



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: July 2, 2003

SUBJECT: CCZBA-344-AT-02: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance.

Introduction & Background

In October 2002 the Plan Commission considered a proposed text amendment to the Champaign County Zoning Ordinance by the Champaign County Zoning Administrator. The text amendment was minor and primarily involved the reformatting of the document along with some minor content changes. On June 3, 2002 the Urbana City Council passed a “no protest” vote in regards to the request. Since that action, city staff has learned that additional text amendments have been proposed by Champaign County in relation to the case. The purpose of this memorandum is to outline only the additional changes for the Plan Commission and City Council consideration. Although the changes are minor, the City of Urbana has consistently exercised the option of reviewing proposed text amendments and offering comments to the County. All the previous changes in case 344-AT-02 that were not protested back in October of 2002 will not be revisited at this time.

The attached memorandum to the Urbana Plan Commission dated October 18, 2002 outlines the eight text amendments proposed. The two following additional amendments have been proposed since that memorandum:

1. Reorganize the provisions of the Champaign County Zoning Ordinance from 14 articles to 18 articles.
2. Add a new use category called “Regional Special Use” to accompany “by right”, “conditional use”, and “special use”.

Issues and Discussion

The Champaign County Zoning Ordinance currently contains fourteen articles. The proposed amendment would expand that number by four and rename some existing articles.

Current Champaign County Zoning Ordinance Articles

- 1) Title and Period Effectiveness
- 2) Purpose
- 3) Definitions
- 4) General Provisions
- 5) Zoning Districts and Map
- 6) Standards for Specific Special Uses
- 7) Accessory Structures and Uses
- 8) Non-conformities
- 9) Administration, Enforcement, Amendment and Fees
- 10) Violations and Penalties
- 11) Validity
- 12) Repeal of Conflicting Ordinances
- 13) Non-Interference with other Restrictions Otherwise
- 14) Effective Date

Proposed Champaign County Zoning Ordinance Articles

- 1) General Provisions
- 2) Rural Zoning Districts
- 3) Residential Zoning Districts
- 4) Commercial and Industrial Zoning Districts
- 5) Principal Uses
- 6) Conditional Uses
- 7) Special Uses
- 8) Accessory Uses
- 9) Signs
- 10) Nonconformities
- 11) General Lot and Site Devt. Standards
- 12) Parking and Loading
- 13) Planned Unit Developments
- 14) Manufactured Home Parks
- 15) Administrative Structure
- 16) Procedures for Review and Approval
- 17) Violations and Penalties
- 18) Definitions

Although many of the articles are renamed or reorganized, the biggest change involves breaking out separate articles for principal uses, conditional uses, planned unit developments, manufactured homes as well as signs and parking. The new format follows most traditional zoning ordinance organization.

The second amendment is to add a new use category called “Regional Special Use”. This would include uses that could have potential region-wide impacts with regard to factors such as: demand on public utilities and services; environmental impacts; or involving the permanent alteration or destruction of a resource. At this time, no uses are proposed to be included in this category. It is anticipated that certain uses will be designated in this category as the Champaign County Comprehensive Zoning Ordinance revision is completed. The Champaign County Zoning Administrator estimates that no more than 5% of all special uses will be designated as “Regional Special Uses”.

Summary of Staff 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 better clarity and understanding of the Champaign County Zoning Ordinance.
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 #344-AT-02, the Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendment.

Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above.

Attachments:

- A) Memorandum to the Urbana Plan Commission dated October 18, 2002
- B) CASE 344-AT-02 Finding and Final Determination of CCZBA

c: Susan Monte, Associate Planner, Champaign County Planning and Zoning; 1776 E. Washington Avenue, Urbana, IL 61802

CASE 344-AT-02

**Finding of Fact and Final Determination
of
Champaign County Zoning Board of Appeals**

Final Determination: **Recommend Adoption**

Date: February 13, 2003

Petitioner: Zoning Administrator

Request: Amendments to Zoning Ordinance Format and Addition of Techniques

- Item A. Reorganize the provisions into 18 articles in lieu of the present 14 sections;
- Item B. Reserve articles for future new provisions;
- Item C. Institute a new numbering system;
- Item D. Generally make grammatical and editorial changes as required by the new format and to provide greater clarity.
- Item E. Add language clarifying the scope and effect of the ordinance;
- Item F. Add language clarifying the definition and application of “use” as applied to lots;
- Item G. Clarify regulations applying to the process of creating lots; and
- Item H. Add new “conditional use” and “regional special use” categories of use authorization to the existing “by right” and “special use” categories. (No substantive changes are made to the Table of Authorized Uses by District.)

Finding of Fact

From the documents of record and the testimony and exhibits received at the public hearings conducted on June 27, 2002, July 25, 2002, August 15, 2002, August 29, 2002, September 26, 2002, October 29, 2002, November 21, 2002, January 16, 2003, January 30, 2003 and February 13, 2003, the Zoning Board of Appeals of Champaign County finds that:

1. Zoning Case 344-AT-02 proposed amendment represents an initial phase of the Comprehensive Zoning Ordinance Review (CZR) project. This phase involves changes to the format of the ordinance and the addition of techniques that will be useful in subsequent phases. These are not substantive changes. They do not effect any development rights or impose any new regulations. The intent of these proposed initial amendments to the ordinance are to make the ordinance more user-friendly and to make way for various changes expected in upcoming CZR phases. The proposed ordinance will reserve article space for future provisions expected to be proposed in subsequent CZR phases.

2. The first set of proposed changes (Parts A through D) encompasses reorganization and reformatting of the ordinance. Parts E through G add clarifying language to facilitate understanding of existing ordinance provisions. Finally, Part H introduces a new category of use type and refines existing use type categories, allowing for more specificity in categorizing and reviewing uses as required.
3. The proposed reorganization and format of the ordinance will be implemented upon adoption by the County Board.
4. The Zoning Ordinance has evolved over the years through amendment. This process has resulted in some organization problems which result in regulations that are sometimes hard to find or follow and a document that is difficult to use. Certain existing sections, such as Sections 11 through 14, can be incorporated into one or other existing sections. Existing Sections 4 and 7 have been heavily amended over the years and contain a wide array of provisions.
5. A significant revision proposed is to the organization of the Zoning Ordinance, a revision made to more logically reflect different categories of the existing and future provisions.
6. The Zoning Ordinance reorganization contains three additional Articles in order to accommodate the relatively lengthy provisions for the two special uses: ‘residential planned unit development’ and ‘manufactured home park’ and the site development standards for ‘off-street parking and loading’. Zoning provisions for these items are contained in their own Article. Fewer numbers are necessary in citing reference to Zoning Ordinance provisions for these items.
7. An improved Zoning Ordinance numbering system is proposed. An objective in revising the chapter and section numbering system is to avoid a numbering system that is overly complicated or does not allow for easy expansion.

Article (titled)	N
Section (titled)	N. NN
Subsection (may or may not be titled)	N. NN. NNN
Paragraph	N. NN. NNN (A)
Subparagraph	N. NN. NNN (A) (N)
Item	N. NN. NNN (A) (N) (a)

N = arabic numeral; A = uppercase letter; a = lowercase letter

8. Grammatical and editorial changes are generally proposed as required by the new format and to provide greater clarity
9. New text regarding the scope of the ordinance is proposed. The objective is to clearly relay which actions in Champaign County located outside the incorporated limits of municipalities or within incorporated municipalities without zoning are to be regulated by the ordinance.
10. A new use category is propose: “Combination Principal Uses” and the existing use categories are further clarified.

11. "Combination Principal Uses" occur when a single institution or business enterprise has more than one use on a lot that is not clearly accessory to another. Examples of Combination Principal Uses are a church and school owned by a single institution (is the principal use a church or a school?) or a manufacturing plant and warehouse and distribution center owned by a single business enterprise (is the principal use manufacturing or warehousing?). If the relative area, relative intensity, and practical impacts of each use on a lot are very similar, the Zoning Administrator is hard pressed to identify a single principal use.
12. All Combination Principal Uses must be under common ownership, management and control.
13. Combination Principal Uses shall be allowed only in the districts in which the uses are permitted, as per the Table of Authorized Principal Uses.
14. Combination Principal Uses shall be allowed only as the most restricted use is permitted. For example, if one of the uses requires a special use permit, then the both uses require a special use permit.
15. Clarifying text pertaining to accessory uses and the creation of zoning lots is proposed.
16. A change to the categories of "use authorization" is proposed as follows:

Categories of Use Authorization

<i>EXISTING</i>	<i>PROPOSED</i>
PROHIBITED..... ...	PROHIBITED
SPECIAL USE.....	<i>SPECIAL USE</i>
	<i>REGIONAL SPECIAL USE</i>
AS OF RIGHT WITH FOOTNOTES.....	<i>CONDITIONAL USE</i>
AS OF	AS OF RIGHT

17. Special Uses are proposed to be divided into two categories: (1) *Special Use* - authorized by the ZBA, and (2) *Regional Special Use* - adopted by the County Board. It is expected that approximately 5% of all special uses will be regional special uses.
18. It is proposed that regional special uses be required for developments with potential region-wide impacts –having the potential to effect the public health, safety, and welfare on a broad scale. For example, regional special uses would be required for developments that: (1) place a very high demand on public utilities and services; (2) have very large potential environmental impacts; or (3) may involve the permanent destruction or alteration of a resource.

19. "Conditional Use" is a use authorization category derived from uses "permitted by right with a footnote". Several footnotes appear at the end of the existing Table of Authorized Principal Uses, which limit certain "permitted by right" uses. Those uses are proposed to become "Conditional Uses."
20. The footnotes that appear at the end of the existing Table of Authorized Principal Uses, limiting certain "Permitted by Right" uses have been replaced by "Conditional Uses", as noted in Item 19 above.
21. A modified legend is proposed for the Table of Authorized Principal Uses. Shading as a mechanism for designating principal uses authorized by right has been replaced with a symbol (#). Especially useful in the review of proposed changes to the Zoning Ordinance text, this change facilitates the consistent use of shading as a mechanism to denote only new proposed text.
22. The existing Zoning Ordinance includes a Table of Standard Conditions for special uses. The table format limits space for text and includes several footnotes. For easier readability, a non-table format for Standard Special Use Conditions is proposed. Special uses are listed alphabetically, with applicable Standard Conditions listed under each special use.
23. At the January 16, 2003 meeting, the Board indicated their preference that an expanded version of the reformatted zoning ordinance be adopted, indicating that the expanded version would be easier for the general public, developers and others to use.
24. No written protests of the modifications proposed in Zoning Case 344-AT-02 have been received to date.
25. Assistant State's Attorney Joel Fletcher has reviewed selected portions of the proposed amendment. He advised that Zoning Ordinance text regarding 'severability' and 'interpretation of the Zoning Ordinance' not be modified from the existing text. Additionally, he advised that an effective date of the Zoning Ordinance be included in Article 1. Revisions to the proposed Zoning Ordinance text have been made in accordance with his review comments.
26. Two page numbering systems for the reformatted Zoning Ordinance were considered by the Board: the "consecutive" or sequential page numbering system, and the "chapter-based" or division-based page numbering system. A description of the advantages and disadvantages of each system follows:

Consecutive	<ul style="list-style-type: none"> ■ This method is the easiest for a reader to use. 	<ul style="list-style-type: none"> ■ When new pages are added, it is necessary to add decimals or fractional page numbers. ■ The entire ordinance from the point of correction onward needs to be reprinted each time the ordinance is amended.
Chapter-Based	<ul style="list-style-type: none"> ■ One section or page of the ordinance can be amended without changing the ordinance 	<ul style="list-style-type: none"> ■ The reader needs to be aware of the relevant Ordinance section number.

	from the point of correction onward.	
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27. Since the ZBA meeting on January 30, 2003, the following corrections and additions have been made to the proposed Champaign County Zoning Ordinance draft:

- ◆ The effective date of the Zoning Ordinance has been left blank—to be filled in upon adoption of the Zoning Ordinance by the County Board.
- ◆ The word ‘ownership’ has been added to Subparagraph 5.10.500(B)(2).
- ◆ Regional special use procedures for review and approval have been added to Article 16. Excerpts of Article 16, revised as of 2/3/2003 with revised text highlighted, are attached for your information.
- ◆ Article 5 (Table of Authorized Principal Uses) has been revised in accordance with a text amendment adopted by the County (Ordinance No. 660) on August 20, 2002. The changes are:
 - (1) In the AG-1 and AG-2 Districts, the following uses are no longer permitted by right, but are permitted by special use: school; church; temple; park or recreational facility.
 - (2) A ‘country club clubhouse’ is added to the Table of Authorized Principal Uses as a principal use permitted as a special use in the AG-2 and CR 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 Districts.
- ◆ The following provisions have been added to Subsection 16.30.200 (Application for a Zoning Use Permit):
 2. The Zoning Administrator, or his or her designee, may determine that a zoning use permit application is incomplete, at which time the applicant shall be notified by mail regarding steps necessary to complete the zoning use permit application. Upon notification by mail, the applicant shall be given a deadline of 90 days to submit materials or information to the Champaign County Department of Planning and Zoning in order to complete the zoning use permit application. If the zoning use permit application is not complete at the end of that 90 day period, the zoning use permit application shall expire. Upon expiration of a zoning use permit application, half the zoning use permit fee paid at the time of initial submission shall be refunded to the applicant.
 3. Upon the filing of a complete zoning use permit application and payment of the required zoning use permit fee, the applicant has a vested right in having the zoning use permit application considered under the Zoning Ordinance in effect at the time of zoning use permit application.

- ◆ No uses have been assigned to the “Regional Special Use” category at this time. “Regional Special Use” is a special use category created to accommodate those special uses having potential region-wide impacts with regard to factors such as: demand on public utilities and services; environmental impacts; or involving the permanent alteration or destruction of a resource.

28. The Zoning Board of Appeals received information on both numbering systems. Each system presented advantages and disadvantages. The Zoning Board of Appeals voted unanimously to retain the chapter-based numbering system. This system is believed to provide the greatest level of flexibility while the Ordinance continues to be revised and evolves.

Documents of Record:

1. Sample Zoning Ordinance Table of Contents Using Both Page-Numbering Systems
2. Revised Champaign County Zoning Ordinance as of February 3, 2003
3. Memorandum dated February 13, 2003 from Assistant State’s Attorney Joel Fletcher.

Determination

Pursuant to the authority granted by Section 9.1.6. B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment, Items A through H, requested in Case 344-AT-02 as attached **SHOULD** be enacted by the County Board in the amended 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:

ATTEST:

Debra Griest, Chairperson
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rob Kowalski, AICP, Planning Manager

DATE: October 18, 2002

SUBJECT: CCZBA-344-AT-02: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance.

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the County Zoning Ordinance to reorganize and reformat the ordinance in order to make it easier to use and understand. The proposed text amendment would also introduce a new category of use type and refine existing use type categories for more specificity in categorizing and reviewing uses as required. The proposed text amendments do not affect any development rights or impose and new regulations. The proposed text amendments include the following:

- A. Reorganize the provisions into 13 articles in lieu of the present 14 sections;
- B. Reserve sections for future new provisions;
- C. Institute a new article and section numbering system;
- D. Generally make grammatical and editorial changes as required by the new format and to provide greater clarity;
- E. Add language clarifying the scope and effect of the ordinance;
- F. Add language clarifying the definition and application of “use” as applied to lots;
- G. Clarify regulations applying to the process of creating lots; and
- H. Add new “Conditional Use” and “Legislative Special Use” categories of use authorization to the existing “By Right” and “Special Use” categories. No uses are assigned to the new categories by the amendment and it makes no substantive changes to the Table of Permitted Uses by District.

Issues and Discussion

The text amendment is proposed as part of a Comprehensive Zoning Review (CZR) currently being conducted by the Champaign County Department of Planning and Zoning. The CZR will update the zoning ordinance to reflect changing conditions as well as new State and Federal laws. It is expected that substantial changes to the content of the Champaign County Zoning Ordinance will be presented in early 2003. The current text amendment does not propose any considerable contextual changes but rather changes to the format and organization. The attached Champaign County Supplementary Memorandum explain the proposed changes in greater detail.

This amendment allows for protection of the public interest and would not negatively affect the City of Urbana. At this time no changes are recommended for the Urbana Zoning Ordinance related to this proposal.

Summary of Staff 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 better clarity and understanding of the Champaign County Zoning Ordinance.
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 #344-AT-02, the Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendment.

Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above.