



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP

DATE: February 26, 2015

SUBJECT: CCZBA-791-AT-14: A request by the Champaign County Zoning Administrator to amend Sections 6.1.3 of the Champaign County Zoning Ordinance regarding “Heliport/Restricted Landing Area”.

Introduction

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-791-AT-14 to add standard conditions for Special Use Permits to allow “Heliport/Restricted Landing Area”. Under the proposed conditions, Heliports or Restricted Landing Areas (RLAs) would need to be buffered from dwellings under separate ownership or from land reserved for conservation and recreation. The proposed amendment would permanently adopt changes that were adopted on a temporary basis last year. In plan case CCZBA 768-AT-13, which was the initial one-year phase of the conditions being adopted by the Champaign County Zoning Board of Appeals, the City Council concurrently defeated a Resolution of Protest regarding the proposed change. The full memo for the current case to the Champaign County Zoning Board of Appeals can be found online at:

<http://urbanaininois.us/sites/default/files/attachments/cczba-memo-1-9-15.pdf>

The proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning and land use development decisions within the City’s one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City’s corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;

- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation;
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. City Council may protest the proposed text amendment if it is not compatible with City ordinances. Under state law, a municipal protest of the proposed amendment would require a three-quarters super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

Proposed Amendment

The County Zoning Administrator is proposing to add additional standard conditions as follows. The full text of the revised amendment is attached as Exhibit A.

- A. *Revise the standard conditions and special provisions in Section 6.1.3 for a ‘Heliport or Heliport Restricted Landing Area’ as follows:*
1. *Replace “runway” with “Final Approach and Takeoff (FATO) Area”.*
 2. *Delete the paragraph preceding Standard Condition 2. That limits the time that standard conditions 2. and 3. will be in effect to no more than 365 days from the date that they were adopted.*
 3. *Add a new Standard Condition 2. that indicates that the following Standard Conditions apply only to a HELIPORT-RESTRICTED LANDING AREA.*
 4. *Renumber existing Standard Condition 2. to be new Standard Condition 2.A.*
 5. *Add a new Standard Condition 2.B. that requires that no part of a Final Approach and Takeoff (FATO) Area may be closer than 1,320 feet from the nearest dwelling under different ownership than the HELIPORT-RESTRICTED LANDING AREA.*
 6. *Add a new Standard Condition 2.C. that requires that no part of a Final Approach and Takeoff (FATO) Area may be closer than 280 feet from the nearest property under different ownership than the HELIPORT-RESTRICTED LANDING AREA.*
 7. *Delete existing Standard Condition 3. and add a new Standard Condition 2.D. to provide that the requirement of Section 4.3.8 notwithstanding, any DWELLING or LOT established after a HELIPORT-RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 2.B. or 2.C. for a HELIPORT/RESTRICTED LANDING AREA and no Special Use Permit shall be required.*

B. Revise the existing standard conditions and special provisions in Section 6.1.3 for a 'Restricted Landing Area' as follows:

- 1. Replace all references to Section 4.3.7 with references to Section 4.3.8.*
- 2. Replace all references to "Table 5.3 noted (12)" with references to "Footnote 11 in Section 5.3".*
- 3. Delete the paragraph preceding Standard Condition 5. that limits the time that standard conditions 5. and 6. Will be in effect to no more than 365 days from the date that they were adopted.*
- 4. Add a new Standard Condition 6 that requires that no part of a runway may be closer than 1,320 feet from the nearest dwelling under different ownership than the RESTRICTED LANDING AREA.*
- 5. Add a new Standard Condition 7 that requires that no part of a runway may be closer than 280 feet from the nearest property under different ownership than the RESTRICTED LANDING AREA.*
- 6. Delete Standard Condition 6 and add a new Standard Condition 8 to provide that the requirement of Section 4.3.8 notwithstanding any BUILDING or STRUCTURE or USE or LOT established after a RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 6 or 7 for a RESTRICTED LANDING AREA and no Special Use Permit shall be required provided there in compliance with Standard Condition 3 for a RESTRICTED LANDING AREA.*

Issues and Discussion

The amendment would make permanent text amendments that were temporarily adopted last year for a one year trial. The only substantive differences between the currently proposed language and temporarily adopted language are two minor changes: the new amendment added language to separate minimum separation requirements from Special Use Permit exceptions and a clarification of the separation requirement from the Champaign County CR zoning district. The County Zoning Ordinance definition of Restricted Landing Area (RLA) refers to State Statute, which defines an RLA as "any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use." Restricted Landing Areas are used by private aircraft, mainly for recreational and agricultural purposes. The county Zoning Ordinance imposes standard conditions on several Special Uses. For heliports, the ordinance currently requires that the use meet Federal Aviation Administration and Illinois Department of Transportation requirements. Restricted landing areas must meet FAA and IDOT requirements, and must be contained entirely on the subject lot. Structures intended for human occupancy may not be located within the Runway Clear Zone, a trapezoidal area extending 1,000 feet from the restricted landing area.

The purpose of the proposed amendment is to protect residences and natural areas near heliports or RLAs. The amendment was brought about when a Special Use Permit application for a restricted landing area was denied for a parcel in southern Champaign County. In that case, the

County Zoning Board of Appeals suggested adopting additional restrictions for heliports and restricted landing areas. The CCZBA is now deciding on whether these restrictions shall be permanent after being adopted on a temporary basis of one year. The County Zoning Administrator is proposing the new standard conditions based on CCZBA's recommendation. There are no existing or proposed restricted landing area facilities in question that are inside of Urbana's extra-territorial jurisdiction, so there would be no anticipated impacts from the proposed amendment to Urbana.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City's comprehensive plan. Champaign County's proposed Zoning Ordinance text amendment should therefore be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed text amendment is generally consistent with these goals and objectives. It provides for protection of incompatible land uses by requiring additional buffer distance between heliports or restricted landing areas and residences or conservation and recreation areas.

Zoning Impacts

The proposed amendment would have no known impact on zoning within the City's extra-territorial jurisdiction. The Urbana Zoning Ordinance allows Heliports in the AG, Agricultural and IN-1, Light Industrial/Office Zoning Districts with a Conditional Use Permit, and in the IN-2, Heavy Industrial Zoning District with a Special Use Permit. Table VII-1 of the Zoning Ordinance requires Heliports in the City to meet FAA and IDOT regulations. The proposed County text amendment would impose additional buffer areas for heliports and restricted landing areas, beyond the height clearances required by FAA and IDOT.

Summary of Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to add standard conditions for Heliports and Restricted Landing Areas under Section 6.1.3 of the Champaign County Zoning Ordinance.
2. The proposed amendment would provide additional buffer area between Heliports/Restricted Landing Areas and occupied buildings or conservation and recreation lands.
3. The proposed zoning ordinance text amendment is generally consistent with the goals and objectives of the Urbana 2005 Comprehensive Plan.
4. The proposed zoning ordinance text amendment would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

The Urbana City Council has the following options regarding proposed text amendments in CCZBA Case No. 791-AT-14:

1. Defeat a resolution of protest; or
2. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Adopt a resolution of protest.

Recommendation

At their February 19, 2015 meeting, the Urbana Plan Commission voted six ayes to zero nays to forward this case to the City Council with a recommendation to **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment. Staff concurs with this recommendation.

Attachments: Exhibit A: Revised Amendment Language dated January 15, 2014
Please see Memorandum to the Champaign County ZBA dated January 15, 2014, which can be found at: <http://urbanaininois.us/sites/default/files/attachments/cczba-memo-1-9-15.pdf>
Exhibit B: Visual Diagrams of Separation Specifications

cc: John Hall, Champaign County Zoning Administrator

RESOLUTION NO.2015-03-010R

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

(Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning Heliports/Restricted Landing Areas - Plan Case No. CCZBA 791-AT-14)

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for zoning text amendments to the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 791-AT-14 to establish new Special Use Permit standard conditions for Heliport and Restricted Landing Area; 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-791-AT-14: A Request by the Champaign County Zoning Administrator to amend sections 6.1.3 of the Champaign County Zoning Ordinance concerning Heliports/Restricted Landing Areas"; and

WHEREAS, said amendment is consistent with the City of Urbana's 2005 Comprehensive Plan's goals and objectives; and

WHEREAS, said amendments would not adversely affect future zoning or land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said petition at their meeting of February 19, 2015, has recommended by a vote of six ayes to zero nays that the Urbana City Council DEFEAT a resolution of protest against the proposed 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 amendments are not in the best interests 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 adopt a Resolution of Protest against the proposed text amendment as presented in CCZBA-791-AT-14.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

Exhibit A. Revised Amendment
FEBRUARY 26, 2015

Proposed Amendment (Annotated)

1. Revise the standard conditions and special provisions in Section 6.1.3 for a ‘Heliport or Heliport-Restricted Landing Area’ to read as follows

*1. Must meet the requirements for “Approach and Departure Protection Areas” of Paragraph 25 of the Federal Aviation Administration Circular Number 150/5390-2 and requirements of the Illinois Department of Transportation, Division of Aeronautics. HELIPORTS atop BUILDINGS are exempt from the minimum area standard.

~~The following standard conditions apply only to a HELIPORT/RESTRICTED LANDING AREA and shall be in effect for a limited time not to exceed 365 days from the date they are adopted (April 24, 2014).~~

2. The following standard conditions apply only to a HELIPORT-RESTRICTED LANDING AREA:

A. The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 800 linear feet measured outward from the side edge of the Final Approach and Takeoff Area in the approach/takeoff path, and 500 linear feet measured outward from the side edge of the Final Approach and Takeoff Area.

B. No part of a Final Approach and Take Off (FATO) Area may be closer than 1,320 feet from the nearest dwelling under different ownership than the HELIPORT- RESTRICTED LANDING AREA.

C. No part of a Final Approach and Take Off (FATO) Area may be closer than 280 feet from the nearest property under different ownership than the HELIPORT- RESTRICTED LANDING AREA.

~~3. The requirement of Section 4.3.8, notwithstanding, a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT or any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located in the following required separation distances without being subject to the requirement for a SPECIAL USE Permit:~~

~~A. No part of the runway may be closer than 1, 320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.~~

~~B. No part of the runway may be closer than 280 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.~~

D. The requirement of Section 4.3.8 notwithstanding, any DWELLING or LOT established after a HELIPORT- RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 2.B. or 2.C. for a HELIPORT- RESTRICTED LANDING AREA and no Special Use Permit shall be required.

2) Revise the existing standard conditions and special provisions in Section 6.1.3 for a ‘Restricted Landing Area’ to read as follows:

*1. Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation Division of Aeronautics.

2. The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.

3. No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located: 1) within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or 2) the Runway

Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the primary surface 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the Primary Surface.

4. After a RESTRICTED LANDING AREA is established, the requirements in Section ~~4.3.7~~ 4.3.8 and ~~Table 5.3 note (12)~~ Footnote 11 in Section 5.3 shall apply.

~~The following standard conditions shall be in effect for a limited time not to exceed 365 days from the date (April 24, 2014):~~

5. The minimum separation to the nearest CR DISTRICT shall be a rectangular area encompassing 1,500 linear feet measured outward from the end of the runway and 500 linear feet measured outward from the side edge of the runway extended by 1,500 feet.

6. No part of a runway may be closer than 1,320 feet from the nearest dwelling under different ownership than the RESTRICTED LANDING AREA.

7. No part of a runway may be closer than 280 feet from the nearest property under different ownership than the RESTRICTED LANDING AREA.

~~6. The requirement of Section 4.3.8 notwithstanding, a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B DISTRICT or any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located in the following required separation distances without being subject to the requirement for a SPECIAL USE Permit:~~

~~A. No part of the runway may be closer than 1 320 feet from the nearest DWELLING under different ownership than the RESTRICTED LANDING AREA.~~

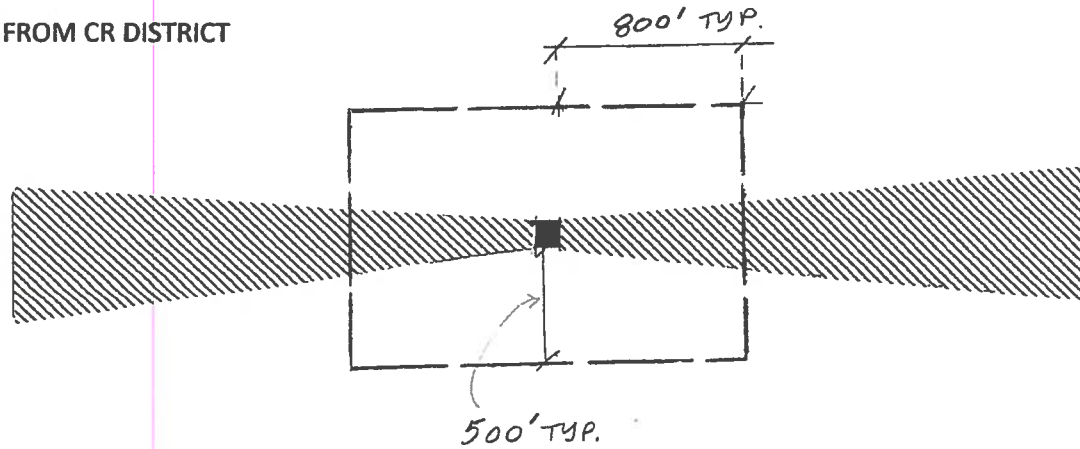
~~B. No part of the runway may be closer than 280 feet from the nearest PROPERTY under different ownership than the RESTRICTED LANDING AREA.~~

8. The requirement of Section 4.3.8 notwithstanding, any BUILDING or STRUCTURE or USE or LOT established after a RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 6 or 7 for a RESTRICTED LANDING AREA and no Special Use Permit shall be required provided there is compliance with Standard Condition 3 for a RESTRICTED LANDING AREA.

Diagram of Proposed Minimum Separation and Setback Standard Conditions

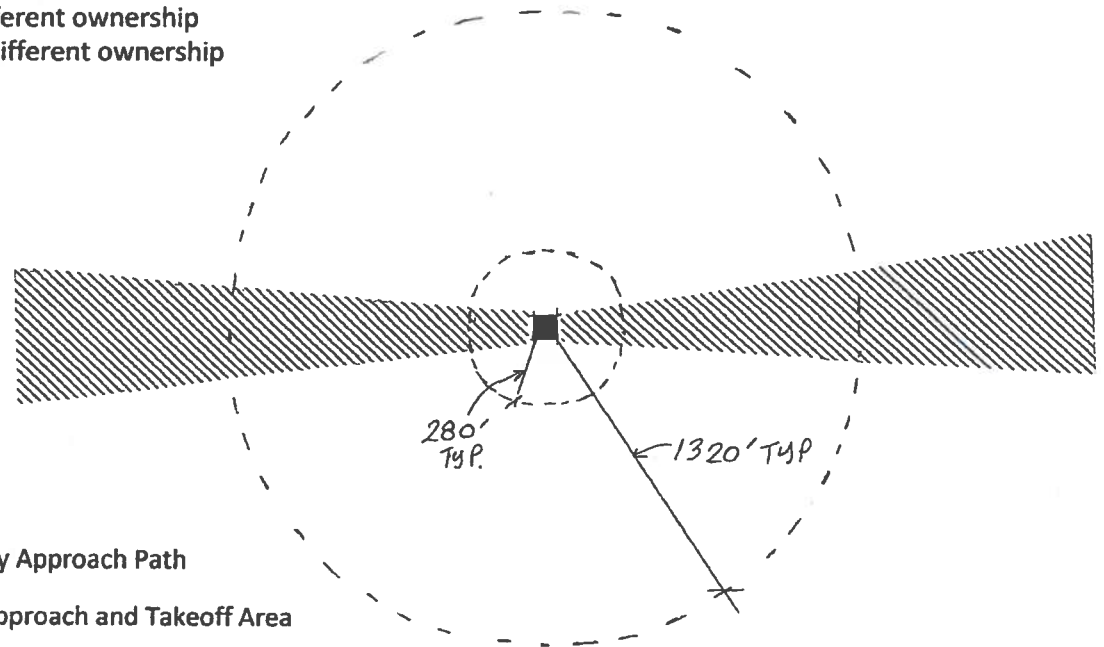
Heliport-Restricted Landing Area

MINIMUM SEPARATION FROM CR DISTRICT



MINIMUM SETBACK

- 280 linear feet from nearest PROPERTY under different ownership
- 1,320 linear feet from nearest DWELLING under different ownership



Scale: 1" = 800 linear feet



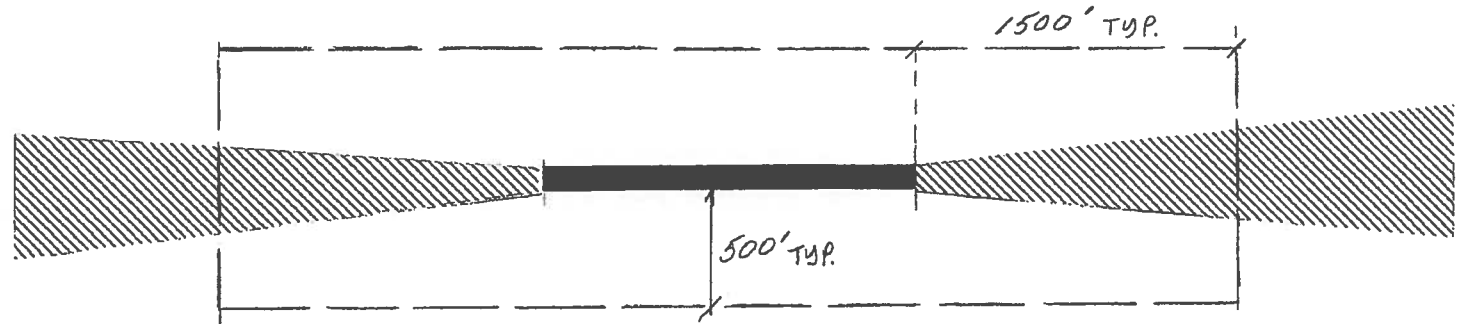
-  Runway Approach Path
-  Final Approach and Takeoff Area

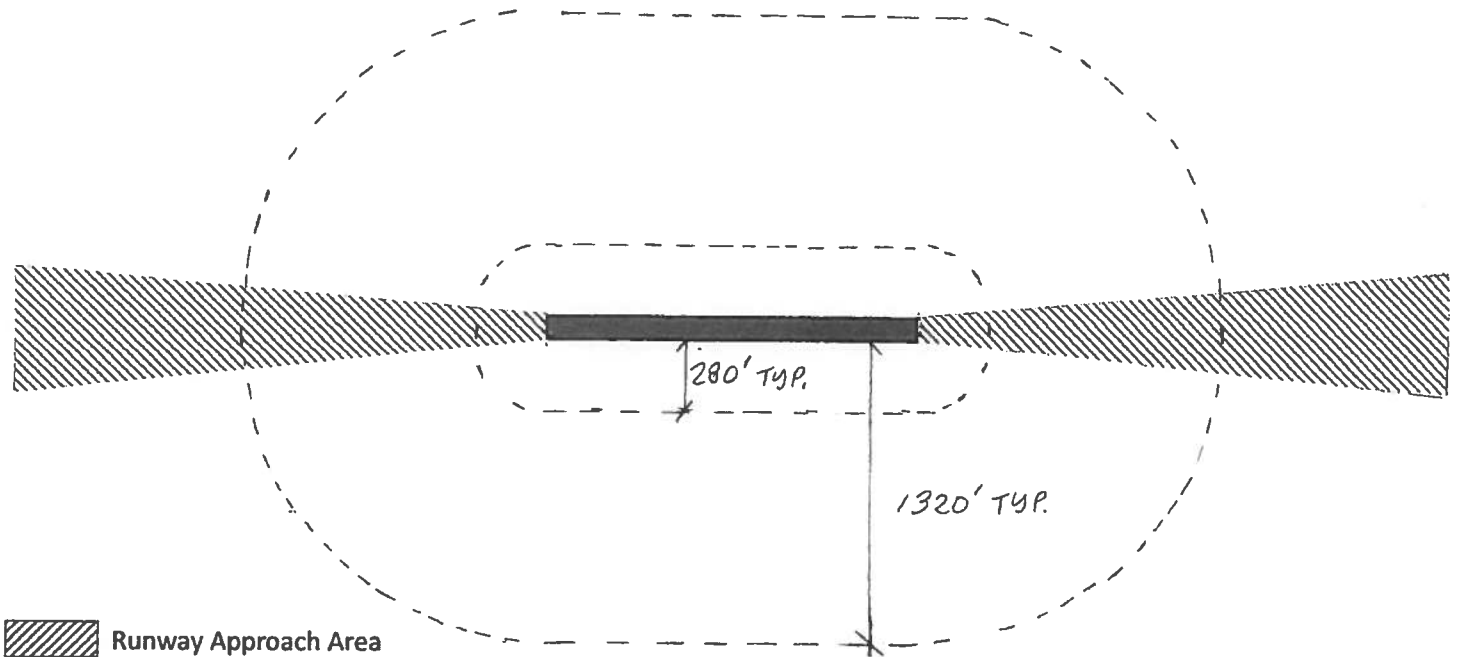
Diagram of Proposed Minimum Separation and Setback Standard Conditions
Restricted Landing Area

MINIMUM SEPARATION FROM CR DISTRICT





MINIMUM SETBACK

- 280 linear feet from nearest PROPERTY under different ownership
- 1,320 linear feet from nearest DWELLING under different ownership



Scale: 1" = 800 linear feet

-  Runway Approach Area
-  Runway

revised 2/4/2014

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: February 19, 2015

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBER PRESENT: Corey Buttry, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Maria Byndom, Andrew Fell

STAFF PRESENT: Jeff Engstrom, Interim Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT:

NEW BUSINESS

Case No. CCZBA-791-AT-14: A request by the Champaign County Zoning Administrator to amend Section 6.1.3 of the Champaign County Zoning Ordinance regarding “Heliport/ Restricted Landing Area”.

Chair Fitch opened this item on the agenda. Christopher Marx, Planner I, presented this case to the Plan Commission. He talked about Case No. CCZBA-AT-13 in which the Champaign County Zoning Board of Appeals adopted an amendment that established standard conditions for special use permits related to heliports and restricted landing areas for aircraft and helicopters in the incorporated of the County. The amendment was temporary for a one-year trial basis. He stated that the proposed text amendment would make those temporary changes permanent with a few minor changes. City staff recommends that the Plan Commission forward a recommendation to City Council to defeat a resolution of protest.

Chair Fitch asked the Plan Commission members if they had any questions for City staff.

Chair Fitch asked if the top of Carle Hospital was considered a heliport. Jeff Engstrom, Interim Planning Manager, stated that that it is not a heliport. It is an accessory to the hospital.

Mr. Trail asked why the language of the resolution is worded the way it is. Mr. Engstrom stated that the City has a right to protest text amendments to the Champaign County Zoning Ordinance. Resolutions for these text amendments are worded this way in case the City should want to protest an amendment. In this case, however, City staff is recommending to defeat a resolution of protest because it would not be in the City's best interest to protest.

Mr. Trail said that they could either protest or defeat a resolution to protest. If they do not oppose the text amendment, then the Plan Commission should recommend that City Council defeat a resolution of protest. Mr. Fitch said that is correct.

Mr. Stohr wondered if there were restrictions regarding the time of day, frequency of the use and noise with regards to drones and unmanned aerial vehicles. Mr. Marx replied that the FAA is just getting around to addressing the issues with drones. The proposed text amendment considers more spatial requirements as opposed to temporal ones.

Mr. Stohr asked if the proposed text amendment only applies to helicopters and no other types of aircraft. Mr. Marx answered that the proposed text amendment defines two types of landing areas for aircrafts. It defines a "heliport" and a "restricted landing area". A restricted landing area almost always means an airplane.

Mr. Trail inquired about the nature of the original request. Mr. Engstrom could not recall. It did not have anything to do with Frasca.

Mr. Stohr asked if it had to do with the subdivision that was around a landing strip. New owners of a house in the subdivision moved in and protested the use of the landing strip. Mr. Engstrom said it is possible.

Mr. Otto moved that the Plan Commission forward Case No. CCZBA-791-AT-14 to City Council with a recommendation to defeat a resolution of protest. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	Yes	Mr. Buttry	-	Yes

The motion passed by a vote of 6-0. Mr. Engstrom mentioned that this case would be forwarded to City Council on March 2, 2015.