



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Jeff Engstrom, AICP, Planner II

**DATE:** September 2, 2011

**SUBJECT:** **CCZBA-683-AT-11 & CCZBA-684-AT-11:** Requests by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance concerning Rural Residential Overlay Districts.

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**Introduction & Background**

The Champaign County Zoning Administrator is requesting two sets of text amendments to the Champaign County Zoning Ordinance in Champaign County Case Nos. CCZBA-683-AT-11 and CCZBA-684-AT-11. The Urbana Plan Commission should review the proposed amendment to determine what impact it will have on the City, and recommend to City Council whether or not to protest approval of this county zoning ordinance text amendment.

The purpose of these amendments is to enhance regulations for Rural Residential Overlay (RRO) districts in unincorporated Champaign County. Case CCZBA-683-AT-11 relates to whether the subject property is suited to be developed as an RRO. Case CCZBA-684-AT-11 adds a requirement for Rural Residential Overlays to be approved by a county board special use permit, concurrently with the previously required map amendment.

Rural Residential Overlay district approval is now required to subdivide large parcels zoned agricultural or conservation for residential use. RROs are not required for subdivisions of three or fewer lots, or for lots over 35 acres. An RRO is a zoning overlay district, that does not affect the underlying zoning district. Review of a proposed RRO determines if a property is suitable to be subdivided into multiple lots for residential use. The proposed text amendments would accomplish two things. First, CCZBA-683-AT-11 would implement the County Land Resource Management Plan by adding site evaluation requirements. Second, CCZBA-684-AT-11 would add the requirement for a special use permit to approve an RRO. This is proposed so that conditions can be placed on approval of a special use permit. Conditions are not allowed for zoning map amendments.

Specifically, the proposed County Zoning Ordinance amendments would include the following changes:

- Add definitions to Section 3 related to whether a site is best prime farmland and suited or well-suited for a particular development
- Revise Section 5.4.3.C.2 to allow for consideration of availability of infrastructure and services.
- Add language to Section 9.1.11.B to consider whether a site is best prime farmland and suited or well-suited for a particular development when evaluating a special use permit request in AG-1, AG-2 and CRE districts.
- Revise Table 5.2 to indicate that a special use permit is required for subdivisions of more than three lots.
- Revise Section 5.4.3 to require concurrent special use approval for a Rural Residential Overlay district.

The specific changes are detailed in the attached county memoranda dated July 8, 2011. The two cases were reviewed from the Champaign County Zoning Board of Appeals on July 14, 2011, and forwarded to the County Board Environment and Land Use Committee. The cases are scheduled for a final vote before the full County Board on October 20, 2011.

## **Issues and Discussion**

Typically, proposed Champaign County text amendments are of interest to the City of Urbana to the extent that they will affect zoning and land use development decisions within the City's one and a half mile extraterritorial jurisdiction (ETJ) and for their consistency with Urbana's Comprehensive Plan. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is therefore important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap.

### **City of Urbana Policies**

Champaign County's proposed Zoning Ordinance should 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 5.0 Ensure that land use patterns conserve energy.**

*Objective 5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.*

#### **Goal 6.0 Preserve natural resources (including air, water, and land) and environmentally sensitive areas in the community.**

*Objective 6.4 Preserve natural amenities in new development through innovative development regulations and design.*

**Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.**

*Objective 15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” development.*

*Objective 15.2 Extend utilities and services in an orderly fashion to encourage compact, contiguous growth.*

*Objective 15.5 Promote intergovernmental cooperation on development and growth issues.*

**Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.**

*Objective 16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.*

*Objective 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.*

*Objective 16.4 Consider the impact of new development on public services and the ability to provide those services cost effectively.*

**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 changes appear to be generally consistent with these goals and objectives. The proposed Zoning Ordinance text amendment would allow for orderly development of county parcels in accordance with the county’s Land Resource Management Plan, while protecting best prime farmland that is not well-suited to development.

**Zoning & Subdivision Impacts**

The proposed changes have no zoning impacts on the City. For proposed subdivisions in Urbana’s ETJ, the City reviews and approves the proposed subdivision plat. Part of the plat review process is to verify that all county zoning requirements are met. The proposed county zoning text amendments will ensure that land proposed to be subdivided is suitable for development. Applicants for subdivisions in the ETJ will need to go through the county special use and RRO process before the City would approve the plat. Future county zoning text

amendments are planned to establish standard conditions for approval of a Rural Residential Overlay special use.

## **Summary of Staff Findings**

1. Champaign County Zoning Case No. CCZBA 683-AT-11 would establish criteria to determine if a property is suited to be developed under the Rural Residential Overlay district provisions.
2. The proposed zoning ordinance text amendment Case No. CCZBA 683-AT-11 would revise Sections 3, 5.4.3.C.2 and 9.1.11.B of the Champaign County Zoning Ordinance.
3. Champaign County Zoning Case No. CCZBA 684-AT-11 would add a requirement for Rural Residential Overlays to be approved by a County Board special use permit, concurrently with the previously required map amendment.
4. The proposed zoning ordinance text amendment Case No. CCZBA 684-AT-11 would revise Sections 5.2, 5.4.3.B and 5.4.5 of the Champaign County Zoning Ordinance.
5. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's *2005 Comprehensive Plan's* goals and objectives in that they would allow for orderly development while protecting best prime farmland;
6. The proposed text amendment would affect proposed subdivisions in the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area.

## **Options**

In CCZBA Case No. 683-AT-11 and 684-AT-11, the Plan Commission has the following options for recommendations to the City Council:

- a. Recommend that City Council defeat a resolution of protest for the proposed text amendments;
- b. Recommend that City Council defeat a resolution of protest, contingent upon some specific revision(s) to the proposed text amendments; or
- c. Recommend that City Council adopt a resolution of protest for the proposed text amendments.

## **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 amendments based upon the findings summarized above.

Exhibits:       CCZBA-683-AT-11 Memorandum to the Champaign County ZBA, July 8, 2011.  
                  CCZBA-684-AT-11 Memorandum to the Champaign County ZBA, July 8, 2011.

cc:               John Hall, Champaign County Zoning Administrator

# CASE NO. 683-AT-11

SUPPLEMENTAL MEMORANDUM  
July 8, 2011

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**  
**Susan Monte, CCRPC Planner**

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Add definitions for best prime farmland, by right, discretionary, discretionary development, parcel, suited overall, and well suited overall.
2. Revise paragraph 5.4.3 C.2. as follows:
  - a. In item a. add "and infrastructure to support the development" and give examples of relevant infrastructure.
  - b. In item h. replace "emergency" with "public" and add "to support the proposed development" and give examples of relevant services.
  - c. In item j. delete "effects on" and replace with "the amount of disturbance to".
3. Revise paragraph 9.1.11B. by adding criteria that apply to special use permits in the AG-1, AG-2, and CR zoning districts in addition to the existing criteria for any special use permit, as follows:
  - a. The property is either best prime farmland and the property with proposed improvements is well suited overall or the property is not best prime farmland and the property with proposed improvements is suited overall.
  - b. The existing public services are available to support the proposed special use effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

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### *STATUS*

This case was continued from the May 26, 2011, meeting. The Finding of Fact case may be ready for final action, if the Board has no more questions.

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### **ATTACHMENTS**

- A Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)
- B Preliminary Finding of Fact with Draft Ordinance

**Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)**

CASE 683-AT-11

JULY 8, 2011

1. **In Section 3 add definitions for ‘best prime farmland’, ‘by right’, ‘discretionary’, ‘discretionary development’, ‘suited overall’, and ‘well suited overall’ as follows and insert each definition in the appropriate location:**

BEST PRIME FARMLAND: Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

BY RIGHT: a term to describe a USE permitted or allowed in the DISTRICT involved, without review by BOARD or GOVERNING BODY, and complying with provisions of the zoning ordinance and with other applicable ordinances and regulations.

DISCRETIONARY: a term to describe a decision requiring the exercise of judgment, deliberation or decision on the part of the BOARD and GOVERNING BODY in the process of approving or disapproving a SPECIAL USE or a rezoning request.

DISCRETIONARY DEVELOPMENT: a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the zoning ordinance and other applicable ordinances and regulations.

PARCEL: A designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.

SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be ‘suited overall’ if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be ‘well-suited overall’ if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)

CASE 683-AT-11

JULY 8, 2011

2. Revise paragraph 5.4.3 C.2. as follows:

2. In making findings, the BOARD shall consider the following factors:
  - a. The adequacy and safety of roads providing access to the site and infrastructure (e.g., drainage systems, culverts, bridges) to support the proposed development;
  - b. Effects on nearby farmland and farm operations;
  - c. Effects of nearby farm operations on the proposed residential development;
  - d. The LESA score of the subject site;
  - e. Effects on drainage both upstream and downstream including road drainage facilities;
  - f. The suitability of the site for onsite subsurface soil absorption or surface discharge wastewater systems;
  - g. The availability of water supply to this site;
  - h. The availability of ~~emergency public services to the site;~~ (i.e., police protection, fire protection, and emergency ambulance service) to support the proposed development;
  - i. The flood hazard status of the site;
  - j. The amount of disturbance to ~~Effects on~~ wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
  - k. The presence of nearby natural or man-made hazards; and
  - l. The amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.

3. Revised paragraph 9.1.11 B. as follows:

9.1.11 SPECIAL USES

B. SPECIAL USE Criteria

A SPECIAL USE Permit shall not be granted by the BOARD unless the public hearing record and written application demonstrate:

1. that it is necessary for the public convenience at that location;



**Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)**

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JULY 8, 2011

2. that it is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare, except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
  - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
  - b. The existing public services are available to support the proposed special use effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
3. that it conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
4. that granting the SPECIAL USE is in harmony with the general purpose and intent of this ordinance.
5. that, in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
6. approval of a SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).

*PRELIMINARY DRAFT*

683-AT-11

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: July 14, 2011

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Add definitions for best prime farmland, by right, discretionary, discretionary development, parcel, suited overall, and well suited overall.
  2. Revise paragraph 5.4.3 C.2. as follows:
    - a. In item a. add “and infrastructure to support the development” and give examples of relevant infrastructure.
    - b. In item h. replace “emergency” with “public” and add “to support the proposed development” and give examples of relevant services
    - c. In item j. delete “effects on” and replace with “the amount of disturbance to”.
  3. Revise paragraph 9.1.11B. by adding criteria that apply to special use permits in the AG-1, AG-2, and CR zoning districts in addition to the existing criteria for any special use permit, as follows:
    - a. The property is either best prime farmland and the property with proposed improvements is well suited overall or the property is not best prime farmland and the property with proposed improvements is suited overall.
    - b. The existing public services are available to support the proposed special use effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 24, 2011; May 26, 2011; and July 14, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to implement specific policies that are included in the Champaign County Land Resource Management Plan.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

**SUMMARY OF THE PROPOSED AMENDMENT**

4. The proposed amendment is attached to the Finding of Fact as it will appear in the Zoning Ordinance.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets

of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING LRMP GOALS**

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

The proposed amendment is not directly related to Goal 1 but should *HELP ACHIEVE* Goal 1 for the following reason:

- A. The only objective under Goal 1 that is related to the proposed amendment is Objective 1.1 that is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”

The proposed amendment appears to *HELP ACHIEVE* objective 1.1 because the proposed changes will allow more specific consideration of the effects of proposed development on public services and public infrastructure.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment is not directly related to Goal 2 but should *HELP ACHIEVE* Goal 2 because it should *HELP ACHIEVE* objective 2.1 that states that Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region, for the following reasons:

- A. The proposed amendment should *HELP ACHIEVE* policy 2.1.3 that states the County will encourage municipal adoption of plan and ordinance elements which reflect a mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources, for the following reasons:
- (1) The proposed amendment only affects discretionary development within the AG-1, AG-2, and CR zoning districts and the AG-2 District generally only occurs in areas of overlapping land use planning jurisdiction.

*PRELIMINARY DRAFT*

- (2) The proposed amendment will provide a more explicit statement of the County's minimum requirements for discretionary development in the AG-2 District which should result in a more informed collaboration between the County and municipalities.

8. LRMP Goal 3 is entitled "Prosperity" and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment is not directly related to Goal 3 but should *HELP ACHIEVE* Goal 3 for the following reasons:

- A. The proposed amendment is not directly related to any of the objectives for Goal 3 but the amendment should still be supportive of Goal 3 for the following reasons:
  - (1) As reviewed under Goal 2, the amendment will provide a more explicit statement of the County's minimum requirements for discretionary development in the AG-1, AG-2, and CR Zoning Districts.
  - (2) A better understanding of the County's minimum requirements for discretionary development in these rural zoning districts should provide for more efficient development and minimize development disputes related to the demand placed on public services and public infrastructure.

9. LRMP Goal 4 is entitled "Agriculture" and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment is directly related to Goal 4 and *IS NECESSARY TO ACHIEVE* Goal 4 for the following reasons:

Case 683: obj 4.3 pol.s 4.3.1, 4.3.2, 4.3.3, 4.3.4

Case 684: obj. 4.4

Case 685: obj. 4.4

10. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

The proposed amendment should *NOT BE RELEVANT* to Goal 5 in general, because Goal 5 relates primarily to urban land use.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

The proposed amendment should *NOT BE RELEVANT* to Goal 6 in general because the proposed amendment does not change anything in regards to specific policies supporting Goal 6 although the proposed amendment should result in a more thorough overall consideration of public safety in some land resource management decisions related to rural discretionary development.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

The proposed amendment should *NOT BE RELEVANT* to Goal 7 in general because the proposed amendment does not change anything in regards to the specific policies supporting Goal 7 although the proposed amendment should result in a more thorough overall consideration of traffic considerations in some land resource management decisions related to rural discretionary development.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

The proposed amendment should *NOT BE RELEVANT* to Goal 8 because the proposed amendment does not address natural areas or natural resources nor should it lead to the decline of the County’s landscape and natural resources.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

The proposed amendment should *NOT BE RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 is **NOT RELEVANT** to the proposed amendment because the proposed amendment only affects discretionary development within the AG-1, AG-2, and CR zoning districts which are unlikely to include cultural amenities.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

16. The proposed amendment appears to **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

\*8.3, 8.4, 8.5- all should result in a more thorough overall consideration of public safety in some land resource management decisions related to rural discretionary development.

B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general.

C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

\*8.3, 8.4, 8.5- all consider traffic in rural decisions

D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

\*8.3, 8.4, 8.5- all consider drainage issues in rural decisions

E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

\*8.3, 8.4, 8.5- all should result in a more thorough overall consideration of public safety in some land resource management decisions related to rural discretionary development.

F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not directly related to this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.



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The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

*REGARDING OTHER RELEVANT EVIDENCE*

17. The proposed text amendment *{WILL / WILL NOT}* improve the text of the Zoning Ordinance because it *{WILL / WILL NOT}* provide a better understanding of the actual basis for some land resource management decisions related to rural discretionary development decisions.

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **March 24, 2011; May 26, 2011; and July 14, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the following LRMP goal(s):
    - Goal 4 Agriculture
  - B. The proposed Zoning Ordinance text amendment will also ***HELP ACHIEVE*** the following LRMP goal(s):
    - Goal 1 Planning and Public Involvement
    - Goal 2 Governmental Coordination
    - Goal 3 Prosperity
  - C. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of the other LRMP goals.
2. The proposed text amendment ***{WILL/ WILL NOT}*** improve the Zoning Ordinance because it will:
  - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance.
  - B. ***{WILL / WILL NOT}*** improve the text of the Zoning Ordinance because it ***{WILL / WILL NOT}*** provide a better understanding of the actual basis some land resource management decisions related to rural discretionary development decisions.

**DOCUMENTS OF RECORD**

1. Application for Text Amendment from the Zoning Administrator, dated March 9, 2010
2. Preliminary Memorandum with attachments:
  - A Champaign County Board Committee of the Whole Memorandum dated February 23, 2011
  - B Strike-out version of Draft Zoning Ordinance Text Amendment dated April 19, 2011
3. pages 5- 9 from Volume 2: Champaign County Land Resource Management Plan adopted April 22, 2010
4. Supplemental Memorandum dated May 18, 2011
5. Supplemental Memorandum dated July 8, 2011, with attachments:
  - A Draft Zoning Ordinance Text Amendment (Strikeout Version)
  - B Preliminary Finding of Fact with proposed amendment

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 683-AT-11** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the 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:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

1. In Section 3 add definitions for 'best prime farmland', 'by right', 'discretionary', 'discretionary development', 'suited overall', and 'well suited overall' as follows and insert each definition in the appropriate location:

BEST PRIME FARMLAND: Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

BY RIGHT: a term to describe a USE permitted or allowed in the DISTRICT involved, without review by BOARD or GOVERNING BODY, and complying with provisions of the zoning ordinance and with other applicable ordinances and regulations.

DISCRETIONARY: a term to describe a decision requiring the exercise of judgment, deliberation or decision on the part of the BOARD and GOVERNING BODY in the process of approving or disapproving a SPECIAL USE or a rezoning request.

DISCRETIONARY DEVELOPMENT: a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the zoning ordinance and other applicable ordinances and regulations.

PARCEL: A designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.

SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

*PRELIMINARY DRAFT*

**2. Revise paragraph 5.4.3 C.2. as follows:**

2. In making findings, the BOARD shall consider the following factors:
  - a. The adequacy and safety of roads providing access to the site and infrastructure (e.g., drainage systems, culverts, bridges) to support the proposed development;
  - b. Effects on nearby farmland and farm operations;
  - c. Effects of nearby farm operations on the proposed residential development;
  - d. The LESA score of the subject site;
  - e. Effects on drainage both upstream and downstream including road drainage facilities;
  - f. The suitability of the site for onsite subsurface soil absorption or surface discharge wastewater systems;
  - g. The availability of water supply to this site;
  - h. The availability of ~~emergency public services to the site;~~ (i.e., police protection, fire protection, and emergency ambulance service) to support the proposed development;
  - i. The flood hazard status of the site;
  - j. The amount of disturbance to ~~Effects on~~ wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
  - k. The presence of nearby natural or man-made hazards; and
  - l. The amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.

**3. Revised paragraph 9.1.11 B. as follows:**

9.1.11 SPECIAL USES

B. SPECIAL USE Criteria

A SPECIAL USE Permit shall not be granted by the BOARD unless the public hearing record and written application demonstrate:

1. that it is necessary for the public convenience at that location;
2. that it is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare, except that in the CR,AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
  - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
  - b. The existing public services are available to support the proposed special use effectively and safely without undue public expense.
  - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
3. that it conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
4. that granting the SPECIAL USE is in harmony with the general purpose and intent of this ordinance.
5. that, in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
6. approval of a SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).



# CASE NO. 684-AT-11

SUPPLEMENTAL MEMORANDUM

July 8, 2011

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**  
**Susan Monte, CCRPC Planner**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **Revise Section 5.2 by indicating that a subdivision in the CR, AG-1, or AG-2 Districts that totals more than three lots or with new streets or private access ways requires a County Board approved special use permit for Rural Residential Development in addition to the Rural Residential Overlay District.**
2. **Revise Section 5.4.3 as follows:**
  - a. **Add a requirement for a County Board approved special use permit for Rural Residential Development in accordance with Section 9.1.11.**
  - b. **Add a requirement that the public hearing for a map amendment for a Rural Residential Overlay and the public hearing for the related special use permit for Rural Residential Development must be concurrent.**

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### *STATUS*

This case was continued from the May 26, 2011, meeting.

The text of the actual Ordinance amendment has been changed somewhat to simplify the amendment. Both attachments were prepared with that change but the Agenda and the description on this Memorandum were not. The change is consistent with the original legal advertisement.

The case may be ready for final action, if the Board has no more questions.

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### ATTACHMENTS

- A Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)
- B Preliminary Finding of Fact with Draft Ordinance

**Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)**

CASE 684-AT-11

JULY 8, 2011

**1. Revise Section 5.2 as follows:**

**a. Add the requirement for a County Board Special Use Permit requirement for the rural residential overlay in the CR, AG-1, and AG-2 Districts in the Table of Authorized Principal Uses.**

**b. Revise Section 5.2 Footnote 10.**

**5.2 Table of Authorized Principal USES**

Principal USES	Zoning DISTRICTS					Zoning DISTRICTS					I-1	I-2		
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2			B-3	B-4
<b>Residential Uses</b>														
BOARDING HOUSE						S								
DWELLING, SINGLE FAMILY													7	
DWELLING, TWO-FAMILY			S	S	S									
DWELLING, MULTI-FAMILY														
Fraternity, Sorority, or Student Cooperative														
Dormitory														
Home for the aged			S											
NURSING HOME			S											
MANUFACTURED HOME PARK								S						
HOTEL - No more than 15 LODGING UNITS	S	S	S							S			S	
HOTEL - over 15 LODGING UNITS														
TRAVEL TRAILER Camp			S											
Residential PLANNED UNIT DEVELOPMENT		S	S	S	S	S	S	S						
MANUFACTURED HOME in MANUFACTURED HOME PARK														
SUBDIVISION(s) totaling three LOTS or less	9	9	9											
SUBDIVISION (s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS	B <sup>10</sup>	B <sup>10</sup>	B <sup>10</sup>											

Key: B = County Board SPECIAL USE

**Footnotes**

10. No SUBDIVISION shall be created unless a Rural Residential OVERLAY DISTRICT has been created and a Rural Residential Development County Board Special Use Permit has been authorized, except as provided in Section 5.4.2.5.4.3.

Attachment A Draft Zoning Ordinance Text Amendment (Strikeout Version)

CASE 684-AT-11

JULY 8, 2011

2. Revise paragraph 5.4.3 B. as follows (Note that text with double underlining is new from the previous version and text with single underlining is unchanged):

B. The adoption of Rural Residential OVERLAY Zoning shall augment the provisions of the underlying DISTRICT but shall not alter any requirement otherwise applicable to the tract of land except as provided by this section including as follows:

1. A County Board SPECIAL USE approval for a rural residential development that comprises a Rural Residential OVERLAY Zoning DISTRICT shall be required and shall be implemented in accordance with the provisions of Subsection 9.1.11. and the requirements of Subsection 6.1.1.
2. The rezoning approval and County Board SPECIAL USE approval stages must The public hearing for the map amendment to the Rural Residential OVERLAY Zoning District and the public hearing for the County Board SPECIAL USE for a rural residential development shall occur concurrently.

3. Add new paragraph 5.4.5 H. as follows:

H. Submittals required for the County Board SPECIAL USE permit application.

**PRELIMINARY DRAFT**

**684-AT-11**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: July 14, 2011

Petitioner: Zoning Administrator

Request:

**Amend the Champaign County Zoning Ordinance as follows:**

- 1. Revise Section 5.2 by indicating that a subdivision in the CR, AG-1 or AG-2 Districts that totals more than three lots or with new streets or private access ways requires a County Board approved special use permit for Rural Residential Development in addition to the Rural Residential Overlay District.**
  - 2. Revise Section 5.4.3 as follows:**
    - a. Add a requirement for a County Board approved special use permit for Rural Residential Development in accordance with Section 9.1.11.**
    - b. Add a requirement that the public hearing for a map amendment for a Rural Residential Overlay and the public hearing for the related special use permit for Rural Residential Development must be concurrent.**
  - 3. Add new paragraph 5.4.5 H. to require submittals for the County Board SPECIAL USE permit application with the submittals for the application for the Rural Residential Overlay rezoning.**
-

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 24, 2011; May 26, 2011; and July 14, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to implement specific policies that are included in the Champaign County Land Resource Management Plan.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

**SUMMARY OF THE PROPOSED AMENDMENT**

4. The proposed amendment is attached to the Finding of Fact as it will appear in the Zoning Ordinance.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
  - B. The LRMP defines Goals, Objectives, and Polices as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets

of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING LRMP GOALS**

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

The proposed amendment is not directly related to Goal 1 but should **HELP ACHIEVE** Goal 1 for the following reason:

- A. The only objective under Goal 1 that is related to the proposed amendment is Objective 1.1 that is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”

The proposed amendment appears to **HELP ACHIEVE** objective 1.1 because the proposed changes will allow more specific consideration of the effects of proposed development on public services and public infrastructure.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment is not directly related to Goal 2 but should **HELP ACHIEVE** Goal 2 because it should **HELP ACHIEVE** objective 2.1 that states that Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region, for the following reasons:

- A. The proposed amendment should **HELP ACHIEVE** policy 2.1.3 that states the County will encourage municipal adoption of plan and ordinance elements which reflect a mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources, for the following reasons:
- (1) The proposed amendment only affects discretionary development within the AG-1, AG-2, and CR zoning districts and the AG-2 District generally only occurs in areas of overlapping land use planning jurisdiction.

**PRELIMINARY DRAFT**

- (2) The proposed amendment will provide a more explicit statement of the County's minimum requirements for discretionary development in the AG-2 District which should result in a more informed collaboration between the County and municipalities.

8. LRMP Goal 3 is entitled "Prosperity" and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment is not directly related to Goal 3 but should *HELP ACHIEVE* Goal 3 for the following reasons:

- A. The proposed amendment is not directly related to any of the objectives for Goal 3 but the amendment should still be supportive of Goal 3 for the following reasons:
  - (1) As reviewed under Goal 2, the amendment will provide a more explicit statement of the County's minimum requirements for discretionary development in the AG-1, AG-2, and CR Zoning Districts.
  - (2) A better understanding of the County's minimum requirements for discretionary development in these rural zoning districts should provide for more efficient development and minimize development disputes related to the demand placed on public services and public infrastructure.

9. LRMP Goal 4 is entitled "Agriculture" and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment is directly related to Goal 4 and *IS NECESSARY TO ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.4 states that Champaign County will update County regulations that pertain to rural residential discretionary developments to best provide for site specific conditions by 2010 and the proposed amendment *IS NECESSARY TO ACHIEVE* Objective 4.4 because a special use permit is the best way to provide for site specific conditions.

10. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

The proposed amendment should *NOT BE RELEVANT* to Goal 5 in general, because Goal 5 relates primarily to urban land use.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

The proposed amendment should *NOT BE RELEVANT* to Goal 6 in general because the proposed amendment does not change anything in regards to specific policies supporting Goal 6 although the proposed amendment should result in a more thorough overall consideration of public safety in some land resource management decisions related to rural discretionary development.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

The proposed amendment should *NOT BE RELEVANT* to Goal 7 in general because the proposed amendment does not change anything in regards to the specific policies supporting Goal 7 although the proposed amendment should result in a more thorough overall consideration of traffic considerations in some land resource management decisions related to rural discretionary development.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

The proposed amendment should *NOT BE RELEVANT* to Goal 8 because the proposed amendment does not address natural areas or natural resources nor should it lead to the decline of the County’s landscape and natural resources.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

The proposed amendment should *NOT BE RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**



Goal 10 is *NOT RELEVANT* to the proposed amendment because the proposed amendment only affects discretionary development within the AG-1, AG-2, and CR zoning districts which are unlikely to include cultural amenities.

*REGARDING THE PURPOSE OF THE ZONING ORDINANCE*

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment should result in a more thorough overall consideration of public safety in some land resource management decisions related to rural discretionary development.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment should result in a more thorough overall consideration of traffic considerations in some land resource management decisions related to rural discretionary development.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment should result in a more thorough overall consideration of drainage issues in some land resource management decisions related to rural discretionary development.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment should result in a more thorough overall consideration of drainage issues in some land resource management decisions related to rural discretionary development.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

*PRELIMINARY DRAFT*

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not directly related to this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general in some land resource management decisions related to rural discretionary development.

***REGARDING OTHER RELEVANT EVIDENCE***

17. The proposed text amendment *{WILL / WILL NOT}* improve the text of the Zoning Ordinance because it *{WILL / WILL NOT}* provide a better understanding of the actual basis for some land resource management decisions related to rural discretionary development decisions.

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **March 24, 2011; May 26, 2011; and July 14, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the following LRMP goal(s):
    - Goal 4 Agriculture
  - B. The proposed Zoning Ordinance text amendment will also ***HELP ACHIEVE*** the following LRMP goal(s):
    - Goal 1 Planning and Public Involvement
    - Goal 2 Governmental Coordination
    - Goal 3 Prosperity
  - C. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of the other LRMP goals.
2. The proposed text amendment ***{WILL/ WILL NOT}*** improve the Zoning Ordinance because it will:
  - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance.
  - B. ***{WILL / WILL NOT}*** improve the text of the Zoning Ordinance because it ***{WILL / WILL NOT}*** provide a better understanding of the actual basis some land resource management decisions related to rural discretionary development decisions.

**DOCUMENTS OF RECORD**

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2. Preliminary Memorandum with attachments:
  - A Champaign County Board Committee of the Whole Memorandum dated February 23, 2011
  - B Strike-out version of Draft Zoning Ordinance Text Amendment dated April 19, 2011
3. pages 5- 9 from Volume 2: Champaign County Land Resource Management Plan adopted April 22, 2010
4. Supplemental Memorandum dated May 18, 2011, with attachment:
  - A Rural Residential Overly (RRO) Zoning Map Amendment Cases
5. Supplemental Memorandum dated July 8, 2011, with attachments:
  - A Draft Zoning Ordinance Text Amendment (Strikeout Version)
  - B Preliminary Finding of Fact with proposed amendment

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 684-AT-11** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the 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:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

1. **Revise Section 5.2 as follows:**
  - a. **Add the requirement for a County Board Special Use Permit requirement for the rural residential overlay in the CR, AG-1, and AG-2 Districts in the Table of Authorized Principal Uses.**
  - b. **Revise Section 5.2 Footnote 10.**

5.2 Table of Authorized Principal USES

Principal USES	Zoning DISTRICTS					Zoning DISTRICTS									
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<b>Residential Uses</b>															
BOARDING HOUSE						S									
DWELLING, SINGLE FAMILY															7
DWELLING, TWO-FAMILY			S	S	S										
DWELLING, MULTI-FAMILY															
Fraternity, Sorority, or Student Cooperative															
Dormitory															
Home for the aged			S												
NURSING HOME			S												
MANUFACTURED HOME PARK								S							
HOTEL - No more than 15 LODGING UNITS	S	S	S						S				S		
HOTEL - over 15 LODGING UNITS															
TRAVEL TRAILER Camp			S												
Residential PLANNED UNIT DEVELOPMENT		S	S	S	S	S	S	S							
MANUFACTURED HOME in MANUFACTURED HOME PARK															
SUBDIVISION(s) totaling three LOTS or less	g	g	g												
SUBDIVISION (s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS	B <sup>10</sup>	B <sup>10</sup>	B <sup>10</sup>												

Key: B = County Board SPECIAL USE

Footnotes

10. No SUBDIVISION shall be created unless a Rural Residential OVERLAY DISTRICT has been created and a Rural Residential Development County Board Special Use Permit has been authorized, except as provided in Section 5.4.2.5.4.3.



*PRELIMINARY DRAFT*

2. **Revise paragraph 5.4.3 B. as follows:**

- B. The adoption of Rural Residential OVERLAY Zoning shall augment the provisions of the underlying DISTRICT but shall not alter any requirement otherwise applicable to the tract of land except as provided by this section including as follows:
  - 1. A County Board SPECIAL USE approval for a rural residential development that comprises a Rural Residential OVERLAY Zoning DISTRICT shall be required and shall be implemented in accordance with the provisions of Subsection 9.1.11. and the requirements of Subsection 6.1.1.
  - 2. The public hearing for the map amendment to the Rural Residential OVERLAY Zoning District and the public hearing for the County Board SPECIAL USE for a rural residential development shall occur concurrently.

3. **Add new paragraph 5.4.5 H. as follows to require submittals for the County Board SPECIAL USE permit application with the submittals for the application for the Rural Residential Overlay rezoning:**

- H. Submittals required for the County Board SPECIAL USE permit application.