



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Robert A Myers, AICP, Planning Manager

DATE: March 17, 2006

SUBJECT: Review of Champaign County Zoning Ordinance amendments, Parts A-M (CCZBA-522-AT-05).

Introduction & Background

This memorandum is intended to supplement the February 17th memo you received concerning this case. The Champaign County Zoning Administrator is requesting a series of major amendments to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-522-AT-05. This comprehensive review and update of the County's Zoning Ordinance has been several years in the making. These revisions concern only those portions of the Zoning Ordinance dealing with rural development. Future revisions will deal with standards for residential, commercial, and industrial development. The County's Zoning Ordinance amendment is divided into thirteen parts (A-M).

By State law, the City has an obligation to review zoning decisions within its extraterritorial jurisdiction (ETJ) area. A municipal protest of the proposed amendment enforces a three-fourths super majority of affirmative votes for approval of the request at the County Board. Currently, Champaign County has received formal protests from five jurisdictions. 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. In addition to land uses, development patterns of areas annexed into the City of Urbana will effect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

Champaign County's review timeline has now changed such that case CCZBA-522-AT-05 will be further reviewed at the April 6, 2006 County Zoning Board of Appeals meeting. The County Board will likely not take up this issue for consideration until at least May or June.

Issues and Discussion

Issues of Concern

In terms of impact on Urbana, the following changes to the County's Zoning Ordinance are of most concern.

Public Input on Conditional Uses

Under Section 7.05.100 of the proposed ordinance, any use authorized as a Conditional Use in the Table of Authorized Uses by Districts (Chapter 6) is allowed by right if it meets all the conditions specified in Chapter 7. These are uses which can develop within the 1 ½ mile Extra Territorial Jurisdiction adjacent to the City. Some uses could potentially interfere with future annexation or other uses could be adjacent to residential subdivisions in the City. Adjoining property owners, whether in the City and the County, would not have an opportunity to comment on Conditional Uses approved by the County. Realistically the City of Urbana would not find out about such proposals until after approval by County staff. Those Conditional Uses which are of most concern for the City of Urbana include the following.

RESOURCE PRODUCTION AND AGRICULTURAL USE

- Rural specialty business, Major. Would be a conditional use approved by County staff in the AG-2 zoning district.
- Rural specialty business, Minor. Would be a conditional use approved by County staff in the CR and AG zoning district.

An example of a rural specialty business would be an orchard with retail sales at a fruit and vegetable stand along with recreational/educational tours of the operation. As long as the retail and service component would be less than 50% of the orchard's income, and less than 50% of the total lot area, then it could be considered a rural specialty business and could be approved by County staff. This new aspect of an orchard operation brings issues such as traffic and parking into play which could be of concern, especially if adjoining a residential subdivision. Because such rural special businesses make sense in rural areas, this item is less of a concern than other Conditional Uses.

PUBLIC & QUASI-PUBLIC FACILITIES

- Antenna or tower less than 100 feet in height. Would be a conditional use approved by County staff.
- Electrical substation. Would be a conditional use in AG & AG-2 approved by County staff. Electrical substations can often be of concern because of aesthetics, hazardous liquids (PCBs), electrical safety, and noise (constant hum).
- *Sanitary landfill*. Sanitary landfills are not listed anywhere in the Table of Authorized Uses but is defined in the Definitions chapter. It is possible that other ordinances and

laws may supersede the zoning ordinance for this particular land use. Sanitary landfills are of concern due to smell, truck traffic, aesthetics, pollution and trash, and attraction of scavengers.

BUSINESS USES: RETAIL TRADE

- Antique sales & service. Would be a conditional use approved by County staff in AG-2 zoning district. Traffic and parking are concerns, as well as possible outdoor display if more like a flea market or auction house.
- Art gallery. Would be a conditional use approved by County staff in the AG-2 zoning district. Potential traffic and parking are concerns.

BUSINESS USES: RECREATIONAL

- Lodge or private club. Would be a conditional use approved by County staff in the AG-2 zoning district.

BUSINESS USES: MISCELLANEOUS

- Cemetery. Would be a conditional use approved by County staff in the AG & AG-2 zoning districts. This is a concern because grave sites close to roadways may block street widening.
- Cemetery, pet. Would be a conditional use approved by County staff in the CR & AG-2 zoning districts. Again, grave sites close to roadways may block street widening.
- Contractors facilities (with outdoor storage). Would be a conditional use approved by County staff in the AG & AG-2 zoning districts. Outdoor storage can be of concern due to aesthetics, fencing, lighting, and truck traffic.
- Kennel. Would be a conditional use approved by County staff in the CR, AG & AG-2 zoning districts. Constant animal noises, security for animals, storage of animal food, and feces collection and storage are concerns.
- Long-term vehicle storage. Would be a conditional use approved by County staff in the CR, AG & AG-2 zoning districts. Aesthetics, fencing, security, truck traffic, and lighting are concerns.
- Self-storage warehouse (no heat/utilities). Would be a conditional use approved by County staff in the CR, AG & AG-2 zoning districts. Aesthetics, fencing, security, and lighting are of concern.
- Veterinary hospital. Would be a conditional use approved by County staff in the CR & AG zoning districts. Constant animal noises, security for animals, storage of animal food, and feces collection and storage are concerns.

INDUSTRIAL USES: FABRICATED METAL PRODUCTS

- Small scale metal fabricating shop. Would be a conditional use approved by County staff in the AG-2 zoning district. Concerns include noise, vibration, chemical storage, and outdoor storage in general, including scrap metal.

INDUSTRIAL USES: LUMBER & WOOD PRODUCTS

- Wood fabricating shop. Would be a conditional use approved by County staff in the AG & AG-2 zoning districts. Concerns include noise, vibration, and storage of raw materials and scrap.

INDUSTRIAL USES: MISCELLANEOUS MANUFACTURING

- Light assembly. Would be a conditional use approved by County staff in the AG & AG-2 zoning districts. Concerns include traffic, including truck traffic.

MISCELLANEOUS DEVELOPMENT & CONSTRUCTION

- Re-use of an existing rural structure. Would be a conditional use approved by County staff in the CR, AG & AG-2 zoning districts. By definition, this could include any non-residential use of an existing rural structure in its existing location. An example of this would include an auto repair shop operated out of a barn. This is of less concern than other Conditional Uses.

Removal of Standard Conditions

In Champaign County’s proposed zoning ordinance, a number of standard conditions for Conditional Uses, Special Uses, and County Board Special Uses would be eliminated. County staff believes many of the standard conditions provided in the 1973 zoning ordinance are not applicable or advisable in every situation. The following are of most concern to City of Urbana staff:

- *Cemeteries and Pet Cemeteries.* No standard setbacks or minimum lot sizes for burial plots. This could impact street widening once cemeteries would be annexed into Urbana.
- *Kennels.* Standard conditions are eliminated and replaced with a minimum 1,000 foot setback from residential districts and dwellings.
- *Mineral extraction and quarrying.* Most standard conditions eliminated.
- *Truck terminals.* Standard conditions eliminated.
- *Livestock sales facility and stockyards.* Standard conditions eliminated.
- *Slaughter Houses.* Standard conditions eliminated.
- *Animal Training Facilities.* No standard conditions.
- *Sewage disposal plants and Lagoons.* Standard conditions eliminated.
- *All-Terrain Vehicle, Go-Cart or Motorcycle Course.* No standard conditions.

Summary of Issues of Concern

City staff's review of Champaign County's proposed zoning ordinance found that the vast majority is either acceptable or desirable. However, certain aspects of Champaign County's proposed Zoning Ordinance are of concern to City staff. The primary concern is that certain Conditional Uses being approved without public notice or public hearings. Adjoining property owners often play an important part in understanding the effects of proposed developments, and without the public participation process, an important element of Conditional Uses may be missed. Additionally, in a few cases removal of standard conditions for Conditional and Special Uses would be undesirable. The City of Urbana doesn't expect rural and City land use standards to match, but there are a few instances when standard conditions are necessary.

Summary of Staff Findings

1. Champaign County Zoning Case No. CCZBA522-AT-05 would adopt broad new zoning standards which are designed to further protect farming and prime farm land from conversion to other uses, as well as to protect environmental resources;
2. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's *2005 Comprehensive Plan's* goals and objectives;
3. The City of Urbana is concerned about certain specific Conditional uses which could be approved by County staff without public input through the Special Use process;
4. Public input on potentially problematic uses often greatly enhances the review process; and
5. The City of Urbana is also concerned about certain specific Conditional and Special Uses where standard conditions would be eliminated.

Options

In CCZBA Case No. 522-AT-05, 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 amendments.
- 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 amendments.
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendments.

Staff Recommendation

In Champaign County ZBA Case No. 522-AT-5, Urbana City staff recommends that the Plan Commission recommend to the City Council to **DEFEAT** a resolution of protest with the following **CONDITIONS**:

- A. In Champaign County’s proposed zoning ordinance, Parts A-M, change the following Conditional Uses to Special Uses:
- Electrical substations;
 - Contractors facilities with outdoor storage
 - Long-term vehicle storage.
 - Kennels and veterinary hospitals with animals kept outdoors either temporarily or permanently.
 - Self-storage warehouse (no heat/utilities).
 - Small scale metal fabricating shop.
 - Wood fabricating shop.
 - Light assembly.
- B. Minimum setback standards must be enacted as standard conditions for the following uses with the recommended minimum setbacks provided as follows:
- *Cemeteries and pet cemeteries.* Include as a standard condition a 75 foot setback from the centerline of adjacent streets for burial plots or any above-ground structure where human or animal remains are permanently deposited. Other onsite structures, except for fences, should meet the minimum setback required in that zoning district, or 25 feet, whichever is greater.
 - *Mineral extraction and quarrying.* Include a standard requirement for a minimum lot size of at least two acres, a 100 foot setback from all property lines, and a minimum six-foot wire mesh or solid fence. It may be necessary to impose greater setbacks or other requirements through the Special Use process.
 - *Sewage disposal.* Include a standard minimum setback of 100 feet from property lines for sewage disposal plants; additionally, for sewage lagoons, a minimum setback from property lines of 200 feet should be required.
 - *All-terrain vehicle, go cart, and motocross racing tracks.* Outdoor commercial recreational enterprises such as ATV, go cart, and motocross courses should not be allowed within 200 feet of any residential zoning district.
 - *Sanitary landfills.* Sanitary landfills should have a minimum 200 foot setback from all property lines.

Prepared by:

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Exhibits: (already previously provided)

- A. Comparison of Existing and Proposed Zoning Ordinance memo, Jan. 11, 2006
- B. Comparison of Zoning Ordinance Proposals Table, Nov. 14, 2005
- C. Special Use Standard Conditions to be Eliminated
- D. Comprehensive Zoning Review Text Amendment, Phase One memo
- E. Proposed Champaign County Zoning Ordinance draft, Nov. 14, 2005
- F. Table of Comparison between City and County Conditional and Special Uses.

cc: Susan Monte, Champaign County Planning and Zoning
City of Champaign
City of Rantoul

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