mr. Hall read Item 17.D as follows: Relax the following current regulations: (1) Paragraph 7.F.8. increases

1 the allowable area and value of “minor accessory structures” that are exempted from the building protection
2 requirements from the \$7,500 or less than 500 square feet in the current Ordinance to \$15,000 and 576
3 square feet. (2) Paragraphs 7.B.2.e. and 7.B.3.f. lower the elevation that relevant portions of the building
4 must be constructed with materials resistant to flood damage from the “flood protection elevation” in the
5 current Ordinance to the “base flood protection elevation.”
6

7 Mr. Hall stated that he did not carry any of the mentioned changes through to the Summary Finding of Fact
8 and he does not see a need to include them in the Summary. He said that if there are questions at the County
9 Board level then the Summary of Evidence can be referred to during that meeting. He said that the
10 Documents of Record has been updated and the annotated amendment has been attached for the Board’s
11 review. He said that if final action is taken on this case tonight the text amendment will be forwarded to the
12 August 8th ELUC meeting and it will sit at ELUC for one month and will be ready for final approval in
13 September by the County Board.
14

15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
16

17 Mr. Thorsland asked the audience if there were any questions for Mr. Hall and there were none.
18

19 Mr. Thorsland called Don Wauthier to testify.
20

21 Mr. Don Wauthier, who resides at 1831 Tahoe Court, Champaign, stated that he is an Illinois Floodplain
22 Management Association member and he believes that the proposed Special Flood Hazard Areas Ordinance
23 is a very well written ordinance and that it is very applicable and appropriate for Champaign County to adopt
24 the new DFIRMs. He said that the proposed Ordinance is definitely an improvement over the current
25 Ordinance and he only wishes the IDNR/OWR and FEMA would have done a better job with some of the
26 DFIRMs and made them better. He said that the new Ordinance and maps will give the public a clearer
27 understanding of the requirements and regulations in the floodplain.
28

29 Mr. Thorsland asked the Board if there were any questions for Mr. Wauthier and there were none.
30

31 Mr. Thorsland asked if staff had any questions for Mr. Wauthier and there were none.
32

33 Mr. Thorsland stated that the Documents of Record has already been updated. He read the Summary
34 Finding of Fact as follows:
35

36 **Summary Finding of Fact for Case 757-AT-13:**
37

38 From the documents of record and the testimony and exhibits received at the public hearing conducted
39 on, **June 27, 2013, July 11, 2013, July 25, 2013**, the Zoning Board of Appeals of Champaign County
40 finds that:
41

- 1 1. The proposed text amendment will ***NOT IMPEDE*** the Land Resource Management Plan because
2 of the following:
- 3 A. The proposed text amendment will ***NOT IMPEDE*** the following LRMP goal(s):
- 4 ● **Goal 1 Planning and Public Involvement**
 - 5 ● **Goal 2 Governmental Coordination**
 - 6 ● **Goal 4 Agriculture**
 - 7 ● **Goal 5 Urban Land Use**
 - 8 ● **Goal 6 Public Health and Public Safety**
 - 9 ● **Goal 7 Transportation**
 - 10 ● **Goal 8 Natural Resources**
- 11
- 12 B. The proposed text amendment is ***NOT RELEVANT*** the following LRMP goal(s):
- 13 ● **Goal 3 Prosperity**
 - 14 ● **Goal 9 Energy Conservation**
 - 15 ● **Goal 10 Cultural Amenities**
- 16
- 17 2. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the
18 **Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance and
19 is directly relate to Purpose 2.0(d).
- 20
- 21 3. The proposed text improvement ***WILL IMPROVE*** the **Zoning Ordinance** as follows:
- 22 ● Provide the best information available to determine what properties will be subject to
23 the floodplain regulations.
 - 24
 - 25 ● Will update the existing Special Flood Hazard Areas Ordinance to meet state and
26 federal requirements in order to allow Champaign County to continue participation in
27 the National Flood Insurance Program.
 - 28
- 29 Mr. Thorsland asked the Board and staff if there were any changes to the Summary Finding of Fact.
- 30
- 31 Mr. Kass noted that the dates June 27, 2013 and July 25, 2013, should be added to the Summary Finding
32 of Fact as noted by Mr. Thorsland previously.
- 33
- 34 Mr. Thorsland entertained a motion to adopt the Summary Finding of Fact.
- 35
- 36 **Mr. Miller moved, seconded by Ms. Capel to adopt the Summary Finding of Fact as amended.**
37 **The motion carried by voice vote.**
- 38
- 39 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and
40 Summary Finding of Fact as amended.
- 41

1 **Mr. Palmgren moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**
2 **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

3
4 Mr. Thorsland entertained a motion to move to a Final Determination for Case 757-AT-13.

5
6 **Mr. Miller moved, seconded by Ms. Capel to move to a Final Determination for Case 757-AT-13.**
7 **The motion carried by voice vote.**

8
9 Mr. Thorsland informed the petitioner that the Board currently has one vacant seat and one Board member is
10 absent from tonight’s meeting. He informed the petitioner that four affirmative votes are required for
11 approval. He asked the petitioner if he desired to proceed to the Final Determination with the present Board
12 or to continue Case 757-AT-13 until a full Board is present.

13
14 Mr. Hall requested that the present Board proceed to the Final Determination for Case 757-AT-13.

15
16 **Final Determination for Case 757-AT-13:**

17
18 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted in Section 9.2**
19 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
20 **determines that the Zoning Ordinance Amendment requested in Case 757-AT-13 should BE**
21 **ENACTED by the County Board in the form attached hereto.**

22
23 Mr. Thorsland requested a roll call vote.

24
25 The roll was called:

26
27 **Miller-yes Palmgren-yes Passalacqua-absent**
28 **Capel-yes Thorsland-yes**

29
30 **6. New Public Hearings**

31
32 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**
33 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**
34 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**
35 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
36 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
37 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

38
39
40 **Case 759-S-13 Petitioner: Charles Jesse Request to authorize the following as a Special Use in the B-1**
41 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**

1 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**
2 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**
3 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**
4 **Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 10-**
5 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
6 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
7 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**
8

9 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.
10

11 Mr. Thorsland informed the audience that Case 759-S-13 is an Administrative Case and as such the County
12 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
13 show of hands for those who would like to cross examine and each person will be called upon. He requested
14 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
15 that those who desire to cross examine are not required to sign the witness register but are requested to
16 clearly state their name before asking any questions. He noted that no new testimony is to be given during
17 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
18 exempt from cross examination.
19

20 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
21 sign the witness register for that public hearing. He reminded the audience that when they sign the
22 witness register they are signing an oath.
23

24 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
25

26 Mr. Charles Jesse stated that he owns Jesse Heating and Air Conditioning. He said that in 1995 he
27 purchased the subject property which is located south of Champaign near I-57. He said that the building was
28 originally built for a landscape contractor in 1974 and he has owned and operated his business at this
29 location for 18 years and has been working off of a Special Use Permit. He said that he is present tonight to
30 request the Board's support because he would like to build self-storage facility on his property which will be
31 constructed in four phases. He said that the first phase would be approximately 18,000 square feet and by
32 the time the fourth stage is completed the entire facility would consist of 80,000 square feet. He said that he
33 plans to have all concrete paving with no rock at all. He said that his plans include LED lighting and geo-
34 thermal heating and cooling. He said that the east side of his property borders I-57 and his property goes to a
35 point to the north therefore he has no real northern property line, only east, west and south. He said that
36 along the western border there is a drainage ditch and he plans to install a vegetative screen along that
37 border. He said that along the south side of the property he plans to install ornamental iron fencing and more
38 landscaping.
39

40 Mr. Jesse requested the Board's support for his requests because he believes that it would be an attractive,
41 energy efficient facility that would serve the storage requirements of the neighbors in his area.

1
2 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

3
4 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

5
6 Mr. Thorsland asked if staff had any new information to add to the cases.

7
8 Mr. Kass stated that there is no new memorandum for either case. He said that he wanted to get the
9 Summary of Evidence for Case 759-S-13 and the Finding of Fact for Case 758-AM-13 completed but he did
10 not have time to do so. He said that staff did receive correspondence from Jeff Marino, Planner II at the City
11 of Champaign Planning Department, indicating that Mr. Marino was working on a memorandum to present
12 to the City of Champaign's Plan Commission's August 7th meeting recommending that the City of
13 Champaign protest the requested map amendment.

14
15 Mr. Hall stated that the recommendation would be consistent with the August 14, 2012, letter that was
16 attached to the Preliminary Memorandum for Case 758-AM-13. He said that County staff has included an
17 excerpt from the City of Champaign's Comprehensive Plan for the Board's review. He said that Mr. Jesse
18 indicated that his business has existed at the subject property for 18 years and for some reason his property
19 didn't warrant being indicated on the City of Champaign's Comprehensive Plan. Mr. Hall said that staff also
20 included an excerpt from the LRMP and some colors that were used in some areas on the maps in the LRMP
21 do not copy well but the subject property is located within the CUGA (Contiguous Urban Growth Area) area.
22 He said that the CUGA indicates that a property can be developed in accordance with a comprehensive plan.
23 He said that the site plan indicates that the project will be constructed in four phases and there is a
24 stormwater detention area indicated. He said that the Kaskaskia Special Drainage Ditch is a large drainage
25 facility and he would assume that there is some sort of easement associated with it and the outlet in the
26 stormwater detention area would require the Kaskaskia Special Drainage District's approval.

27
28 Mr. Hall stated that during his earlier discussions with Mr. Jesse he believed that there has been an issue
29 with the overpass over the interstate. Mr. Hall said that the Preliminary Memorandum included the minutes
30 for Case 970-S-95 and any issue with the overpass over the interstate was never discussed during that
31 hearing. He said that staff needs to do a site line analysis to make sure that the I.D.O.T. requirements for site
32 line are being met when the additional traffic for the storage units exists. He said that Mr. Kass has
33 contacted CUUATS about a traffic impact analysis but this area is not in their urbanized area but is in their
34 metropolitan study area.

35
36 Mr. Kass stated that in the past CUUATS would have completed the traffic impact analysis for free but now
37 they do not. He said that even if the subject property is located in the CUUATS study area the traffic impact
38 analysis would have to be paid for if it were only the Board requesting it. He said that if the State and the
39 County and the ZBA were requesting a traffic impact analysis the payment would be worked out but likely
40 the cost would be imposed upon the petitioner. He said that Rita Morocoima-Black, Transportation Manager
41 for CUAATS and Planning and Community Development Director for the RPC, had mentioned that if staff

1 believes that there is a significant increase in traffic then a traffic impact analysis should be completed.

2
3 Mr. Hall stated that he has seen self-storage units which are within the CUAATS area always receive a
4 traffic impact analysis and since there are so many units proposed in this project an increase in traffic is a
5 concern. He said that he predicts that there will be a traffic impact analysis required and staff had previously
6 mentioned this possibility to Mr. Jesse. Mr. Hall stated that when staff discovers the cost of the analysis they
7 will pass that information on to Mr. Jesse and if Mr. Jesse decides to have his own engineer complete the
8 analysis it could be reviewed by CUAATS.

9
10 Mr. Kass stated that the City of Champaign's Comprehensive Plan was adopted in 2010 therefore the maps
11 would have been created sometime between 2009 and 2010.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

14
15 Mr. Thorsland called Keith Padgett to testify.

16
17 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that the County has an ADT,
18 Average Daily Traffic, report for Old Church Road and it would surprise him if the ADT is over 500
19 vehicles per day. He said that the road is maintained by Tolono Township and they were not notified of this
20 meeting but he can provide information about the road where Mr. Jesse's property is located. He said that
21 through the 2013 Champaign County Engineering Bridge Replacement Program the bridge over the
22 Kaskaskia Special Drainage Ditch is due to be replaced and he has the engineering costs that his township
23 has been paying for along with Tolono Township. He said that he spoke with Jeff Blue, Champaign County
24 Highway Engineer, and Mr. Blue indicated that he has not received prints back nor has a contractor been
25 selected for this bridge replacement therefore it is anticipated that the bridge will be replaced next year. Mr.
26 Padgett stated that the bridge is not being replaced because of Mr. Jesse's proposed project but because the
27 bridge needs to be replaced so that the water underneath can have better movement and replaced with a
28 better structure for traffic to travel upon.

29
30 Mr. Thorsland asked Mr. Padgett if Tolono Township maintains the road.

31
32 Mr. Padgett stated that Champaign Township is six miles wide and the Champaign Township Highway
33 Department maintains the two miles from Barker Road to Staley Road and Tolono Township maintains the
34 two miles from Staley Road to Duncan Road over to Mattis Street. He said that the Village of Savoy
35 maintains from Mattis Street to Neil Street then on over to First Street. He said that the road that is in front
36 of Mr. Jesse's property is maintained by Tolono Township but because Tolono Township properties are on
37 the south and Champaign Township properties are on the north they joint repair adjoining township bridges
38 when they come up on the Champaign County Bridge Replacement Program.

39
40 Mr. Thorsland stated that staff should make sure that the Tolono Township Highway Commissioner should
41 be contacted regarding these cases.

1
2 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.
3
4 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.
5
6 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.
7
8 Mr. Thorsland stated that he had a few questions for Mr. Jesse and requested that he return to the witness
9 microphone.
10
11 Mr. Thorsland asked Mr. Jesse if he would indicate the time frame for construction of Phase I.
12
13 Mr. Jesse stated that it depends on how long the County's process will take. He said that currently the
14 subject property is planted in row crop therefore no construction would take place until the crops are
15 harvested in the fall.
16
17 Mr. Thorsland asked Mr. Jesse if he had participated in any discussions with the City of Champaign.
18
19 Mr. Jesse stated yes. He said that he started discussing the project over one year ago and they are nice
20 people but they will not look at the Comprehensive Plan and admit that a mistake was made. He said that it
21 appears that they just want to say that they want to look at the map and say that they drew the map and now
22 we are not going to vary the map. He said that if you look at the map his building is apparent and the City of
23 Champaign indicates the property as a residential subdivision. He said that the only entrance for his entire
24 ten acres is through his driveway therefore it is very limited as to what can be done on the property. He said
25 that for sure he didn't sell lots and build house upon them and he does not have any sewer or water
26 accommodations. He said that it seems like the staff at the City of Champaign are very nice but they are not
27 being reasonable. He said that he did talk to the Mayor of the City of Champaign and he indicated that he
28 was in support of the proposed project and indicated that he would provide a letter indicating such.
29
30 Mr. Thorsland stated that until the letter from the Mayor is received and submitted as evidence the Board
31 cannot consider it as supportive evidence. He said that Mr. Kass has indicated that the City of Champaign
32 intends to submit a protest if the ZBA recommends approval of the map amendment. He asked Mr. Jesse if
33 he intends to proceed if possible.
34
35 Mr. Jesse stated that it is his understanding that if the City of Champaign protests the map amendment it will
36 require a 75% vote in favor of the map amendment from the County Board and he is willing to take the
37 chance.
38
39 Mr. Thorsland asked Mr. Jesse if he had discussed all of the Special Use Permit requirements with Mr. Hall
40 such as the lighting requirements.
41

1 Mr. Kass stated that note #13 on the submitted site plan indicates that they will comply with the lighting
2 requirements.

3
4 Mr. Randol stated that he is familiar with the property and he has no objections with this case proceeding.

5
6 Mr. Hall asked Mr. Jesse how he will ensure security.

7
8 Mr. Jesse stated that there would be a gate that would require a password for entry. He said that the gate
9 would always be locked and no entry would be granted unless the correct password was used. He said that
10 there will be outdoor lighting with 100% cut-off regarding glare and a camera system will be installed for
11 recording activities on the property.

12
13 Mr. Hall stated that there are hallways proposed for the larger buildings therefore would the cameras be
14 installed indoor and outdoor.

15
16 Mr. Jesse stated yes.

17
18 Mr. Hall stated that the security accommodations should be indicated in a detailed list so that they are all
19 located in one spot so that it could easily be conditioned if acceptable. He said that in the past the County
20 has had self-storage developments where security appeared to be a particular concern and caretakers were
21 provided during the evening hours.

22
23 Mr. Jesse stated that he has not considered having caretakers during the evening hours. He said that his wife
24 works in the front office Monday-Friday from 7:30 a.m. to 4:30 p.m. and Saturday mornings. He said that
25 the intent was to keep the same hours for the storage facility. He said that a lot of the storage facilities are
26 being built away from apartments and homes.

27
28 Mr. Hall asked Mr. Jesse if he had checked into any insurance concerns there may be in regards to interior
29 design and fire protection.

30
31 Mr. Jesse stated that the units will have concrete floors and white metal walls and ceilings with LED
32 lighting.

33
34 Mr. Hall asked Mr. Jesse if the inside walls of the units would also be metal.

35
36 Mr. Jesse stated that it depends on which manufacturer he chooses. He said that some manufacturers have a
37 vinyl vapor barrier over the insulation on the roof and no metal is installed. He said that he has not put the
38 project out for final bid because he does not know how this process would go. He said that if he needs to
39 note these items then he would be glad to do so.

40
41 Mr. Hall stated that Champaign County does not have a building code however the State of Illinois does

1 have a building code and he hopes that Mr. Kass has indicated that this facility would have to be built
2 according the State of Illinois mandated building codes and he has not looked at those codes to see what they
3 would require for larger buildings which are almost 10,000 square feet under roof. He said that this may not
4 be an issue but he has not had the opportunity to check.
5

6 Mr. Thorsland asked Mr. Jesse if he has had any contact with the Kaskaskia Special Drainage District.
7

8 Mr. Jesse stated no. He said that once the drainage plan is complete the natural flow will not go to the ditch
9 but to the northeast. He said that he will need to deal with I.D.O.T. or the people who are in charge of the
10 drainage ditch. He said that the flow naturally goes northeast and not to the ditch.
11

12 Mr. Thorsland asked the Board if there were any additional questions for Mr. Jesse and there were none.
13

14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jesse at this time.
15

16 Mr. Thorsland reminded the audience that they may only ask Mr. Jesse questions which are based upon his
17 testimony.
18

19 Mr. Don Wauthier, Engineer for Berns, Clancy and Associates, asked Mr. Jesse if he is aware of any of the
20 Kaskaskia Special Drainage District's requirements for placement of the fence and shrubbery in their
21 easement.
22

23 Mr. Jesse stated that there is a fence there now therefore he believed that he could replace the fence but if
24 that is not possible then he will have to deal with it. He said that it is not like he would be building on every
25 square inch of the property and there is plenty of room to relocate anything that is required.
26

27 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Jesse.
28

29 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that as he recalls the subject
30 property used to be a hog lot therefore the present and proposed use is much better than it used to be.
31

32 Mr. Jesse stated that Mr. Padgett is correct.
33

34 Mr. Padgett asked Mr. Jesse if there would be any outdoor storage allowed in the fenced area such as trailers
35 or campers.
36

37 Mr. Jesse stated yes, he wanted to provide outdoor storage behind the screened area which is located at the
38 back end of the existing parking lot. He said that he wanted to screen in a corner with the landscaping and a
39 tall fence.
40

41 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Jesse and there was no one.

1

2 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
3 testimony regarding these two cases and there was no one.

4

5 Mr. Thorsland asked Mr. Kass if the comments from the City of Champaign were received via a telephone
6 call or by e-mail.

7

8 Mr. Kass stated that the comments were received via e-mail.

9

10 Mr. Thorsland requested that the e-mail be included in the next mailing packet for the Board's review.

11

12 Mr. Kass stated that the e-mail correspondence with Mr. Marino was essentially no different than the letter
13 that was attached to the memorandum for Case 758-AM-13. He said that he will get in touch with Rita
14 Morocoima-Black regarding a traffic impact analysis.

15

16 Mr. Padgett stated that he does have the traffic information regarding Old Church Road on his home
17 computer and he can e-mail this information to staff. He said that the information will have a date on the
18 survey and what ADT was at that time.

19

20 Mr. Thorsland stated that he would appreciate Mr. Padgett's information.

21

22 Mr. Padgett stated that there is a reasonable amount of traffic that travels out of Savoy that turns north or
23 south on Duncan Road and if he remembers correctly the ADT for the intersection of Rising and Old Church
24 roads was 275 per day and between 9 a.m. to 5 p.m. it was 5 per day.

25

26 Mr. Thorsland asked the Board if there is any additional information required prior to the next meeting.

27

28 Mr. Thorsland entertained a motion to continue Cases 758-AM-13 and 759-S-13 to the August 29, 2013,
29 meeting.

30

31 **Mr. Palmgren moved, seconded by Ms. Capel to continue Cases 758-AM-13 and 759-S-13 to the**
32 **August 29, 2013, meeting. The motion carried by voice vote.**

33

34

35 **Case 760-V-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General**
36 **Manager Request to authorize a County Board Variance from Subsection 13.2.1A.4 that requires**
37 **construction or use to comply with the SUBDIVISION regulations of a municipality when the**
38 **requirement for annexation to that municipality is pursuant to or is a requirement for plat approval**
39 **by that municipality, for a proposed water storage tank and pump station that are owned and**
40 **operated by a predominately rural water district in the AG-2 District. Location: An approximate .075**
41 **acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the**

1 **Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located**
2 **immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**
3

4 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
5 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
6 of hands for those who would like to cross examine and each person will be called upon. He requested that
7 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
8 those who desire to cross examine are not required to sign the witness register but are requested to clearly
9 state their name before asking any questions. He noted that no new testimony is to be given during the cross
10 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
11 from cross examination.
12

13 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
14 sign the witness register for that public hearing. He reminded the audience that when they sign the
15 witness register they are signing an oath.
16

17 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
18

19 Mr. Kerry Gifford, General Manager, stated that this is Part 2 of the main project for improvements to the
20 water treatment plant for Sangamon Valley Public Water District. He said that evidence remains the same as
21 it did with the water treatment plant in regards to the annexation requirement with the Village of Mahomet.
22 He said that SVPWD is requesting a recommendation from the ZBA for variance approval. He said that the
23 new water tank and pumping station is desperately needed for safety and health reasons. He said that
24 SVPWD has found a nice location that hydraulically will fix the stress of the water situation on the other
25 side of the river.
26

27 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.
28

29 Mr. Thorsland asked if staff had any questions for Mr. Gifford and there were none.
30

31 Mr. Thorsland called John Hall.
32

33 Mr. John Hall, Zoning Administrator stated that the County Board approved the variance on the other
34 property for expansion at the Board's last Thursday night's meeting and there was no discussion. He said
35 that the memorandum includes the foundation permit that was approved on July 3rd and he does not
36 anticipate any problems. He said that the condition of the approval of the foundation permit was that the
37 petitioner abide by any reasonable requirement of the Board therefore if the Board has any issues with this
38 then now is the time to discuss those issues and see if there are any additional conditions necessary.
39

40 Mr. Thorsland stated that Mr. Randol may have a statement to make regarding his ability to vote in this case.
41

1 Mr. Randol stated that he must abstain from participating in this case because he is an employee of the
2 Sangamon Valley Public Water District.

3
4 Mr. Thorsland stated that page 6 of the Preliminary Draft Summary of Evidence references Case 751-V-13
5 and the evidence is probably very similar if not identical to this case.

6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Gifford at this time and there was
8 no one.

9
10 Mr. Thorsland asked the audience if anyone desired to sign the witness register for Case 760-V-13 and there
11 was no one.

12
13 Mr. Thorsland asked the Board if there were any additional questions for staff or Mr. Gifford and there were
14 none.

15
16 Mr. Thorsland asked if special conditions are required.

17
18 Mr. Hall stated that no special conditions were proposed.

19
20 Mr. Kass stated that no special conditions were proposed because staff did not feel that special conditions
21 were necessary. He said that Case 749-V-13 included a special condition regarding submitting the plat but
22 the plat has already been submitted for this case and was included in the July 19, 2013, Preliminary
23 Memorandum.

24
25 Mr. Thorsland stated that there are no new Documents of Record and no special conditions proposed.

26
27 **Finding of Fact for Case 760-V-13:**

28
29 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
30 760-V-13 held on July 25, 2013, the Zoning Board of Appeals of Champaign county finds that:

- 31
32 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
33 **structure involved, which are not applicable to other similarly situated land and**
34 **structures elsewhere in the same district.**

35
36 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or
37 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
38 same district because they have an available parcel that is small and is screened that is in a convenient
39 location. He said that it will be located in an area that lacks water pressure and flow.

40
41 Mr. Thorsland stated that it is in close proximity to the existing water system.

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Mr. Kass read the Board’s findings as follows:

- **They have an available parcel that is small and is screened that is in a convenient location.**
- **It will be located in an area that lacks water pressure and flow**
- **It is in close proximity to the existing water system.**

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because finding another location will create additional expense. She said that the tank is located on the existing system so there is no need for additional water lines. She said that finding a new location will cause a delay, and the improvements are necessary now.

Mr. Kass read the Board’s findings as follows:

- **Finding another location will create additional expense**
- **The tank is located on the existing system so there is no need for additional water lines.**
- **Finding a new location will cause a delay, and the improvements are necessary now.**

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because it is necessary because of an increase in demand. She said that there is potential for increased demand in the future.

Mr. Thorsland stated that the surrounding development was already in place and was instrumental in the increased demand.

Mr. Kass read the Board’s findings as follows:

- **This is necessary because of an increase in demand.**
- **There is potential for increased demand in the future.**
- **The surrounding development was already in place and was instrumental in the**

1 **increased demand.**

2
3 **4. The requested variance IS in harmony with the general purpose and intent of the**
4 **Ordinance.**

5
6 Mr. Miller stated that the requested variance IS in harmony with the general purpose and intent of the
7 Ordinance because the location is suited for the proposed use and is well located in terms of providing public
8 services.

9
10 Mr. Kass read the Board's findings as follows:

- 11
12 • **The location is well suited for the proposed use and well located in terms of**
13 **providing public services.**

14
15 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
16 **detrimental to the public health, safety, or welfare.**

17
18 Mr. Palmgren stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
19 detrimental to the public health, safety, or welfare because the proposed tank site will have a locking gate,
20 security fence around the perimeter, and locking tank access and building access.

21
22 Mr. Thorsland stated that the proposed use will improve public health, safety and welfare.

23
24 Mr. Palmgren added that no comments were received from the fire protection district or the relevant highway
25 authority.

26
27 Mr. Kass read the Board's findings as follows:

- 28
29 • **The proposed tank site will have a locking gate, security fence around the**
30 **perimeter, and locking tank access and building access.**
31 • **The proposed use will improve public health, safety, and welfare.**
32 • **No comments were received from the fire protection district or the relevant**
33 **highway authority.**

34
35 **6. The requested variance IS the minimum variation that will make possible the**
36 **reasonable use of the land/structure.**

37
38 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the
39 reasonable use of the land/structure.

40
41 **7. No special conditions are hereby imposed.**

1

2 Mr. Thorsland entertained a motion to adopt the Findings of Fact as amended.

3

4 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Findings of Fact as amended. The motion**
5 **carried by voice vote.**

6

7 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
8 of Fact as amended.

9

10 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
11 **Record and Findings of Fact as amended. The motion carried by voice vote.**

12

13 Mr. Thorsland entertained a motion to move to the Final Determination for Case 760-V-13.

14

15 **Mr. Palmgren moved, seconded by Mr. Miller to move to the Final Determination for Case 760-V-13.**
16 **The motion carried by voice vote.**

17

18 Mr. Thorsland informed the petitioner that the Board currently has one vacant seat. He said that one Board
19 member has abstained from voting for this case and one Board member is absent from tonight’s meeting. He
20 informed the petitioner that four affirmative votes are required for approval. He asked the petitioner if he
21 desired to proceed to the Final Determination with the present Board or to continue Case 760-V-13 until a
22 full Board is present.

23

24 Mr. Gifford requested that the present Board proceed to the Final Determination.

25

26 **Final Determination for Case 760-V-13:**

27

28 **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals**
29 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
30 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
31 **in Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
32 **Champaign County determines that the Variance requested by the petitioner, Sangamon Valley**
33 **Public Water District, in Case 760-V-13 to authorize a County Board Variance from Subsection**
34 **13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a**
35 **municipality when the requirement for annexation to that municipality is pursuant to or is a**
36 **requirement for plat approval by that municipality, for a proposed expansion of a water treatment**
37 **plant and related facilities that are owned and operated by a predominately rural water district in the**
38 **AG-2 District should be GRANTED by the County Board.**

39

40 Mr. Thorsland requested a roll call vote.

41

1 The roll was called:
2

3 **Miller-yes** **Palmgren-yes** **Passalacqua-absent**
4 **Randol-abstained** **Capel-yes** **Thorsland-yes**
5

6 Mr. Hall informed the petitioner that he has received a recommendation for approval. He said that the next
7 step will be at the August 8th Environment and Land Use Committee meeting.
8

9 Mr. Thorsland stated that the Board will now hear Case 757-AT-13.
10

11 **7. Staff Report**
12

13 Mr. Hall informed the Board that Connie Berry could not be in attendance tonight due to the passing of her
14 father, Oscar Denny.
15

16 **8. Other Business**

17 **A. Review of Docket**
18

19 Mr. Hall stated that with the exception of Mr. Jesse's case the docket has come to a screeching halt although
20 staff has had inquiries for four new zoning cases.
21

22
23 **9. Audience Participation with respect to matters other than cases pending before the Board.**
24

25 None
26

27 **10. Adjournment**
28

29 Mr. Thorsland entertained a motion to adjourn the meeting.
30

31 **Ms. Capel moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice vote.**
32

33 The meeting adjourned at 8:50 p.m.
34
35
36
37

38 Respectfully submitted
39
40
41

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

7/25/13

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Secretary of Zoning Board of Appeals

CASE NO. 732-AT-12

SUPPLEMENTAL MEMORANDUM

September 19, 2013

Champaign County
Department of

Petitioner: **Zoning Administrator**

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

**PLANNING &
ZONING**

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 VEHOCLE 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.

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

- (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.

STATUS

This case is continued from the August 15, 2013, public hearing. No revisions to the proposed amendment have been made since the last hearing. Attachment A is a revised table comparing the existing Ordinance to the proposed amendment. Attachment E is a revised RHO Handout with example site plans. A revised Finding of Fact is also attached separately. This case is ready for Final Action.

ATTACHMENTS

- A Table Comparing Existing Ordinance Requirements for Rural Home Occupation to Proposed in Case 732-AT-12
- B Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- C Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- D Amended Section 7.1.2
- E Revised RHO Handout with four example RHO site plans (included separately)
- F Revised RHO Application Form (included separately)
- G Revised Finding of Fact (included separately)

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Requirement	
LIMITS ON VEHICLES					
Limits on number and weight of vehicles	7.1.2.E.	"Non-farm, Second Division vehicles...used in any RURAL HOME OCCUPATION..."	7.1.2.E.	"Non-farm MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers used and parked at any RURAL HOME OCCUPATION..."	CHANGE TO CLARIFY: Amendment does not rely on understanding of "second division"; amendment only includes those things used and parked at the RHO; amendment adds clarity
	7.1.2.E.i.	no more than three self propelled vehicles over 8,000 lbs. gross vehicle weight shall be permitted	7.1.2.E.(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 Vehicle Code (625 ILCS 5/1 et seq). shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).	CHANGE TO BE LESS RESTRICTIVE: In discussions with County Board members the greatest concern seemed to be about semi-trucks (truck tractors) and tandem axle dump trucks; amendment is much less restrictive because all 10 vehicles could weigh as much as 32,600 pounds loaded and approximately 15,000 pounds empty; amendment still relies on familiarity with Illinois Vehicle Code because all vehicle weights must be within the allowances of Illinois Vehicle Code which is actually more restrictive than the current Ordinance which places no weight limits on three vehicles, but it is already the law NO SUBSTANTIVE CHANGE
	7.1.2.E.ii.	No more than 10 vehicles in total, including vehicles under 8,000 lbs. gross vehicle weight, trailers... ...and off-road vehicles...		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.	CHANGE TO CLARIFY: See the proposed new limit on equipment in proposed par. 7.1.2F. (see below).
Required separations from lot line for outdoor parking of RHO vehicles		... shall be permitted excluding patron or employee personal vehicles.		... shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.	CHANGE TO CLARIFY: Owner personal vehicles have never been counted even though that is not specified in the current Ordinance.
	7.1.2E.iii.	all Second Division vehicles shall be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use.	7.1.2E.4.a. & b.	a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. 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	CHANGE TO BE LESS RESTRICTIVE: Amendment allows one vehicle to be no less than 5 feet from lot line as is allowed for Neighborhood Home Occupations; also, existing 50 feet separation from lot line and 100 feet from off-site dwelling are not warranted if adequate screening is provided

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Proposed Amendment	
Vehicle parking requirements (number of spaces required)	7.1.2H. & 7.4.1	Subject to the provisions of Sec. 7.4.1 for all patrons and employees	7.1.2.E.4.c. & 7.4	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 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.	NO SUBSTANTIVE CHANGE
Screening of parking areas	7.1.2H. & 7.4.1 C.4.	Type A screen (4 feet tall) required for parking for more than 4 vehicles of no more than 8,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use except that Type B screen may be on rear lot line; and Type D screen (8 feet tall) for any number of vehicles of more than 8,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use	7.1.2.E.4.c.(2)	(2) Type A screen (4 feet tall) required for parking for more than 4 vehicles of no more than 15,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use except that Type B screen may be on rear; and Type D screen (8 feet tall) for more than one vehicle of more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers, all within 100 feet of BRL of a lot with dwelling conforming to use	CHANGE TO BE LESS RESTRICTIVE: Amendment increases the weight of vehicles that need only Type A or B (4 feet tall) screening from the current 8,000 pounds to 15,000 pounds; Amendment also incorporates screening requirement as part of the RHO section

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Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Requirement	
Vehicle parking requirements (loading berth requirement)	7.1.2H. & 7.4.2	Off-street loading berths are required by 7.4.2 C. for commercial and industrial uses	7.1.2 E.4.c.(3)	The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.	CLARIFICATION AND CHANGE TO BE LESS RESTRICTIVE: The amendment clearly exempts RHOs from the requirement for loading berths, which is the current practice.
Vehicle parking requirements (requirement for parking area to be paved)	7.1.2H. & 7.4.2	Off-street loading berths are required by 7.4.2 D.2. requires "industrial uses" to be paved with all weather dustless material (but it is not clear what is an "industrial use")	7.1.2 E.4.c.(4)	The requirements of Section 7.4 notwithstanding, paragraph 7.4.1 D. 2. shall not be applicable to any parking at a RURAL HOME OCCUPATION.	CLARIFICATION AND CHANGE TO BE LESS RESTRICTIVE: The amendment clearly exempts RHOs that could otherwise be considered "industrial use" from the requirement paved parking areas

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph		
LIMITS ON EQUIPMENT Limits on numbers and weights of equipment		See 7.1.2E.ii. "off road vehicles" are included in the limit of 10 vehicles in total	7.1.2F.	Non-farm equipment and supplemental equipment attachments that may be stored and/or used at any RURAL HOME OCCUPATION shall be limited as follows: 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. 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 7.1.2 F.2. and 3.	CLARIFICATION: This makes it clear that "equipment" is limited in a Rural Home Occupation and eliminates the "off road vehicles" that is used in the current Ordinance.
			7.1.2F.1.a., b, c., d.		CLARIFICATION: This defines what "equipment" is considered to be.

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Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Requirement	
				<p>e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.</p> <p>No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/ or used outdoors subject to the following:</p> <p>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.</p>	<p>CHANGE TO MORE RESTRICTIVE: This will prevent outdoor storage of inoperable equipment and equipment attachments.</p> <p>CHANGE TO BE LESS RESTRICTIVE: This allows unlimited numbers of equipment so long as no more than 10 complete pieces are stored outdoors and/ or so long as vehicles are not also outdoors.</p> <p>No weight limits are proposed for equipment other than the weight limits for the vehicles that are used to move the equipment (see 7.1.2E.above).</p> <p>This is a less restrictive change.</p>
			7.1.2F.2.a.	<p>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.</p> <p>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.</p> <p>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.</p>	<p>CHANGE TO BE LESS RESTRICTIVE: These rules allow greater numbers of equipment to be outdoors if on a trailer and/ or connected to a vehicle. Note this may affect the type of screening that is required.</p>

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Amendment	
Required separations from lot lines and screening of equipment stored outdoors	Sec. 7.6 & 7.2	Must meet the minimum 10 feet yard established in Sec. 7.2 and screened by Type D screen if visible and within 1,000 feet BRL of a lot with a conforming dwelling or MAJOR STREET	7.1.2F.4.a. & 7.1.2 K.	...equipment... 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 7.1.2 K. (within 1,000 feet BRL of a lot with a conforming dwelling or MAJOR STREET) except for 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 7.1.2 E.	NO SUBSTANTIVE CHANGE: The amendment incorporates into the RHO section the minimum separation and screening required for equipment
			7.1.2F.4.b.	...except as follows... When there are no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross 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 7.1.2 E.4.c.	CHANGE TO BE LESS RESTRICTIVE: No screening is required for no more than two pieces of equipment which may help smaller RHOs

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Requirement	
LIMITS ON EMPLOYEES					
Limits on employees	7.1.2B.	Non-family employees shall only be permitted subject to the following limitations:	7.1.2B.	Non-resident employees shall only be authorized subject to the following limitations:	CLARIFICATION: These limits already apply to all non-resident (including non-resident family) employees of a "HOME OCCUPATION"; see the Ordinance definitions of "NEIGHBORHOOD HOME OCCUPATION" and "RURAL HOME OCCUPATION".
	7.1.2B.i.	on lots smaller than five acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.	7.1.2B.i.	i. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises	CHANGE TO BE LESS RESTRICTIVE: : Many Board members expressed a hope that the limits on employees could be relaxed but no clear justification was found to increase the number of authorized employees but there is some justification for reducing the minimum lot area for the larger number of employees (see below).
	7.1.2B.ii.	on lots five acres 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.	7.1.2B.ii.	ii. 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;	CHANGE TO BE LESS RESTRICTIVE: : Five acre lots are no longer allowed on "best prime farmland" and three acres is the maximum lot size on best prime farmland. This change will allow the larger number of employees on smaller lots and will make the Ordinance less restrictive.
			7.1.2B.iii.	iii. 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 further provided that	CHANGE TO BE LESS RESTRICTIVE: Some Board members expressed a hope that a greater number of employees could be allowed on the RHO property during inclement weather. With this change the Ordinance will be less restrictive.

Attachment A. Comparing Existing Ordinance Requirements To Proposed in Case 732-AT-12 REVISED DRAFT September 18, 2013

Parameter	Existing Ordinance		Section or paragraph	Proposed Amendment	Notes
	Section or paragraph	Requirement			
			7.1.2B.iv.	<p>iv. 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.</p>	<p>CHANGE TO BE LESS RESTRICTIVE: This was not requested by any Board member but is recommended. With this change the Ordinance will be less restrictive.</p>

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph		
NONCONFORMITIES					
Sec. 8	No specific requirements for nonconforming limits on vehicles and equipment other than cannot increase the nonconformity; does not clearly authorize replacement of vehicles and equipment that are nonconforming.	7.1.2M.	<p>1. The requirements of paragraphs 7.1.2E. and F. 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.</p> <p>2. The requirements of paragraphs 7.1.2E. and F. and the requirements of Section 8 notwithstanding:</p> <p>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.</p> <p>b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 M.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>	CHANGE TO BE LESS RESTRICTIVE: The amendment "grandfathers" any existing RHO that might exceed the current limits on vehicles or equipment under certain conditions and allows all existing vehicles and equipment to be replaced so long as RHO stays at that location.	

Note: The indications for proposed changes are as follows:

- Changes proposed at the Committee of the Whole on September 25, 2012, are indicated in single strike out if deleted and single underlining for new text.
- Changes made during the ZBA public hearing are indicated in double strike out if deleted and double underlining for new text.
- Deletions and additions since the last ZBA meeting are **highlighted.**

1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. (and reletter as required) to read as follows:

- E. ~~Non-farm, Second Division vehicles as defined by the Illinois Vehicle Code~~ MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers; used ~~in~~ 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 ~~in any way for the~~ at any RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
 - i.2. No more than three self propelled vehicles over 8,000 lbs. gross weight 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), shall be ~~permitted~~ authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
 - ii.3. No more than 10 ~~vehicles~~ MOTOR VEHICLES in total, including vehicles under 8,000 lbs. gross vehicle weight, and/ or licensed semitrailers and/ or licensed pole trailers off road vehicle in total shall be ~~permitted~~ authorized excluding patron or employee or owner personal ~~vehicles~~ MOTOR VEHICLES.
 - iii.4. All ~~Second Division vehicles~~ MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored ~~indoors~~ in an enclosed BUILDING or parked outdoors subject to the following ~~minimum separations for outdoor parking:~~
 - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. 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 ~~no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE; or~~

~~iii. if less than 50 feet from any lot line and/ or less than 100 feet from any off site existing DWELLING conforming as to USE, outdoor parking for more than one MOTOR VEHICLE shall be at least 10 feet from any LOT LINE; and~~

c. Off street parking spaces shall be provided as follows. 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, and all parking shall be subject to the following:

(1) No parking shall occur in the STREET RIGHT OF WAY.

(2) Parking spaces shall be provided subject to the provisions of in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons. The requirements of Section 7.4 notwithstanding, all off- street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 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 4.3.3 H.

(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 the 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 that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.

(43) The requirements of Section 7.4 notwithstanding, a loading berth shall not be required for a RURAL HOME OCCUPATION.

~~(4) The requirements of Section 7.4 notwithstanding, paragraph 7.4.1 D. 2. shall not be applicable to any parking at a RURAL HOME OCCUPATION.~~

2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:

- 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 ~~and used in any way for~~ that may be stored 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.
 - 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 7.1.2 F.2. and 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 ~~provided however, that~~ 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. This limit shall apply to each individual piece of equipment provided
 - b. When a piece of equipment is on a trailer other than a semitrailer or pole trailer, the trailer is not and all equipment on the trailer are all counted as only one a piece of equipment. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as 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 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.
 - e. 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.

4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors must meet the following minimum separations for outdoor STORAGE of equipment:
- i. ~~Equipment in outdoor STORAGE shall be no less than 50 feet from any lot line and no less than 100 feet from any off-site existing DWELLING conforming as to USE; or~~
 - ii. ~~if less than 50 feet from any lot line and/ or less than 100 feet from any off-site existing DWELLING conforming as to USE, equipment stored outdoors shall be stored or used at least 10 feet from any LOT LINE and screened by a Type A-D SCREEN, as required by paragraph 7.1.2 K. 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 7.1.2 E.~~
 - b. ~~When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross 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 7.1.2 E.4.c.~~

3. **Insert new paragraph 7.1.2 M. (and renumber as required) to read as follows:**

M. Applicability and nonconformities.

- 41. ~~The above~~ requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after ~~May~~ 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 above~~ requirements of paragraph 7.1.2E. and F. 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 for which an application had been received by the Zoning Administrator on or before May~~ 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 used in at that RURAL

~~HOME OCCUPATION provided that the total number of MOTOR VEHICLES in the RURAL HOME OCCUPATION are not more than 10 and further provided that no more than 3 such MOTOR VEHICLES are truck tractors or MOTOR VEHICLES with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq).~~

b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2EF.105-M.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.

4. **Revise paragraph 7.1.2 K. to read as follows:**

K. Outdoor STORAGE for other than equipment used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and screened as provided by Section 7.6. 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.

5. **Revise paragraph 7.1.2 B. to read as follows:**

B. Non-resident, non-family employees shall only be permitted authorized subject to the following limitations:

i. on lots smaller than ~~five~~ two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but

ii. on lots ~~five~~ 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 provided that~~

- iii. ~~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 further provided that~~
- iv. 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.

1. **Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. (and reletter as required) to read as follows:**
 - 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 Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (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 7.1.1 K. 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 any licensed pole trailer that is visible from and located within 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 4.3.3 H.
 - (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 the 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 that 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 7.4.1 D. 2. shall not be applicable to any parking at a RURAL HOME OCCUPATION.

2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:

- 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 barrows 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 7.1.2 F.2. and 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 7.1.2 K. 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 7.1.2 E.
 - b. When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross 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 7.1.2 E.4.c.

3. Insert new paragraph 7.1.2M. (and renumber as required) to read as follows:

- M. Applicability and nonconformities.
 1. The requirements of paragraphs 7.1.2E. and F. 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 F. 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 7.1.2 M.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.

4. Revise paragraph 7.1.2 K. to read as follows:

- K. 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.

5. Revise paragraph 7.1.2 B. to read as follows:

- B. Non-resident employees shall only be authorized subject to the following limitations:
- i. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
 - ii. 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
 - iii. 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
 - iv. 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.

SECTION 7.1.2 RURAL HOME OCCUPATIONS

- 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-resident 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 the 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 Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (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 7.1.1 K. 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 any licensed pole trailer that is visible from and located within 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 4.3.3 H.

- (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 the 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 that 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 7.4.1 D. 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 barrows 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

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SEPTEMBER 19, 2013

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 7.1.2 F.2. and 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

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- screened as required by paragraph 7.1.2 K. 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 7.1.2 E.
 - b. When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross 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 7.1.2 E.4.c.
- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernible 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. Prohibited RURAL HOME OCCUPATION Activities shall include:
- i. outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
 - ii. outdoor automobile or truck repair OPERATIONS;
 - iii. salvage or recycling STORAGE or OPERATIONS;
 - iv. outdoor storage of any vehicle equipment or container used for solid waste hauling;
 - v. 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.
- J. 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.
- K. 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:

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- 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.
- L. 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.
- M. Applicability and nonconformities.
1. The requirements of paragraphs 7.1.2E. and F. 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 paragraph 7.1.2E. and F. 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 7.1.2 M.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.

RHO

RURAL HOME OCCUPATION

OVERVIEW OF REGULATIONS FOR RURAL HOME OCCUPATIONS

Rural Home Occupations are permitted only in the AG-1, Agriculture, AG-2, Agriculture and CR, Conservation-Recreation Zoning Districts. They are not permitted in some residential subdivisions or within 500 feet of a residential zoning district. Check with the Department of Planning and Zoning.

The following summarizes Section 7.1.2 of the Champaign County Zoning Ordinance that applies to all Rural Home Occupations. Rural Home Occupations are permitted as an accessory use to a residence (dwelling) subject to the following:

- A. All Rural Home Occupations must obtain a Zoning Use Permit prior to operation (see 7.1.2 L. of the Zoning Ordinance).
- B. **Prohibited** Activities include (see 7.1.2 I. of the Zoning Ordinance):
 - i. outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
 - ii. outdoor automobile or truck repair;
 - iii. salvage or recycling;
 - iv. outdoor storage of any vehicle, equipment or container used for solid waste hauling;
 - v. retail sale of articles not produced on the site except grain seed sales or as such sales are incidental to providing a service.
- C. Limits on non-resident employees are established in paragraph 7.1.2 B. of the Zoning Ordinance but the primary limits are the following:
 - i. on lots smaller than two acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.
 - ii. on lots two acres 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.
- D. 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 (see 7.1.2 C. of the Zoning Ordinance).
- E. No more than one sign of not more than six square feet in area is permitted (see 7.1.2 D. of the Zoning Ordinance).
- F. Non-farm MOTOR VEHICLES that may be parked or used at any RURAL HOME OCCUPATION shall be limited as established in 7.1.2 E. of the Zoning Ordinance. The Zoning Ordinance defines a "MOTOR VEHICLE" as a self-propelled free-moving vehicle for the conveyance of goods or persons on a STREET. Some important limits are the following:

NOTE: This handout summarizes the major provisions applying in unincorporated areas. Cities and Villages may have different regulations. Other restrictions may apply.

Contact the Champaign County Department of Planning and Zoning, 1776 E. Washington Street,
Urbana, Illinois 61802. Phone: (217)384-3708

1. 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 Vehicle Code (625 ILCS 5/1 et seq), are allowed and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
 2. No more than 10 MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers are allowed in total but that limit does not apply to patron or employee or owner personal MOTOR VEHICLES.
 3. All MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored in a BUILDING or parked outdoors on the property subject to the following:
 - (a) The Zoning Ordinance does not require parking areas for Rural Home Occupations to be paved and no parking shall occur in the STREET RIGHT OF WAY.
 - (b) All required off-street parking must be indicated on the site plan and must conform to all Zoning Ordinance requirements.
 - (c) No more than 10 MOTOR VEHICLES and licensed semitrailers and/or licensed pole trailers and complete pieces of equipment or some combination thereof, may be kept outdoors but this limit does not apply to patron or employee or owner personal MOTOR VEHICLES. See paragraph 7.1.2 F.2. including rules for when equipment on a trailer is connected to a MOTOR VEHICLE
 - (d) The Zoning Ordinance limits how close parking may occur to the property boundary. See subparagraph 7.1.2 E.4.
 - (e) The Zoning Ordinance requires parking areas to be screened in some instances. See subparagraph 7.1.2 E.4.
- G. Non-farm equipment and attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:
1. See 7.1.2 F. of the Zoning Ordinance for an explanation of what is “equipment”.
 2. All equipment and attachments kept outdoors or used outdoors must be operable.
 3. Equipment kept in outdoor STORAGE or used outdoors must be stored or used at least 10 feet from any LOT LINE (see 7.1.2 E.4. of the Zoning Ordinance) and screened as required by 7.1.2 K. of the Zoning Ordinance.
- H. Processes employed must 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 or occurrence as would customarily be associated with agriculture.
- I. No storage of volatile liquid, flammable gases, hazardous material or explosives is permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
- J. Outdoor sales displays must be limited to items produced on-site, and occupy an area no larger than 500 square feet. Displays are not permitted in required front, side or rear yard setbacks.

NOTE: This handout summarizes the major provisions applying in unincorporated areas only. Cities and Villages may have different regulations. Other restrictions may apply.

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- K. *(ONLY APPLIES IF CASE 756-at-13 IS APPROVED)* All exterior lighting used to illuminate the Outdoor STORAGE and/or OPERATIONS area and/or parking area and/or building exterior for a RURAL HOME OCCUPATION established after {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE and/or OPERATIONS area and/or parking area and/or building exterior that is added after {EFFECTIVE DATE OF THE ORDINANCE} to any existing RURAL HOME OCCUPATION shall be full-cutoff type lighting fixtures that shall be located and installed so as to minimize glare and light trespass onto adjacent properties as follows (see 7.1.2 L. of the Zoning Ordinance):
1. Full-cutoff means that the lighting fixture emits no light above the horizontal plane. The manufacturer’s documentation of the full-cutoff feature shall be submitted for all exterior light fixtures.
 2. No lamp shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures shall be indicated on the site plan (including floor plans and building elevation).
- L. The Rural Home Occupation regulations in the Zoning Ordinance have been amended over time since first adopted. Some Rural Home Occupations are legally nonconforming and do not have to conform to the newer requirements. See 7.1.2 N. of the Zoning Ordinance.

SCREEN STANDARDS

The Zoning Ordinance defines a “SCREEN” as a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the SCREEN is located. Section 4.3.3 H. of the Zoning Ordinance establishes the following standards for required SCREENS for parking areas and outdoor storage areas:

1. Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
2. Type B: An opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
3. Type C: A landscaped berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of six feet as measured from the highest adjacent grade. A “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the screen planting is located.
4. Type D: A landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.

EXAMPLE SITE PLANS

Example site plans illustrating these requirements and illustrating what is required to be on a site plan are attached to this handout.

NOTE: This handout summarizes the major provisions applying in unincorporated areas only. Cities and Villages may have different regulations. Other restrictions may apply.

Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, Illinois 61802. Phone: (217) 384-3708

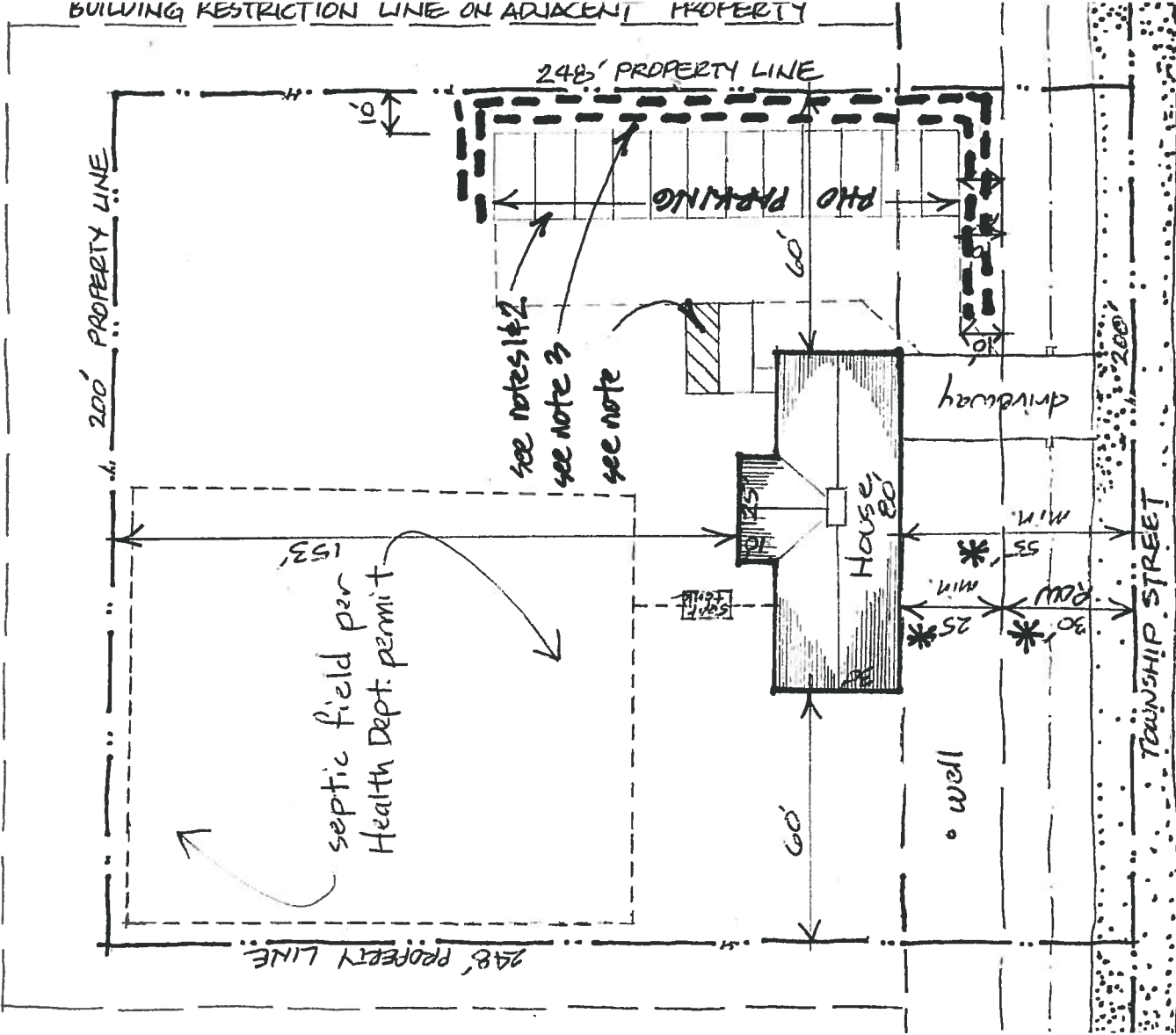
Example RHO Site Plan A. RHO on One acre lot w/ no accessory building

This example assumes the following:

- the maximum number of RHO vehicles but
- no vehicle over 15,000 pounds gross weight
- the maximum number of employees;
- no patron vehicles; and
- dwellings exist on all adjacent lots

Site Plan Notes

1. Parking spaces for onsite employees; max. 2 employees; each space min. 9' x 20'; paving and striping not required
2. Parking spaces for RHO vehicles; max. 10 vehicles and/or equipment stored outdoors; each parking space min. 9' x 20'; paving and striping not required; NO PARKING IN STREET
3. Screening is required for more than 4 vehicles or any vehicle more than 15,000 pounds gross wt.; Type A screening req. if less than 15,000 pounds gross weight); Arborvitae that is 4 feet tall at time of planting in two rows and spaced such that 50% of required screen shall be in place within 2 years (not req. if no dwelling on adjacent lot or if RHO parking is more than 100 feet from Building Restriction Line of adjacent lot)
4. Exterior lighting (optional); must be full cutoff; w/ max. 250 watt lamp)
5. Paved accessible parking space for RHO; 16' x 20' w/ striping and sign; also accessible path to accessible building entrance (Note: May not apply. Contact Doug Gamble at Illinois Capital Development Board (217-782-8530 or Doug.gamble@illinois.gov)
6. Sign (optional; not more than 6 square feet in area)



Note: Minimum required dimensions for setback and front yard vary depending upon the street classification at each location. Check with the Department of Planning and Zoning.

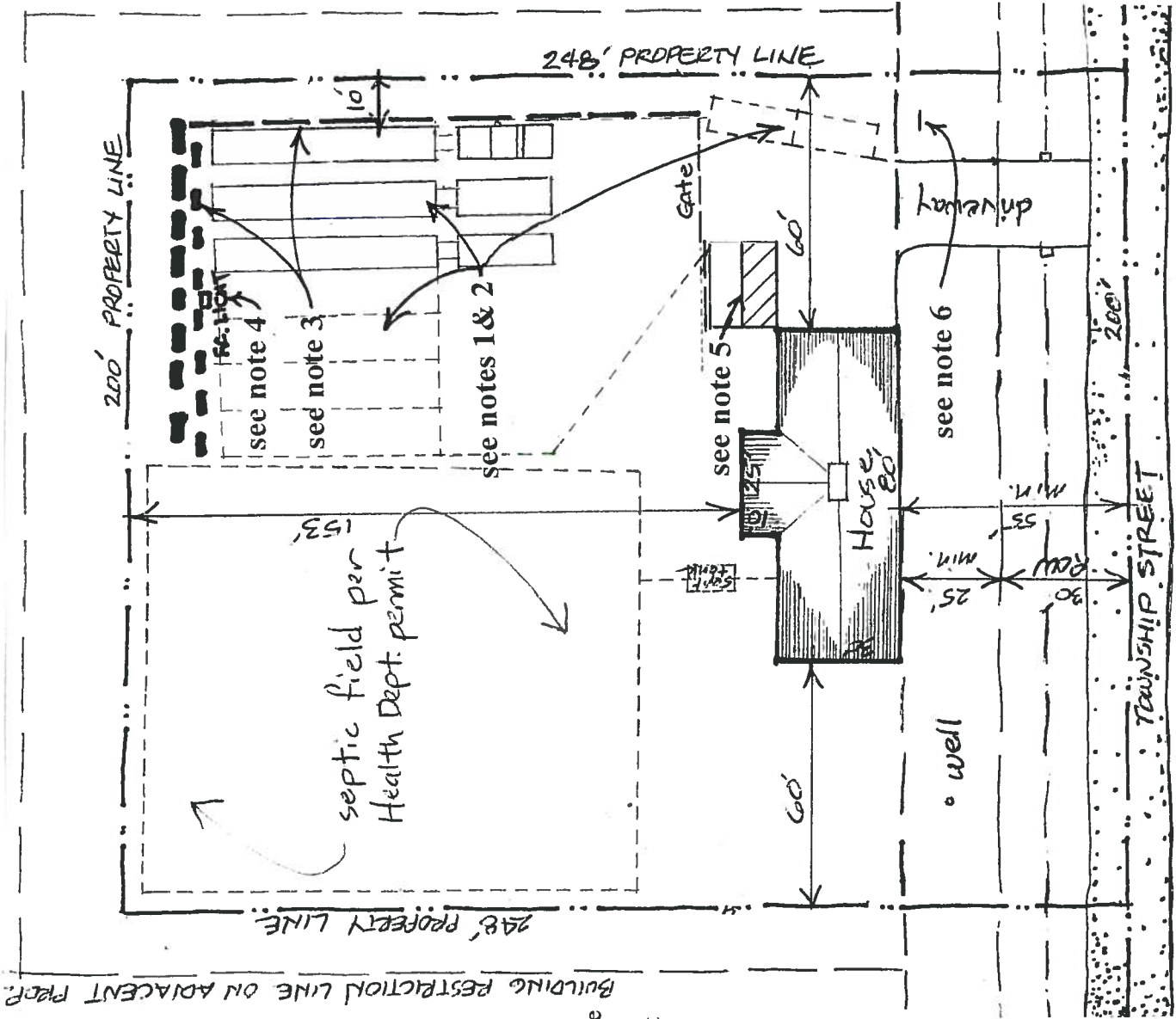
Example RHO Site Plan B. Truck Tractor RHO on One acre lot w/ no accessory building

This example assumes the following:

- the maximum number of truck tractors and semitrailers;
- the maximum number of employees;
- no patron vehicles; and
- dwellings exist on all adjacent lots

Site Plan Notes

1. Parking spaces for onsite employees; max. 2 employees; each space min. 9'x20'; paving and striping not required but **NO PARKING IN STREET**
2. RHO parking spaces for three truck tractors and connected semitrailers and four unconnected semitrailers; paving not required but **NO PARKING IN STREET**
3. Screening required for RHO parking if the parking is located within 100 feet from Building Restriction Line of adjacent lot with dwelling; Type A screening required for more than 4 vehicles and Type D screening required for any vehicle more than 15,000 pounds gross weight; this example illustrates Type D that is a solid fence and Type D that is Arborvitae that is 6 feet tall at time of planting in two rows and spaced such that 50% of required screen shall be in place within 2 years
4. Exterior lighting (not required but if provided shall be full-cutoff type w/ max. 250 watt lamp)
5. Paved accessible parking space for RHO; 16' x 20' w/ striping and sign; also accessible path to accessible building entrance (Note: May not apply. Contact Doug Gamble at Illinois Capital Development Board (217-782-8530 or Doug.gamble@illinois.gov)
6. Sign (not required but if provided shall not be more than 6 square feet in area)



Note: Minimum required dimensions for setback and front yard vary depending upon the street classification at each location. Check with the Department of Planning and Zoning.

Example RHO Site Plan C. RHO on One acre lot w/ accessory building & outdoor storage

This example assumes the following:

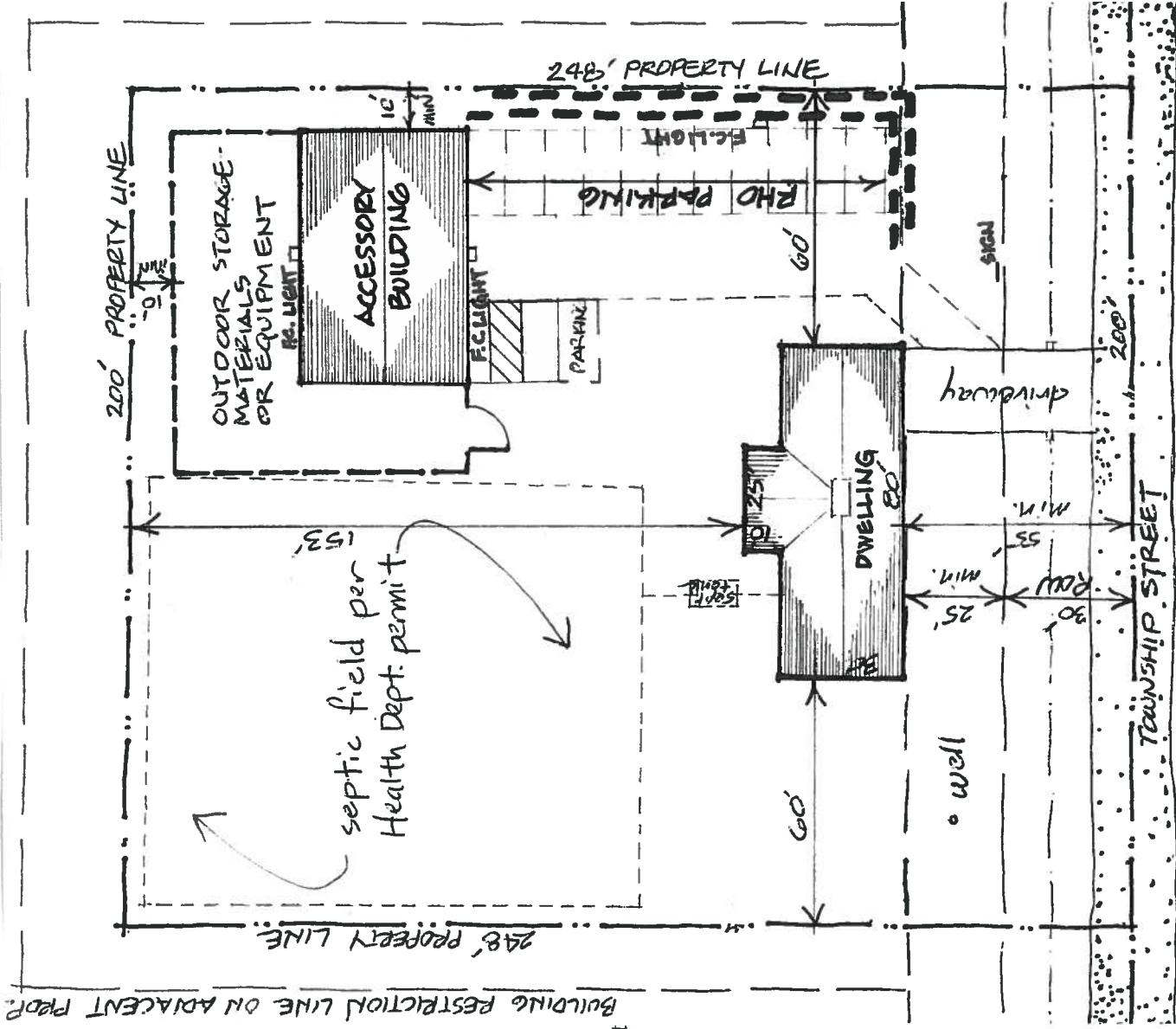
- the maximum number of RHO vehicles (but none w/ gross weight more than 15,000 pounds)
- the maximum number of employees;
- one accessory building for the RHO;
- outdoor storage for equipment or materials ;
- no patron vehicles;
- dwellings exist on all adjacent lots; and
- exterior lights on accessory building and in parking area

Site Plan Notes

1. Parking spaces for onsite employees; max. 2 employees; each space min. 9'x20'; paving and striping not required
2. Parking spaces for RHO vehicles; max. 10 vehicles and/or equipment stored outdoors; each parking space min. 9'x20'; paving and striping not required; **NO PARKING IN STREET**
3. Screening is required for more than 4 vehicles or any vehicle more than 15,000 pounds gross wt.; Type A screening req. if less than 15,000 pounds gross weight); Arborvitae that is 4 feet tall at time of planting in two rows and spaced such that 50% of required screen shall be in place within 2 years (not req. if no dwelling on adjacent lot or if RHO parking is more than 100 feet from Building Restriction Line of adjacent lot)
4. Accessory building for RHO (optional); Zoning Use Permit; must not look other than residential or agricultural
5. Outdoor storage area (optional; any outdoor storage must be screened with Type D screen (8 feet tall); opaque fence)
6. Exterior lighting (optional; must be full cutoff; w/ max. 250 watt lamp)
7. Paved accessible parking space for RHO; 16' x 20' w/ striping and sign; also accessible path to accessible building entrance (Note: May not apply. Contact Doug Gamble at Illinois Capital Development Board (217-782-8530 or Doug.gamble@illinois.gov)

8. Sign (optional; not more than 6 square feet in area)

Note: Minimum required dimensions for setback and front yard vary depending upon the street classification at each location. Check with the Department of Planning and Zoning.



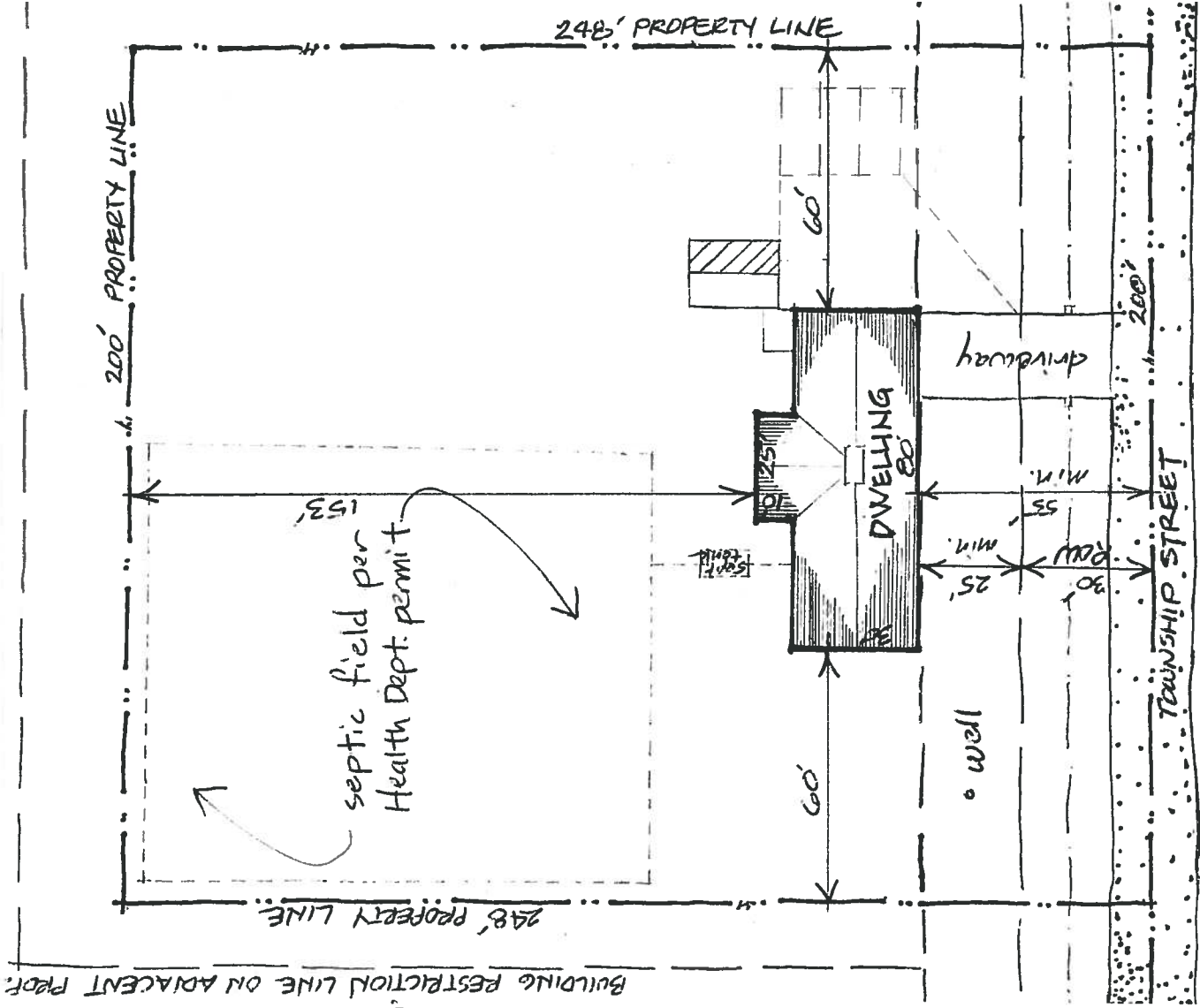
Example RHO Site Plan D. Small RHO on One acre lot w/ no accessory building

This example assumes the following:

- no more than two pieces of equipment (kept on trailers) and no more than four RHO, employee, & patron vehicles & equipment in total (each less than 15,000 pounds gross weight)
- dwellings exist on all adjacent lots; and
- no exterior lights on parking area

Site Plan Notes

1. Parking spaces for onsite employees; max. 2 employees; each space min. 9'x20'; paving and striping not required
2. No more than four parking spaces for RHO vehicles, employees, patrons, and equipment on trailers; each parking space min. 9'x20' paving and striping not required; **NO PARKING IN STREET**
3. Although screening is not required in this example, screening is required for more than 4 vehicles or any vehicle more than 15,000 pounds gross wt.; Type A screening req. if less than 15,000 pounds gross weight); Arborvitae that is 4 feet tall at time of planting in two rows and spaced such that 50% of required screen shall be in place within 2 years (not req. if no dwelling on adjacent lot or if RHO parking is more than 100 feet from Building Restriction Line of adjacent lot)
4. Exterior lighting (optional); must be full cutoff; w/ max. 250 watt lamp)
5. Paved accessible parking space for RHO; 16' x 20' w/ striping and sign; also accessible path to accessible building entrance (Note: May not apply. Contact Doug Gamble at Illinois Capital Development Board (217-782-8530 or Doug.gamble@illinois.gov)
6. Sign (optional); not more than 6 square feet in area)



Note: Minimum required dimensions for setback and front yard vary depending upon the street classification at each location. Check with the Department of Planning and Zoning.

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.

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.

A separate Zoning Use Permit Application is required for any construction of new buildings or additions to existing buildings.

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: _____ Size of Parcel: _____ Zoning District: _____

SPECIFICS OF RURAL HOME OCCUPATION

1. Name of RURAL HOME OCCUPATION (Assumed Name, if any): _____

2. Name of Proprietor(s) of RURAL HOME OCCUPATION (if different than owner): _____

3. Name and address of any other person having an ownership interest in the RURAL HOME OCCUPATION:

4. Brief description of the nature of the RURAL HOME OCCUPATION: _____

5. Number of on-site Employees other than resident family members: Full time: _____ Part time: _____

6. 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 are to be used in the operation of the RURAL HOME OCCUPATION: _____

8. Identify all vehicles to be used in the RURAL 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 plate # (indicate 'NA' if not applicable):

Check if :		Make	Model	Year	Color	License Number
TRUCK TRACTOR	TANDEM AXLE					

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

Make	Model	Year	Color	License Number	Gross Vehicle Weight

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: _____

9. Identify all equipment used in the RURAL HOME OCCUPATION that will be on-site and stored outdoors at anytime (indicate 'NA' if not applicable):

Type of Equipment	Make	Model	Color	Gross Weight

10. 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: _____

11. Please list all RURAL 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): _____

12. Identify any products offered for sale: _____

13. Will there be any new exterior lighting added and if so please explain where it will be located, indicate the lamp wattage, and include the manufacturer's documentation of full cutoff.

14. Other Comments: _____

15. Attach a Site Plan that indicates the following:
 - a. Property boundaries and overall dimensions of the property
 - b. Street access
 - c. Clearly indicate and dimension all existing and proposed buildings and the distance to the property lines for each building
 - d. Clearly indicate what part of any building is to be used in the RURAL HOME OCCUPATION
 - e. Water well (if present)
 - f. Septic field or sewer location
 - g. Parking areas for all vehicles listed on the application (include dimensions and distance(s) to property line(s)) and any required screening (minimum parking space is 9' by 20').
 - h. Outdoor storage area (indicate overall dimensions and distance(s) from property line(s)) and any required screening
 - i. Outdoor Sales Display Area (indicate overall dimensions and distance(s) from property line(s))
 - j. Location of and type of all exterior lighting (new lighting must be full cut-off; include manufacturer's documentation).
 - k. Location of any business sign advertising the RURAL HOME OCCUPATION

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:

REVISED DRAFT 9-19-13

732-AT-12

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: September 26, 2013

Petitioner: Zoning Administrator

Request:

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 VEHOCLE 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.

REVISED DRAFT 9-19-13

- (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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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 31, 2013; February 14, 2013; February 28, 2013; April 11, 2013; June 13, 2013; August 15, 2013; and September 26, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for Rural Home Occupations (RHO) in Section 7.1.2 of the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

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 HELP ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.3 states as follows: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment *WILL HELP ACHIEVE* Objective 4.3 for the following reasons:

- (1) Policy 4.3.4 states as follows: “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed amendment *WILL HELP ACHIEVE* Policy 4.3.4 for the following reasons:

(a) While an RHO is not a discretionary development the proposed amendment is intended to mitigate impacts an RHO will have on existing infrastructure through weight limits and limiting the number of vehicles to ensure that undue public expense does not occur. This is directly related to Objective 4.3.

B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.1, 4.2, 4.4, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.6, 4.1.7, 4.1.8, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.5, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objective 4.5, 4.6, 4.7, and 4.8 and Policies 4.1.4, 4.1.5, and 4.1.9 are **NOT RELEVANT** to the proposed amendment.

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. The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 6.

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 HELP ACHIEVE** Goal 7 for the following reasons:

A. Objective 7.1 states as follows: **“Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”**

The proposed amendment **WILL HELP ACHIEVE** Objective 7.1 for the following reasons:

(1) Part of intent of the specific limits on the number and weight of vehicles, equipment, and trailers that can be used and be parked at a RURAL HOME OCCUPATION is to minimize traffic impacts.

(2) The proposed amendment will require all MOTOR VEHICLE loads and weights to conform to the Illinois Vehicle Code.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1 and 7.2.3. The proposed amendment is **NOT RELEVANT** to Policies 7.1.1, 7.2.2, 7.2.4, 7.2.5, and 7.2.6.

- 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 appears to **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 not directly related to 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 not directly related to 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 directly related to this purpose by clarifying and/ or revising the existing regulations for the number and size of MOTOR VEHICLES that ~~can~~ may be used and/ or ~~be~~ parked at a RURAL HOME OCCUPATION.

- 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 not directly related to 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 not directly related to this purpose, but the amendment does limit the number and size of vehicles, equipment, trailers, and employees that may be parked at a RURAL HOME OCCUPATION, thus promoting public comfort and general welfare.

- 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 directly related to this purpose by clarifying and improving the existing standards to limit the intensity of a Rural Home Occupation.

- 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 directly related to this purpose by improving the existing standards for the number and size of vehicles, trailers, or equipment and the number of employees that may participate in the RURAL HOME OCCUPATION.

- 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 directly related to this purpose because the amendment will establish specific requirements for RHOs.

- 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 directly related to this purpose because the amendment is intended to ensure that Rural Home Occupations maintain compatibility with the Zoning Districts in which they are located.

- 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 not directly related to 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 provides the following:

- A. Clarification and/ or revision on how the number of non-farm vehicles, equipment, and trailers associated with a RURAL HOME OCCUPATION are regulated. Regarding the limit on the number of RHO vehicles and equipment:

- (1) The limit on vehicles and equipment in the current Ordinance refers to “non-farm Second Division vehicles” as defined in the Illinois Vehicle Code and “no more than three self-propelled vehicles over 8,000 pounds gross vehicle weight shall be permitted” and “no more than 10 vehicles in total, including vehicles under 8,000 pounds gross vehicle weight, trailers, and off-road vehicles shall be permitted...”. The current limit on vehicles was adopted in Case 794-AT-92 on February 16, 1993, and all Zoning Administrators have interpreted that the phrase “off-road vehicles” refers to motorized equipment. Clarification of this was supported by the Zoning Board of Appeals in the public hearings on July 28, 2011, and December 15, 2011, for Case 695-I-11.
- (2) The April 5, 2013, Supplemental Memorandum contained a brief review of RHO applications received since 1/1/2000 to determine the numbers of vehicles and equipment that were indicated so that the ZBA would have a better idea of how often the current limit on vehicles and equipment had been an issue. The preliminary results were summarized as follows:
 - (a) 48 RHO applications have been received
 - (b) 23 (48%) RHO applications included no vehicles
 - (c) 13 (27%) RHO applications included only 1 vehicle
 - (d) 12 RHO applications included more than 1 vehicle
 - (e) Of the RHO applications that included any vehicles, 17 RHO applications with vehicles also included trailers and only 5 of those included equipment and 1 included equipment without a trailer.

- (f) There have been no variances for the limit on vehicles and “trailers and off-road vehicles” since at least 1/1/2000.
- (3) Regarding the proposed limit on numbers and weights of vehicles and/ or equipment that may be authorized at an RHO:
 - (a) The proposed amendment makes the Ordinance limits on vehicles and equipment permissible at an RHO easier for the public to understand by simplifying the description of which vehicles are regulated and clearly identifying what shall be considered to be equipment;
 - (b) The proposed amendment retains the existing limit of 10 vehicles in total for an RHO and the same limit of 10 vehicles and/or equipment that may be stored outdoors.

There is no reason to believe that the limit of 10 vehicles in total has caused any problem or needs to be reduced.

- (c) The proposed amendment retains the existing limit of three for the limit on the number of heaviest vehicles that may be at an RHO; and eliminates the current weight limit of 8,000 pounds that applies to the other seven permissible vehicles at an RHO; and also adds a requirement that all vehicle weights must comply with the Illinois Vehicle Code. This improves the Ordinance in the following ways:
 - i. By requiring vehicles to comply with the weight limits of the Illinois Vehicle Code the proposed amendment prevents possible problems that could arise under the existing Ordinance that does not have any weight limit on three vehicles at an RHO and those three vehicles could exceed the weight limits of the Illinois Vehicle Code which could cause maintenance problems for the local highway jurisdiction.
 - ii. Retaining the existing limit of three for the limit on the number of heaviest vehicles that may be at an RHO ensures that the proposed amendment will not allow any greater number of semi-trucks or tandem axle vehicles at an RHO than may occur under the current Ordinance.
 - iii. The existing weight limit of 8,000 pounds that applies to the other seven vehicles that may be at an RHO is much smaller than many common vehicles actually weigh and is unnecessarily restrictive for RHOs.
 - iv. With the amendment the Zoning Ordinance will now work in concert with the Illinois Vehicle Code and support the efforts of the local highway jurisdiction but will not supplant or override the local highway jurisdiction.

- (d) Regarding equipment, in addition to clearly identifying what shall be considered to be “equipment” the proposed amendment retains the same limit on the amount of equipment that may be stored outdoors but because it does not limit the amount of equipment that may be stored indoors it actually increases the total amount of equipment permissible at an RHO and adds new rules that allow greater flexibility in the numbers of equipment stored outdoors if the equipment is on a trailer and also if the trailer is connected to a motor vehicle, all of which should benefit RHO owners without unduly harming neighbors.
- (4) The proposed amendment also makes the following changes to the parking requirements for vehicles at an RHO:
- (a) The current requirement that all Second Division vehicles parked outdoors must be 50 feet from any lot line and 100 feet from any off-site dwelling conforming to use is eliminated and replaced with a requirement that vehicles must be only 10 feet from a lot line except that one vehicle is allowed to be only five feet from a property line as authorized for a Neighborhood Home Occupation and the vehicle parking requirements from the Neighborhood Home Occupation (paragraph 7.1.1K.) are incorporated by reference. The current requirement for 50 and 100 feet separations do not apply to vehicles in the Business or Industrial Districts and are an unreasonable requirement for an RHO.
 - (b) Parking in the street right of way is prohibited which is consistent with the purpose of the Ordinance.
 - (c) Screening requirements for parking areas that are currently in Section 7.4 are incorporated into the RHO requirements so that as much as possible, RHO requirements are all clearly stated in the RHO section and the current 8,000 pound gross vehicle weight limit that triggers the screening requirement is increased to 15,000 pounds gross vehicle weight.
 - (d) The current requirement that a Rural Home Occupation must have a loading berth (because it is required as part of Section 7.4) is eliminated. As a practical matter, the Zoning Administrator has not required a loading berth to be indicated on any RHO site plan but it has been required by the Ordinance. The proposed change will bring the Ordinance into line with practice.
 - (e) The current requirement paragraph 7.4.1 D. 2. that parking for any industrial use shall have an all-weather, dustless surface is eliminated. As a practical matter, the Zoning Administrator has not required paved parking for any RHO but it has been required by the Ordinance. The proposed change will bring the Ordinance into line with practice.
- (5) The proposed amendment also makes the following changes to the screening requirements for outdoor storage of equipment at an RHO:

- (a) Screening requirements for outdoor storage that are currently in Section 7.6 are incorporated into the RHO requirements so that as much as possible, RHO requirements are all clearly stated in the RHO section.
 - (b) Screening is not required when there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross weight), 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 the same as required for MOTOR VEHICLES (see 7.1.2 E.4.c.). This change may benefit some upstart RHOs by forestalling the expense of screening in the beginning years of the business.
- B. The proposed amendment adds specific rules regarding nonconformity of vehicles and equipment at RHOs that existed prior to September 1, 2012, to make it clear that no additional limits to number of vehicles and equipment are imposed on those existing RHOs.
- C. The proposed amendment will make the following changes regarding the regulation of employees at an RHO:
 - (1) An increase of one additional employee that may be present on the premises and an increase of two additional employees that may report to the site for work off premises on lots two acres or larger.
 - (2) Flexibility for family members who lived onsite when a RURAL HOME OCCUPATION was operating to no longer be considered a non-resident employee when they move from the property.
 - (3) Provisions for all RURAL HOME OCCUPATION employees to be onsite for no more than 5 days in a 30 day period for reasons such as inclement weather or other reasons.
- D. The Zoning Board of Appeals has reviewed an updated RHO handout with illustrations of example RHO site plans and an updated RHO application form, which can be summarized as follow:
 - (1) The updated RHO handout includes only a summary of the requirements related to vehicles and equipment and includes citations to the relevant Ordinance paragraphs.
 - (2) The example RHO site plans illustrate all of the information that is required on a site plan for an RHO and include critical dimensions and explanatory notes and are drawn to scale.
 - (3) The review of these materials by the ZBA at this time simply establishes that these materials are ready to be used upon adoption of the proposed amendment. The handout and application form can be updated later as the need arises.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **January 31, 2013; February 14, 2013; February 28, 2013; April 11, 2013; June 13, 2013; August 15, 2013; and September 26, 2013**, the Zoning Board of Appeals of Champaign County finds that:

~~1. The proposed text amendment **HELPS ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):~~

~~A. The proposed text amendment **HELPS ACHIEVE** the following LRMP goals:~~

~~**Goal 4 Agriculture** because while it will not impede 4 Objectives and 16 Policies and is not relevant to 4 Objective and 3 Policies under this goal, it **HELPS ACHIEVE** the following:~~

~~● Objective 4.3 **requiring that each discretionary development be located on a suitable site** because it **HELPS ACHIEVE** the following:~~

~~● Policy 4.3.4 **requiring that existing public infrastructure be adequate to support the proposed development (see Item 9.A.(1)).**~~

~~**Goal 7 Transportation** because while it will not impede 1 Objective and 2 Policies and is not relevant to 5 Policies under this goal, it **HELPS ACHIEVE** the following:~~

~~● Objective 7.1 **considering traffic impacts in all land use decisions and coordinating with other agencies when necessary (see Item 12.A.(1)&(2)).**~~

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):

A. Regarding Goal 4:

- It **WILL HELP ACHIEVE** Objective 4.3 **requiring any discretionary development to be on a suitable site** because it will **WILL HELP ACHIEVE** the following:
 - Policy 4.3.4 **requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).**
- It will either not impede or is not relevant to the other Objectives and Policies under this goal.
- Based on achievement of the above Objectives and Policies, the proposed map amendment **WILL HELP ACHIEVE** Goal 4 Agriculture.

B. Regarding Goal 7:

- Objective 7.1 **consider traffic impact in land use decisions** because it **WILL HELP ACHIEVE** Objective 7.1.
- It will either not impede or is not relevant to the other Objectives and Policies under this goal.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 7 Transportation (see Item 17.A.(1)).

~~B.C.~~ The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 6 Public Health and Public Safety**
- **Goal 8 Natural Resources**
- **Goal 9 Energy Conservation**

~~C.D.~~ The proposed text amendment is **NOT RELEVANT** to the following LRMP goal(s):

- **Goal 5 Urban Land Uses**
- **Goal 10 Cultural Amenities**

E. Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed amendment **HELPS ACHIEVE the purpose of the Zoning Ordinance** as follows:
 - A. Lessens and avoids congestion in the public streets (Purpose 2.0 (c); see Item 16.C.).
 - B. Regulates and limits the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h); see Item 16.H.).
 - C. Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i); see Item 16.I.).
 - D. Ensures compatibility in the Zoning Districts in which RHOs are authorized (Purpose 2.0 (l); see Item 16.L.).

3. The proposed text amendment **WILL IMPROVE** the Zoning Ordinance in the following ways:
 - A. In regards to the proposed limits on the number of vehicles and equipment permissible at an RHO (see Item 17.A.(3)):
 - (1) **it makes the Ordinance easier to understand** in regards to the limits on vehicles and equipment permissible at an RHO;
 - (2) **it helps protect rural roads** by making the weight limits on vehicles consistent with the Illinois Vehicle Code;
 - (3) **it helps protect neighbors by retaining current limits** for the total number of vehicles that are permissible at an RHO; and the current limit on the number of very large vehicles (such as semi-trucks and tandem axle vehicles); and the current limit on the amount of equipment that may be stored outdoors;
 - (4) **it helps RHO owners by eliminating current overly restrictive requirements** of the current 8,000 pound vehicle weight limit for RHOs; and by eliminating the need for screening of equipment if there is no more than two complete pieces of equipment; and including new rules that allow greater flexibility in the numbers of equipment stored outdoors if the equipment is on a trailer and also if the trailer is connected to a motor vehicle; and it actually increases the total amount of

equipment permissible at an RHO because it does not limit the amount of equipment that may be stored indoors; ~~and~~

- (5) **it protects current RHO owners** by adding specific rules regarding nonconformity of vehicles and equipment at RHOs that existed prior to September 1, 2012.
- B. In regards to the proposed parking requirements for vehicles at an RHO and the outdoor storage requirements for equipment at an RHO(see Items 17.A.(4) and (5)):
- (1) **it makes the screening requirements easier to understand** in regards to an RHO;
 - (2) **it helps RHO owners by eliminating current overly restrictive requirements** for separation of parking from the property line and any off-site dwelling; and the 8,000 pound vehicle weight threshold for screening; and the requirement for a loading berth; and eliminates the requirement for paving of parking areas.
 - (3) **it ensures adequate protection for neighbors by retaining current screening requirements** even though the vehicle weight threshold is increased from 8,000 pound to 15,000 pounds; and prohibiting parking in the street.
- C. In regards to the proposed changes regarding the regulation of employees at an RHO (see Item 17.C.):
- (1) **it helps some RHO owners by increasing the number of employees allowed** on properties two acres and larger.
 - (2) **it helps all RHO owners by adding flexibility** to allow all workers to be onsite for short periods and for family members who move from the property.
- D. The Zoning Board of Appeals has reviewed an updated RHO handout with ~~illustrations~~ new examples of RHO site plan requirements and an updated RHO application form and found that these materials are ready to be used upon adoption of the proposed amendment. The handout and application form can be updated later without a text amendment as the need arises.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated January 25, 2013, with attachments:
 - A Memo to the Champaign County Board Committee of the Whole dated February 1, 2012, with attachments:
 - B Proposed Amendment to Paragraph 7.1.2E.
 - B Memo to the Champaign County Board Committee of the Whole dated September 25, 2012, with attachments:
 - A Existing subsection 7.1.2 Rural Home Occupation
 - B Revised Proposed Amendment (Annotated) to Section 7.1.2 Rural Home Occupations dated September 20, 2012
 - C Revised Proposed Amendment (Non-Annotated) to Section 7.1.2 Rural Home Occupations dated September 20, 2012
 - D Table comparing Existing Ordinance Requirements for Rural Home Occupation to Proposed Amendment
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix
2. Supplemental Memorandum dated January 31, 2013, with attachment:
 - A Draft Finding of Fact and Final Determination
 - B Memo to the Champaign County Board Committee of the Whole dated February 29, 2012 with attachments:
 - A Approved Minutes for Case 695-I-11 from the July 28, 2012, ZBA Meeting
 - B Approved Minutes for Case 695-I-11 from the December 15, 2012, ZBA Meeting
 - C Proposed Paragraph 7.1.2E.
3. Supplemental Memorandum dated February 8, 2013, with attachments:
 - A Revised Draft Amendment (ANNOTATED) to Section 7.1.2 to Rural Home Occupations
 - B Revised Draft Amendment (NON-ANNOTATED) to Section 7.1.2 to Rural Home Occupations
4. Supplemental Memorandum dated February 28, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination
5. Supplemental Memorandum dated April 5, 2013, with attachments:
 - A Draft Minutes of the February 28, 2013, Public Hearing (included separately)
 - B Revised Draft Amendment (ANNOTATED)
 - C Revised Draft Amendment (NON-ANNOTATED)
6. Supplemental Memorandum dated April 11, 2013, with attachments:
 - A Rural Home Occupation Application Form
 - B Draft Revisions to Rural Home Occupation Application Form
7. Supplemental Memorandum dated June 7, 2013, with attachments:
 - A Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - B Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - C Amended Section 7.1.2

8. Draft RHO Handout with Example Site Plans A & B (handout at the June 13, 2013, public hearing)
9. Supplemental Memorandum dated August 9, 2013, with attachments:
 - A Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - B Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - C Amended Section 7.1.2
 - D Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12
10. Supplemental Memorandum dated August 15, 2013, with attachments:
 - A Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - B Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - C Amended Section 7.1.2
 - D Revised RHO Handout with four example RHO site plans (included separately)
 - E Revised RHO Application Form (included separately)
 - F Revised Finding of Fact (included separately)
11. Supplemental Memorandum dated September 19, 2013, with attachments:
 - A Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12
 - B Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - C Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
 - D Amended Section 7.1.2
 - E Revised RHO Handout with four example RHO site plans (included separately)
 - F Revised RHO Application Form (included separately)
 - G Revised Finding of Fact (included separately)

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 732-AT-12** 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. (and reletter as required) to read as follows:

- 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 Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (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 7.1.1 K. 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 any licensed pole trailer that is visible from and located within 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 4.3.3 H.

- (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 the 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 that 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 7.4.1 D. 2. shall not be applicable to any parking at a RURAL HOME OCCUPATION.

2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:

- 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 barrows 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 7.1.2 F.2. and 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 7.1.2 K. 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 7.1.2 E.
 - b. When there is no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross 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 7.1.2 E.4.c.

3. Insert new paragraph 7.1.2M. (and renumber as required) to read as follows:

M. Applicability and nonconformities.

1. The requirements of paragraphs 7.1.2E. and F. 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 F. 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 7.1.2 M.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.

4. Revise paragraph 7.1.2 K. to read as follows:

- K. 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.

5. Revise paragraph 7.1.2 B. to read as follows:

- B. Non-resident employees shall only be authorized subject to the following limitations:
- i. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
 - ii. 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
 - iii. 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
 - iv. 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.

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 756-AT-13

SUPPLEMENTAL MEMORANDUM

September 19, 2013

Petitioner: **Zoning Administrator**

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

**Brookens Administrative
Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Request: **Amend the Champaign County Zoning Ordinance as follows:**

Amend Paragraph 7.1.2L. to add a requirement that any new RURAL HOME OCCUPATION with any new exterior lighting for an outdoor storage area, and/or outdoor operations area, and/or parking area, and/or new building with exterior lighting or any wholly new outdoor storage area that is lighted or wholly new outdoor operations area that is lighted or parking area that is lighted, and/or new building with exterior lighting, that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

STATUS

This case is continued from the August 15, 2013, public hearing. This case has been re-advertised with the changes proposed at the August 15, 2013, public hearing. A revised Finding of Fact is attached. This case is ready for final action.

ATTACHMENTS

- A Proposed Amendment
- B Revised Draft Finding of Fact and Final Determination

1. Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any exterior lighting for Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or new building with exterior lighting authorized after {EFFECTIVE DATE OF THE ORDINANCE} 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 ~~used to illuminate Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ 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 ~~that is used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the ~~Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ RHO 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 7.1.2 L. 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 {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE, and/or-OPERATIONS, and/or parking area, and/or building exterior that is added after {EFFECTIVE DATE OF THE ORDINANCE} 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 {EFFECTIVE DATE OF THE ORDINANCE}.

REVISED DRAFT 9/19/13

756-AT-13

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: September 26, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Amend Paragraph 7.1.2L. to add a requirement that any new RURAL HOME OCCUPATION with any new exterior lighting for an outdoor storage area, and/or outdoor operations area, and/or parking area, and/or new building with exterior lighting or any wholly new outdoor storage area that is lighted or wholly new outdoor operations area that is lighted or parking area that is lighted, and/or new building with exterior lighting, that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

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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 13, 2013, August 15, 2013, and September 26, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to add lighting requirements for outdoor operational, storage, and parking areas, and any new building with exterior lighting at any new or existing RURAL HOME OCCUPATION.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

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 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 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 will *NOT IMPEDE* the achievement of Goal 5.

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. The proposed amendment will *NOT IMPEDE* the achievement of Goal 6.

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. The proposed amendment will *NOT IMPEDE* the achievement of Goal 10.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *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 not directly related to 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 not directly related to 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 not directly related to 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 directly related to this purpose because limiting nuisance glare from exterior lighting of RHOs promotes public, health, safety, and welfare.
- 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 directly related to this purpose because it will limit the intensity of exterior lighting at RHOs.
- 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 directly related to this purpose because it will make RHOs more compatible with other residential uses.

- 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 directly related to this purpose because the amendment will provide specific standards that RHOs will have to comply with.

- 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 directly related to this purpose because the amendment is intended to ensure that Rural Home Occupations maintain compatibility with the Zoning Districts in which they are located.

- 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 not directly related to 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.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **June 13, 2013, August 15, 2013, and September 26, 2013,** the Zoning Board of Appeals of Champaign County finds that:

~~1. The proposed text amendment **HELPS ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):~~

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):

A. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 4 Agriculture**
- **Goal 5 Urban Land Use**
- **Goal 6 Public Health and Public Safety**
- **Goal 7 Transportation**
- **Goal 8 Natural Resources**
- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

B. Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE the purpose of the Zoning Ordinance** as follows:

- Promote public health, safety, and welfare (Purpose 2.0 (e) see Item 16.E.).
- Regulates and limits the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h) see Item 16.H.).
- Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I.).
- Fixes regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (k) see Item 16.K.).
- Ensures compatibility in the Zoning Districts that an RHO is authorized in (Purpose 2.0 (l) see Item 16.L.).

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated June 7, 2013, with attachments:
 - A Proposed Amendment
 - B Draft Finding of Fact and Final Determination
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix

2. Supplemental Memorandum dated August 9, 2013, with attachments
 - A Proposed Amendment (revised)
 - B Revised Finding of Fact and Final Determination

3. Supplemental Memorandum dated September 19, 2013, with attachments:
 - A Proposed Amendment
 - B Revised Finding of Fact and Final Determination

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 756-AT-13** 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any exterior lighting for Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or new building with exterior lighting authorized after {EFFECTIVE DATE OF THE ORDINANCE} 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 ~~used to illuminate Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ 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 ~~that is used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the ~~Outdoor STORAGE, and/or OPERATIONS, and/or parking area~~ RHO 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 7.1.2 L. 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 {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE, and/or OPERATIONS, and/or parking area, and/or building exterior that is added after {EFFECTIVE DATE OF THE ORDINANCE} 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 {EFFECTIVE DATE OF THE ORDINANCE}.