



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director/City Planner

DATE: June 11, 2002

SUBJECT: CCZBA-331-AT-02: Request by the Champaign County Zoning Administrator for a text amendment to the Zoning Ordinance as it relates to the Interim Stormwater Management Policy (ISMP).

Introduction & Background

The Champaign County Zoning Administrator is requesting an omnibus text amendment to the County Zoning Ordinance and the Interim Stormwater Management Policy (ISMP) to address several concerns related to the regulation of stormwater management. The ISMP was adopted by the County in 1991 and is incorporated by reference into the Champaign County Zoning Ordinance and Champaign County Subdivision Regulations.

Among other changes, the proposed amendments would require that any use or construction that requires a Zoning Use Permit must comply with the requirements of the Champaign County Interim Stormwater Management Policy. The proposed amendments would also define certain terms related to exemptions to the policy and would liberalize those exemptions.

This proposed amendment was revised since the memorandum to Plan Commission dated May 17, 2002. These changes are identified on pages 2-3 of the Champaign County Supplementary Memorandum (attached), and include a general exemption for any development with limited impervious area, as well as exemptions for certain residential areas and small non-residential areas from the requirement that detention basins be installed.

On June 6, 2002, the Urbana Plan Commission voted 5 to 0 to recommend that City Council defeat a resolution of protest for the proposed text amendment. For more information regarding this case, please refer to the June 3, 2002 Plan Commission memorandum and the draft minutes from the June 6, 2002 Plan Commission meeting regarding this case.

Issues and Discussion

City Engineering staff indicates there would be no significant impact to the City regarding the proposed Champaign County amendment. Several of the proposed changes would be classified as administrative changes, regarding the fee structure and clarification of certain definitions of terms in the ISMP. Among other changes, the proposed amendment would make the stormwater management provisions for certain residential and non-residential uses more consistent. In many respects, the proposed amendment makes the County stormwater management policy more consistent with the policies for the City of Urbana.

Staff has discussed certain imminent changes to the National Pollutant Discharge Elimination System (NPDES) permitting program, the program within the Environmental Protection Agency that regulates point sources that discharge pollutants into federal waters. The changes will go into effect March 2003. City and County Staff have discussed potential impacts of the changes to the NPDES Phase II storm water regulations, and City has no significant concerns regarding the impact of the proposed text amendment.

Summary of Findings

At the June 6, 2002 meeting, the Urbana Plan Commission adopted the following findings:

1. The proposed text amendments are generally consistent with the Urbana Zoning Regulations, Comprehensive Plan Goals and Objectives, and Subdivision Regulations.
2. The proposed text amendments would improve the administration of the stormwater management policies of the Zoning Ordinance within Champaign County.
3. Comparable text amendments to the City of Urbana Zoning Ordinance are not necessary, although City Engineering staff indicates that some of the proposed changes to the County ordinance may be appropriate to consider in a future update to the stormwater management portions of the subdivision regulations for the City of Urbana.
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 #331-AT-02, the City Council has the following options:

- a. Defeat a resolution of protest for the proposed text amendment.

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

Staff Recommendation

At the May 23, 2002 Plan Commission meeting, the Commission unanimously (by a vote of 5-0) recommended the Urbana City Council **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above. Staff concurs with this recommendation.

Prepared by:

Tim Ross, Senior Planner

Attachments:

- 1) Draft Ordinance for Resolution of Protest
- 2) Champaign County Supplementary Memorandum dated May 23, 2002
- 3) Draft Plan Commission Minutes from June 6, 2002

c: John Hall, Champaign County Planning and Zoning

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

(Text amendment regarding proposed changes to the Champaign County Zoning Ordinance as it relates to the Interim Stormwater Management Policy - Plan Case No. CCZBA-331-AT-02)

WHEREAS, Frank DiNovo, Champaign County Zoning Administrator, has petitioned the County of Champaign for an amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 331-AT-02 to amend the Zoning Ordinance as it relates to the Interim Stormwater Management Policy (ISMP); and

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-331-AT-02"; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of June 6, 2002, has recommended by a vote of 5 to 0 that the Urbana City Council defeat a resolution of protest against the proposed omnibus text amendment to the Champaign County Zoning Ordinance; and

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

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

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

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed text amendment as presented in CCZBA-331-AT-02.

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

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor