



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth, H. Tyler, AICP, Director

DATE: May 28, 2002

SUBJECT: CCZBA-341-AT-02: Request by the Champaign County Zoning Administrator for a text amendment to amend Section 5.2 of the Champaign County Zoning Ordinance as it relates to the table of uses.

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the County Zoning Ordinance to change Elementary School, Jr. High School, High School, Church, Temple, and Public Park or Recreational Facility from a principal use **permitted by right** to principal use **permitted as a special use** in the AG-1 and AG-2 Zoning Districts. The Zoning Administrator is also requesting a text amendment to add Country Club Clubhouse as a principal use permitted as a Special Use in the AG-2 and the CR Zoning Districts and as a principal use permitted by right in the R-1, R-2, R-3, R-4, R-5, I-1, and I-2 Zoning Districts.

The City of Urbana has the authority to review proposed amendments to the Champaign County Zoning Ordinance. The City exerts their review authority through either passing a resolution to protest the amendment or passing a resolution to defeat a protest. A resolution to protest the proposal would require a super-majority vote at the County Board.

On May 23, 2002, the Urbana Plan Commission reviewed the request for Case 341-AT-02 and recommended unanimously (7-0) that the Urbana City Council defeat a resolution of protest. Although the discussion at the Plan Commission focused on the amendment addressing schools, parks, churches and recreational facilities, the complete request includes provisions for Country Club Clubhouses as well. Additional information on the proposal is available in the staff memorandum to the Plan Commission dated May 16, 2002 along with the attached memoranda from the Champaign County Planning and Zoning Department.

Issues and Discussion

The text amendment is proposed due to recent concerns related to development of potentially intense uses with a large number of people in the rural areas not typically well-suited for such intense uses. The Champaign County Zoning Administrator indicates that the text amendment is needed in order to better assess development impacts in the rural areas and to protect the public.

This amendment allows for protection of the public interest and would not negatively affect the City of Urbana. The Urbana Zoning Ordinance already contains similar provisions. Churches, Public Parks, Public Fairgrounds, and Outdoor Commercial Recreational Enterprises are already identified in the Table VI, Table of Uses as permitted as a special use or conditional use in the Agriculture (AG) zoning district. Public Elementary, Junior High School, or Senior High School is permitted by right in the AG zone.

Summary of Staff Findings

At the March 21, 2002 meeting, the Urbana Plan Commission adopted the following findings:

1. The proposed text amendments are generally consistent with the Urbana Zoning Regulations and Comprehensive Plan Goals and Objectives.
2. The proposed text amendments would allow for increased scrutiny of potentially intense land uses with a large number of people in rural zoning districts.
3. Comparable text amendments to the City of Urbana Zoning Ordinance are not necessary.
4. The proposed text amendments would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

In CCZBA Case #341-AT-02, the City Council has the following options:

- a. Defeat a resolution of protest for the proposed text amendment.
- b. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. Adopt a resolution of protest for the proposed text amendment.

Staff Recommendation

At the May 23, 2002 Plan Commission meeting, the Commission unanimously (by a vote of 7-0) recommended the Urbana City Council **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above. Staff concurs with this recommendation.

Attachments:

- 1) Draft Ordinance for Resolution of Protest
- 2) Draft Plan Commission Minutes from May 16, 2002
- 3) Champaign County Finding of Fact dated May 16, 2002

c: John Hall, Champaign County Planning and Zoning

RESOLUTION NO. 2002-06-017R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

(Text amendment to amend Section 5.2 of the Champaign County Zoning Ordinance - Plan Case CCZBA 341-AT-02)

WHEREAS, Frank DiNovo, Champaign County Zoning Administrator, has petitioned the County of Champaign for an amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 341-AT-02 to amend Sections 5.2 to change Elementary School, Jr. High School, High School, Church, Temple, and public park or recreational facility from a principal use permitted by right to principal use permitted as a special use in the AG-1 and AG-2 Zoning Districts; and

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-341-AT-02; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of May 23, 2002, has recommended by a vote of 7 to 0 that the Urbana City Council defeat a resolution of protest against the proposed omnibus text amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed text amendment as presented in CCZBA-341-AT-02.

PASSED by the City Council this _____ day of _____, 2002.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2002.

Tod Satterthwaite, Mayor