

# CASE NO. 732-AT-12

## SUPPLEMENTAL MEMORANDUM

February 28, 2013

Champaign  
County  
Department of

PLANNING &  
ZONING

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Petitioner: **Zoning Administrator**

Prepared by: **Andy Kass, Associate Planner**  
**John Hall, 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.

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

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

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

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

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

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

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

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

This case was continued from the February 14, 2013, public hearing. A Revised Draft Finding of Fact and Final Determination is attached.

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**EVALUATION OF GOALS AND POLICIES**

Revisions to the evaluation of the LRMP Goals, Objectives, and Policies have been made and are reflected in the attached Revised Draft Finding of Fact and Final Determination. Goal 6 has been revised to an overall evaluation of ***WILL NOT IMPEDE***. Goals 4 and 7 have been revised to ***WILL HELP ACHIEVE***.

**ATTACHMENTS**

A Revised Draft Finding of Fact and Final Determination

**REVISED DRAFT**

**732-AT-12**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

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

Date: February 28, 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:

**REVISED DRAFT**

- (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
  - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.
  - (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
- (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
  - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.
- Part C. Add new paragraph 7.1.2F. as follows:
- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
  - (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).
- Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.
- Part E. Revise paragraph 7.1.2K. as follows:
- (1) Add the phrase "for other than equipment used in any RURAL HOME OCCUPATION"; and strike the phrase "screened as provided by Section 7.6, and replace with the phrase "shall be provided as follows:".
  - (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
  - (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.

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**CONTENTS**

**FINDING OF FACT.....pages 4 – 11**  
**SUMMARY FINDING OF FACT.....page 12 – 13**  
**DOCUMENTS OF RECORD.....page 14**  
**FINAL DETERMINATION.....page 15**  
**PROPOSED AMENDMENT.....page 16 – 18**

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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, and February 28, 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 NOT IMPEDE* the achievement of Goal 4.~~ 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:



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(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 / WILL HELP ACHIEVE}~~ Goal 6 for the following reasons:

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

The proposed amendment ~~{WILL NOT IMPEDE / WILL HELP ACHIEVE}~~ Objective 6.1 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 parked at a RURAL HOME OCCUPATION is to minimize traffic impacts and promote public safety.~~

B. ~~The proposed amendment is **NOT RELEVANT** to Objectives 6.2, 6.3, and 6.4 and Policies 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.2.1, 6.2.2, and 6.2.3.~~

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/ 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 NOT IMPEDE/ 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 directly related to this purpose by requiring that screening be provided in certain instances which should help mitigate impacts on values of neighboring structures and properties.~~

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 the existing regulations for the number and size of MOTOR VEHICLES that can be used and 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 safety.~~

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is directly 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 clarifying and improving the existing standards for the number and size of vehicles, trailer, 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 not directly related to this purpose.

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

The proposed amendment is 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 **WILL** provide:
- A. Clarification on how the number of non-farm vehicles, equipment, and trailers associated with a RURAL HOME OCCUPATION are regulated. 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.
  - B. 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.
  - C. Clarification of the screening requirements for outdoor storage of vehicles and non-farm equipment.
  - D. No additional limits to RURAL HOME COCUPATIONS that existed prior to September 1, 2012, will be imposed other than a limit of 10 MOTOR VEHICLES and a limit of 3 MOTOR VEHICLES with tandem axles.
  - E. 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.
  - F. 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.
  - G. Clarification that a loading berth is not required for a Rural Home Occupation.

## 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, and February 28, 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)).

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

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

2. The proposed amendment **HELPS ACHIEVE** the purpose of the Zoning Ordinance as follows:

- Lessens and avoids congestion in the public streets (Purpose 2.0 (c) see Item 16.C.).
- 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.).
- Ensures compatibility in the Zoning Districts that an RHO is authorized in (Purpose 2.0 (l) see Item 16.L.).

3. The proposed text improvement ***WILL IMPROVE the Zoning Ordinance*** as follows:
- Clarification on how the number of non-farm vehicles, equipment, and trailers associated with a RURAL HOME OCCUPATION are regulated. 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.
  - 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.
  - Clarification of the screening requirements for outdoor storage of vehicles and non-farm equipment.
  - No additional limits to RURAL HOME COCUPATIONS that existed prior to September 1, 2012, will be imposed other than a limit of 10 MOTOR VEHICLES and a limit of 3 MOTOR VEHICLES with tandem axles.
  - 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.
  - 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.
  - Clarification that a loading berth is not required for a Rural Home Occupation.



**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

**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. to read as follows:**
  - E. Non-farm MOTOR VEHICLES used in and parked at any RURAL HOME OCCUPATION shall be limited as follows:
    1. 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 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 permitted 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 in total, licensed semitrailers and licensed pole trailers shall be permitted excluding patron or employee or owner personal MOTOR VEHICLES.
    4. All MOTOR VEHICLES and licensed 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 shall be at least 10 feet from any LOT LINE; and
      - c. Off-street parking shall be provided as follows:
        - (1) No parking shall occur in the STREET RIGHT OF WAY.
        - (2) Parking spaces shall be in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons.
        - (3) More than four vehicles shall be screened by a Type A SCREEN except that more than one MOTOR VEHICLE that is more than 15,000 pounds gross vehicle weight must be screened with a Type D SCREEN.
        - (4) Loading berths are not required for Rural Home Occupations.

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

- F. Non-farm equipment used in any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of complete pieces of equipment that are motorized or non-motorized and used in any way for the RURAL HOME OCCUPATION shall be within the limits established in this paragraph. Complete pieces of equipment shall include, but not be limited to 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. Equipment does not include hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
  2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE provided, however, that the number of pieces of equipment that may be kept in outdoor STORAGE shall be reduced by the number of MOTOR VEHICLES also parked outdoors and all other equipment must be kept in an enclosed BUILDING. This limit shall apply to each individual piece of equipment provided however that when a piece of equipment is on a trailer, the trailer shall not be counted as a piece of equipment.
  3. Equipment kept in outdoor STORAGE must be stored at least 10 feet from any LOT LINE and screened by a Type D SCREEN except that equipment taller than four feet must be screened with a Type D SCREEN.
  4. 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.
  5. 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 used in at that RURAL HOME OCCUPATION.
    - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2F.5.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.

**3. 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 shall be provided 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.

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

- B. Non-resident employees shall only be permitted 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.