



DEPARTMENT OF PUBLIC WORKS

Environmental Sustainability Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: Scott R. Tess, Environmental Sustainability Manager
DATE: January 11, 2015
SUBJECT: Licensed Hauler Operating Hours Restriction

Background

The City has not previously regulated hours that licensed haulers may collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials from residences and businesses. However, as a result of citizen complaints regarding noise levels that have been received by staff and City Council members regarding collections occurring as early as 4:00 a.m., City Council members inquired as to what remedies could be structured. Staff has prepared several options for an ordinance restricting hours of operation for licensed haulers. Start times for different zones can be adjusted as Council sees fit. For cities that regulate hauler operating hours, 6:00 a.m. is the most common start time. For all options, collecting refuse in a time frame shifted later into the day is likely to incur some trade-offs:

1. In exchange for more quietude in early morning hours, haulers will compete for road space with vehicles, bikes, and pedestrians for a longer duration of their routes which may incur some margin of a safety consideration.
2. In exchange for more quietude in early morning hours, haulers will compete for road space with vehicles, bikes, and pedestrians for a longer duration of their routes which may increase the amount of time and fuel required to collect refuse creating an additional cost that may be passed through to consumers.
3. In exchange for more quietude in early morning hours, licensed hauler vehicles may be disruptive to the flow of traffic later into the day resulting in travel delays. This will occur particularly where building layouts require haulers to back into properties.

For reference, other time of day restrictions from existing City ordinances and contracts are listed below.

-Construction and Maintenance Noise - 7:00am to 8:00pm

-Mechanical Stationary Noise - 7:00am to 10:00pm

-Ucycle Collection – 7:30am to 7:30pm

Potential Amendments

Option 1

Sets operating hours in residential zones.

- Pros: Allows haulers to begin collection at any hour in zones that are primarily commercial land uses providing more time and flexibility to complete collections.
- Cons: Residential units in mixed use zones or adjacent to commercial zones may still hear garbage trucks at early hours.

Suggested ordinance change: Sec. 10-25. Vehicle operating requirements.

- (c) It shall be unlawful for any licensed hauler to collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials at any time between the hours of 8:00 p.m. through X:XX a.m., Monday through Saturday; between the hours of 8:00 p.m. Saturday through 12:00 noon on Sunday; and between the hours of 8:00 p.m. Sunday through X:XX a.m. on Monday, at properties designated as R-1, R-2, R-3, R-4, R-5, R-6, B-3U, MOR, or CRE.
- a. This ordinance shall take effect on _____ which shall be the first Monday following six months after the date on which City Council adopts this Ordinance amendment Section 10-25.

Option 2

Sets different operating hours in residential and commercial zones.

- Pros: Allows haulers to begin collection at a slightly earlier hour in zones that are primarily commercial land uses providing more time and flexibility to complete collections.
- Cons: Residential units in mixed use zones or adjacent to commercial zones may still hear garbage trucks at an earlier hour than most residential units.

Suggested ordinance change: Sec. 10-25. Vehicle operating requirements.

(c) It shall be unlawful for any licensed hauler to collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials at any time between the hours of 8:00 p.m. through X:XX a.m., Monday through Saturday; between the hours of 8:00 p.m. Saturday through 12:00 noon on Sunday and between the hours of 8:00 p.m. Sunday through X:XX a.m. on Monday, at properties designated as R-1, R-2, R-3, R-4, R-5, R-6, B-3U, MOR, or CRE.

a. This ordinance shall take effect on _____ which shall be the first Monday following six months after the date on which City Council adopts this Ordinance amendment Section 10-25.

(d) It shall be unlawful for any licensed hauler to collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials at any time between the hours of 8:00 p.m. through X:XX a.m., Monday through Saturday; between the hours of 8:00 p.m. Saturday through 12:00 noon on Sunday; and between the hours of 8:00 p.m. Sunday through X:XX a.m. on Monday, at properties designated as R-6b, R-7, AG, B-1, B-2, CCD, B-3, B-4, B-4E, MIC, IN-1, IN-2.

a. This ordinance shall take effect on _____ which shall be the first Monday following six months after the date on which City Council adopts this Ordinance amendment Section 10-25.

Option 3

Sets operating hours city-wide.

- Pros: Provides early hours quietude for all residential units.
- Cons: Limits hauler time and flexibility to complete collections.

Suggested ordinance change: Sec. 10-25. Vehicle operating requirements.

(d) It shall be unlawful for any licensed hauler to collect refuse, landscape trimmings, construction and demolition debris, or recyclable materials at any time between the hours of 8:00 p.m. through X:XX a.m., Monday through Saturday; between the hours of 8:00 p.m. Saturday through 12:00 noon on Sunday; and between the hours of 8:00 p.m. Sunday through X:XX a.m. on Monday, within the corporate limits of the City of Urbana.

a. This ordinance shall take effect on _____ which shall be the first Monday following six months after the date on which City Council adopts this Ordinance amendment Section 10-25.

Zoning

The property zone designations referenced in the optional ordinances are defined in the City of Urbana Zoning Ordinance. A map of the existing zones is attached to this memo. A draft map showing how licensed hauler operating hours zones might be derived from existing Zoning Ordinance zones is also attached. The Zoning Ordinance can be downloaded at <http://urbanaininois.us/zoning>.

Compliance

Establishing licensed hauler operating hours within Chapter 10 of the Urbana Code of Ordinances would allow use of the existing compliance mechanisms of that chapter including escalating fines for each violation of the Chapter with the possibility of license suspension or revocation for repeated violations. The existing compliance elements of Chapter 10 are below:

Sec. 10-34. - Refusal to issue license.

- (a) The approving authority may refuse to issue a license for any of the reasons for which a license could be suspended under section 10-35 or revoked under section 10-36.
- (b) The procedures for notice, hearing, and appeal of the refusal to issue a license under this article shall be in accordance with section 14-5 of this Code.

Sec. 10-35. - License suspension.

The mayor may suspend for not more than thirty (30) days a waste hauling license for any one (1) or more of the following reasons:

- (a) One (1) or more convictions or guilty pleas for violations of this chapter that occurred within a twelve-month period prior to the current violation of this chapter;
- (b) Any fraud, misrepresentation, or false statement contained in any reports required by this chapter;
- (c) A conviction for a felony committed after issuance of the license, the mayor shall have the burden of showing the relevancy of the conviction to the license; or
- (d) Failure to pay any court-imposed fine or penalty owing to the city.

Sec. 10-36. - License revocation.

- (a) The mayor may revoke a waste hauling license for any one (1) or more of the following reasons:
 - (1) Three (3) or more convictions or guilty pleas for violations of this chapter that occurred within a thirty-six (36) month period prior to the then-current violation of this chapter.

- (2) One (1) or more suspensions of that license for any length of time for violations of this chapter that occurred within a thirty-six (36) month period prior to the then-current violation of this chapter; or
- (3) Any fraud, misrepresentation, or false statement contained in the application for the license;
- (b) A hauler whose license has been revoked may reapply for a waste hauling license not less than six (6) months following the effective date of the revocation of the license.

Sec. 10-37. - Administrative procedure.

- (a) No license shall be suspended or revoked unless an administrative hearing open to the public is held. The licensee shall be given written notice, at least seven (7) days prior to the hearing, informing the licensee of the date of the hearing and the grounds for the suspension or revocation. The written notice shall be by personal service on the licensee, or if the licensee can not be found, by certified mail addressed to the licensee at the address listed in the license application. The licensee shall be given a reasonable opportunity to appear and defend.
- (b) The mayor may appoint a hearing officer to hold hearings to take evidence on whether or not to suspend or revoke a license for violations of this chapter; to hold rehearings on such matters; and to make recommendations as to findings of fact and sanction to be imposed. The mayor shall review the evidence and recommendations of the hearing officer and shall adopt, modify, or reject those recommendations.

Sec. 10-39. - General penalty.

- (a) Any person who violates any provision of Article II or IV of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a first offense and a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.
- (b) Every act or omission constituting a violation of any of the provisions of Article II or IV by any officer, director, manager, agent, or employee of any hauler shall be imputed to such hauler. The hauler may be punishable as if the act or omission had been done by the hauler personally.
- (c) The suspension or revocation of a business license by the city shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

Enforcement

Public Works Department staff with assistance from the Urbana Police Department will be responsible for enforcement of the ordinance.

Recommendation

Staff seeks City Council direction on which option to pursue to provide the corresponding ordinance for approval.

Section IV-2. Purpose of Districts

In addition to the general purposes of this Ordinance, as listed in Section I-1, the various zoning districts also serve more specific individual purposes, as follows:

- A. The *AG, Agriculture District* is intended to retain in agricultural and other compatible low intensity uses, areas where soil and topographic conditions are suitable for these uses, and into which the intrusion of urban uses would be inappropriate or untimely due to a lack of urban services and facilities.
- B. The Business districts generally are intended to provide areas for commercial uses in districts accommodating the range of types, intensity, and physical forms of trade, commercial services, and offices.
 1. The *B-1, Neighborhood Business District* is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.
 2. The *B-2, Neighborhood Business-Arterial District* is intended to provide areas of limited size along arterial streets in proximity to low density residential areas for a limited range of basic commercial trade and personal services. This district is also intended to provide areas for new high density residential uses. These business and residential uses may occur in the same structure. Due to the location of arterial streets in many residential neighborhoods where commercial and high density residential uses would not be appropriate, the B-2 District shall be limited to only those areas that have been so designated by the City's adopted Comprehensive Plan and related amendments.
 3. The *B-3, General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.
 4. The *B-3U, General Business-University District* is intended to provide areas in proximity to the University of Illinois for a range of business and office uses to meet the needs of persons and businesses associated with the University. This district is also intended to provide areas for high density residential uses to insure an adequate supply of housing for persons who desire to reside near the campus. These business and residential uses may occur as mixed uses in the same structure. The development regulations in this district are intended to allow buildings which are compatible with the size and scale of the University's buildings.
 5. The *B-4, Central Business District* is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.
 6. The *B-4E, Central Business Expansion District* is to provide areas in proximity to Downtown Urbana for a wide range of retail business, office, and service uses. This District is also intended to allow high density residential uses to insure an adequate supply of housing for persons who desire to reside near Downtown. The development regulations in this District are designed to encourage the construction of new buildings which are comparable with the size and scale of the buildings allowed in the B-4 Central Business District and which are also sensitive to nearby residential neighborhoods. The B-4E District is not intended to replace the existing B-4 zoning in Downtown Urbana but is to supplement it by encouraging the expansion of Downtown Urbana with new, attractive, and well-landscaped buildings and off-street parking lots. The purpose of this District is to accommodate the growth of Downtown Urbana with new developments that provide landscaping, setbacks, and off-street parking

greater than that required in the B-4 District and less than that required in the B-3, General Business District. (Ord. No. 9293-72, § 2, 02-01-93)

- C. The *BYC, Boneyard Creek District* is a special district which is superimposed over other districts which lie along the Boneyard Creek through the City of Urbana. This special district is intended to allow appropriate use of the property, according to the district in which it is located, while also protecting and enhancing the drainage ways as a means of watershed management, and as a recreational and open space resource.
- D. The *CCD, Campus Commercial District* is intended to create a district to provide opportunities for development of a commercial center to serve the University of Illinois campus and neighboring residential areas. The focus of this area of campus as the “gateway” to the University, the presence of public functions such as the Office of Admissions and Records, the Spurlock Museum, the Krannert Center for Performing Arts, the increased academic presence and adjacent strong residential neighborhoods all contribute to the area’s demand for commercial services. Because, however, this area of campus must be designed to be compatible with other development in the area, a Special Use Permit is required for the establishment of a campus commercial district.
- E. The *CRE, Conservation-Recreation-Education District* is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this district are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district.
- F. The *IN-1, Light Industrial/Office District* is intended to provide land for employment centers related to research and development, engineering and testing, office uses, warehousing, and limited manufacturing and industrial activities that will not have an adverse effect upon the district in which it is located. In addition, some low intensity commercial uses may be permitted in this district to provide convenient goods and services for employees and patrons in the zoning district. Higher intensity commercial uses are generally prohibited. Low intensity industrial uses are permitted by right or as a special use, depending on the attributes of the proposed land use.
- G. The *IN-2, Heavy Industrial District* is intended to provide land for employment centers for more intensive industrial uses that typically generate heavy demands on the transportation system, including the need for freight rail service. These uses may cause odors, dust, noise, and vibrations and generate significant amounts of truck and freight rail traffic. Land uses in this district should generally be separated from residential districts by land uses permitted in the IN-1 or B-3 zoning districts.
- H. The *MIC, Medical Institutional Campus District* is intended as a conversion district to assist and encourage the development of the medical institutional and complementary land uses in a campus setting by creating special zoning approaches. These new zoning approaches are applicable to institutions which have multi-block common ownership of lands, have developed a long-range master site plan, and thereby have developed a campus support system of parking, loading and materials handling, decentralized support facilities reducing campus congestion, and interconnecting system of above and below ground corridors. At present, the Carle Foundation is the only medical institution land owner with these qualities which define a campus style and development approach and therefore a campus style zoning approach is reasonable.

It is the intent that the lands within the boundaries of the area described herein will constitute the Special District. All special regulations created by this Special District will only be applicable and in force on properties which are or will be developed as a hospital or related medical use and their support uses. To the extent properties within this Special District are not, or will not, be developed with a Medical Related Use, the special regulations created by this Special District shall not apply and the use of such property shall be regulated by the property's underlying zoning district, unless the property is rezoned to MIC per Article XI of the Urbana Zoning Ordinance.

MIC Special District Described: The regulation herein after established by this ordinance will be effective in the following described lands in the City of Urbana, County of Champaign, State of Illinois generally described as those within the boundaries of Lincoln Avenue, Church Street, the Conrail Railway Company right-of-way, and McCullough Street extended north to Church Street, more particularly illustrated as follows:



Applicability: The MIC District established by this ordinance shall be a conversion zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus as depicted on the map above. When the City of Urbana issues a building permit to the owner of a property in this area for the development of said property for a medical related use, as that term is defined in Section V-10, the property's zoning shall convert to MIC and the development regulations of the MIC district shall apply. Until that time, the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning. Upon the

owner's receipt of such a building permit, the subject property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. Additional regulations for the MIC District are located in Section V-10 of this Ordinance.

- I. The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected. (Ord. No. 2003-11-120, 11-25-03)

- J. The *Residential Districts* generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses. Basic urban services and utilities, including adequate access and utilities, are necessary for these districts.
 1. The *R-1, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at low density.
 2. The *R-2, Single-Family Residential District* is intended to provide areas for single-family detached dwellings at a low density, on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two-family dwellings.
 3. The *R-3, Single- and Two-Family Residential District* is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings.
 4. The *R-4, Medium Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at low and medium densities.
 5. The *R-5, Medium High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to medium high.
 6. The *R-6, High Density Multiple-Family Residential District* is intended to provide areas for multiple-family dwellings at densities ranging up to high.
 7. The *R-6B, High Density Multiple-Family Residential – Restricted Business District* is intended to provide areas for a compatible mixture of limited business uses and residential development at densities ranging up to high. Both the uses permitted and the regulations on physical development make this district suitable as a buffer between more intensive commercial districts and lower density residential districts.

8. The *R-7, University Residential District* is intended to provide areas in proximity to the University of Illinois for dormitories and rooming houses, which are occupied primarily by students, to insure the longevity of the architectural character and use of these existing buildings, and to protect nearby low-density residential districts from incompatible developments. (Ord. No. 8384-25, § 3, 10-17-83, Ord. No. 9091-62, § 2, 11-19-90)

- K. The *BDR, Business Development and Redevelopment District* pertains to downtown Urbana and surrounding area, and is intended to support implementation of the goals and policies of the Downtown Strategic Plan. These efforts are guided by the Urbana Business District Development and Redevelopment Commission.

Section IV-3. Official Zoning Map

- A. The boundaries of the districts established in Section IV-1 of this Ordinance are hereby established as shown on a map designated as the "Official Zoning Map of Urbana, Illinois." This map and all notations, colors, references, legends, symbols, and text thereon pertaining to said districts shall be as much a part of this Ordinance as if fully described herein. This map, or reproductions thereof, certified as showing the districts created and approved, shall be available for public reference in the office of the City Clerk of Urbana, Illinois, and in the office of the Zoning Administrator of Urbana, Illinois.



- B. At least once annually, no later than March 31 of each year, or more frequently as may be necessary, the City Clerk shall prepare an Official Zoning Map, which shall include any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the preceding calendar year. However, any change affecting the boundaries of districts or the classification of land shall be in full force and effect ten days after the publication of the Amendatory Ordinance effectuating it, regardless of whether such a change has yet been incorporated into the Official Zoning Map. If no changes in the Official Zoning Map were made in the preceding year, a new map need not be prepared. Copies of all Amendatory Ordinances and of the Official Zoning map shall be available for public reference in the office of the City Clerk.

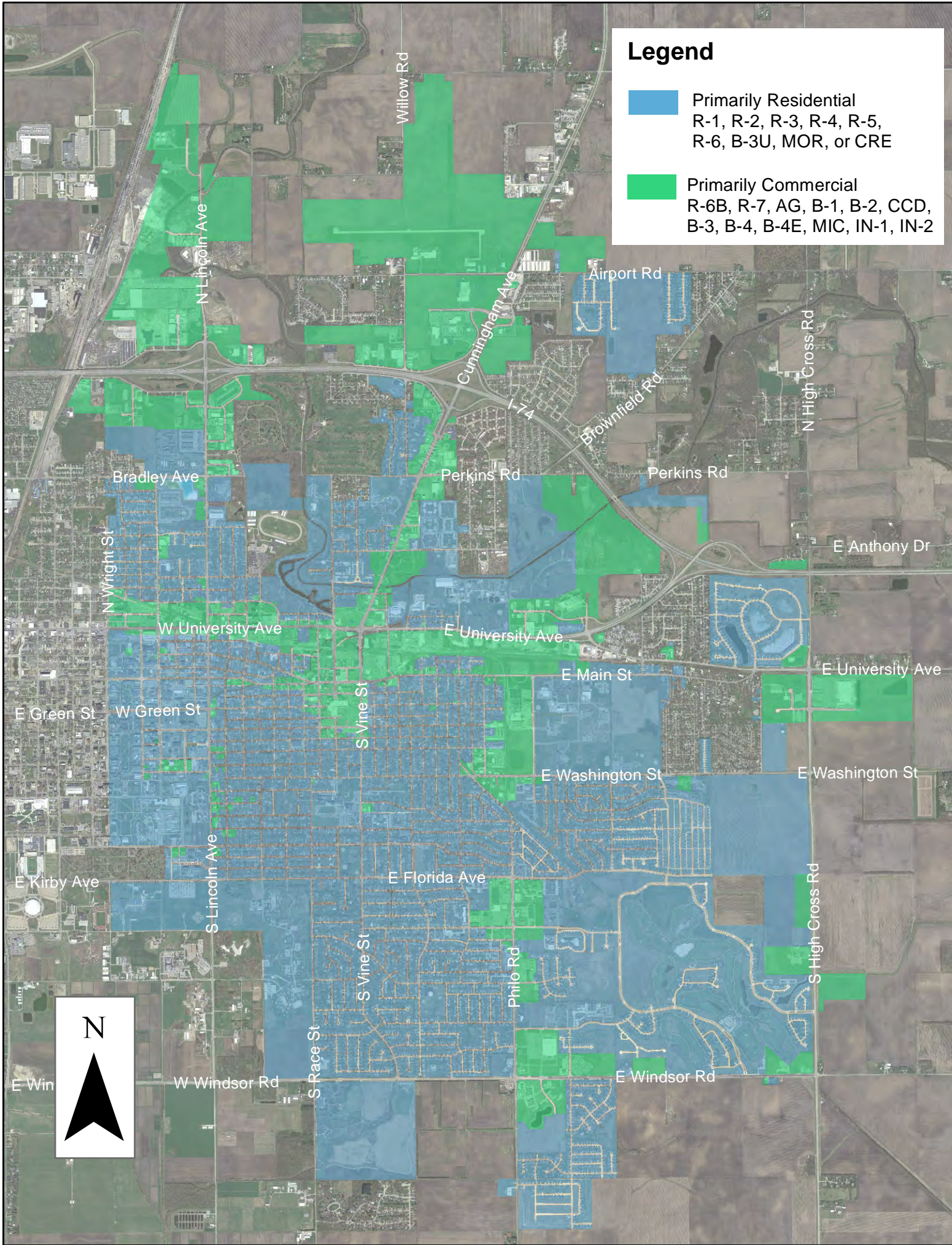
Section IV-4. Interpretation of Map and District Boundaries

- A. Except as herein provided, the boundaries of the districts as shown on the map accompanying and made a part of this Ordinance are generally intended to coincide with the center lines of streets and alleys, or with lot lines. If, on the map, the boundary line of a district:
 1. Approximates the line of a street or alley, the boundary line shall be considered to be the center line of the street or alley;
 2. Approximates the boundary line of a platted lot, the district boundary lines shall be considered to be the lot line; and
 3. Divides a platted lot, or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.

- B. The Boneyard Creek District and corridor limit lines as indicated on the Zoning Map shall be determined by the Zoning Administrator, according to the scale appearing on the map.























Legend

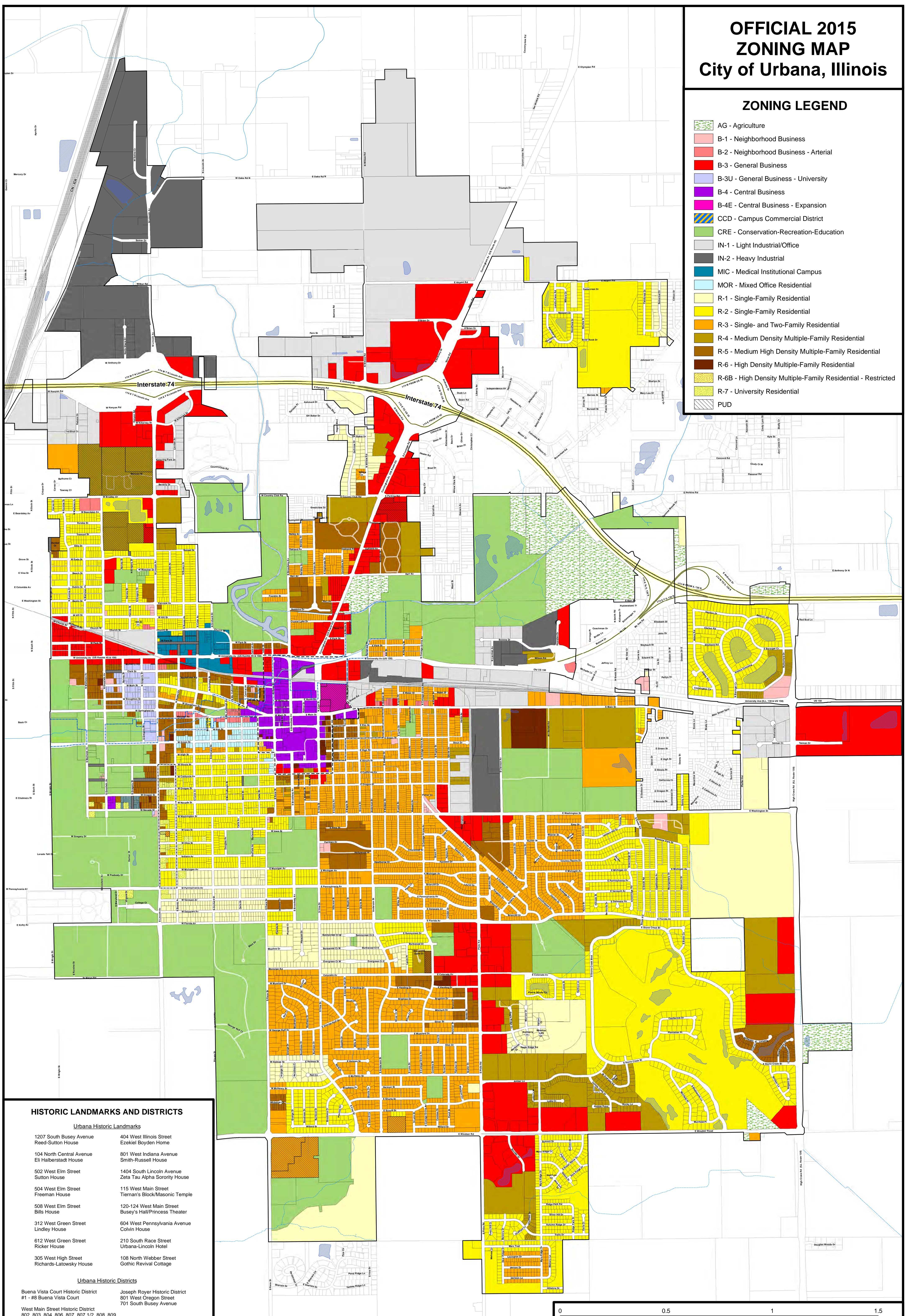
-  Primarily Residential
R-1, R-2, R-3, R-4, R-5,
R-6, B-3U, MOR, or CRE
-  Primarily Commercial
R-6B, R-7, AG, B-1, B-2, CCD,
B-3, B-4, B-4E, MIC, IN-1, IN-2



OFFICIAL 2015 ZONING MAP City of Urbana, Illinois

ZONING LEGEND

-  AG - Agriculture
-  B-1 - Neighborhood Business
-  B-2 - Neighborhood Business - Arterial
-  B-3 - General Business
-  B-3U - General Business - University
-  B-4 - Central Business
-  B-4E - Central Business - Expansion
-  CCD - Campus Commercial District
-  CRE - Conservation-Recreation-Education
-  IN-1 - Light Industrial/Office
-  IN-2 - Heavy Industrial
-  MIC - Medical Institutional Campus
-  MOR - Mixed Office Residential
-  R-1 - Single-Family Residential
-  R-2 - Single-Family Residential
-  R-3 - Single- and Two-Family Residential
-  R-4 - Medium Density Multiple-Family Residential
-  R-5 - Medium High Density Multiple-Family Residential
-  R-6 - High Density Multiple-Family Residential
-  R-6B - High Density Multiple-Family Residential - Restricted
-  R-7 - University Residential
-  PUD












HISTORIC LANDMARKS AND DISTRICTS

Urbana Historic Landmarks

- | | |
|---|--|
| 1207 South Busey Avenue Reed-Sutton House | 404 West Illinois Street Ezekiel Boyden Home |
| 104 North Central Avenue Eli Halberstadt House | 801 West Indiana Avenue Smith-Russell House |
| 502 West Elm Street Sutton House | 1404 South Lincoln Avenue Zeta Tau Alpha Sorority House |
| 504 West Elm Street Freeman House | 115 West Main Street Tiernan's Block/Masonic Temple |
| 508 West Elm Street Billis House | 120-124 West Main Street Busey's Hall/Princess Theater |
| 312 West Green Street Lindley House | 604 West Pennsylvania Avenue Colvin House |
| 612 West Green Street Ricker House | 210 South Race Street Urbana-Lincoln Hotel |
| 305 West High Street Richards-Latowsky House | 108 North Webber Street Gothic Revival Cottage |

Urbana Historic Districts

- | | |
|---|--|
| Buena Vista Court Historic District #1 - #8 Buena Vista Court | Joseph Royer Historic District 801 West Oregon Street 701 South Busey Avenue |
| West Main Street Historic District 802, 803, 804, 806, 807, 807 1/2, 808, 809, 810, 811, 812, 813, 814 and 816 West Main Street | |

-  Corporate Limits
-  Business Development and Redevelopment District
-  Boneyard Creek District
-  Lincoln-Busey Corridor Design Review Overlay District
-  East Urbana Design Review Overlay District
-  Misc. Road Centerlines
-  Vacated Road ROW
-  Ponds
-  Streams



Approved 2/16/2015
By Urbana City Council
Ordinance # 2015-02-017
Signed: *Janet L. Pappas* Mayor
Date: 2/17/2015



DISCLAIMER:
This data has been derived partially from coverages provided by the Champaign County GIS Consortium (CCGIS). This data is provided "AS IS" without warranty of any kind, expressed or implied. The City of Urbana and CCGIS, make no warranties, guarantees, or representations as to the suitability or accuracy of this information for your purposes or that this map is without defects. This is not a lot or parcel boundary map. Zoning may not be co-incident with lot or parcel lines. Please contact the City of Urbana Department of Community Development with any questions.