



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, Director

DATE: December 15, 2005

SUBJECT: CCZBA-521-AT-05: Request by Champaign County Zoning Administrator to adopt interim development standards on a permanent basis for Rural Residential Overlay Zoning Districts and Best Prime Farmland.

Introduction & Background

The Champaign County Zoning Administrator is requesting an amendment to the Champaign County Zoning Ordinance to adopt on a permanent basis four provisions which have been in place on an interim basis since August 2004 or earlier. Generally, CCZBA-521-AT-05, if approved, would:

- Increase the size of lots exempt from the Rural Residential Overlay requirements from 10 acres to 35 acres;
- Allow for creation of four lots on parcels sized 25-50 acres;
- Allow no further division of parcels that are five acres or less;
- On best prime farmland, limits the lot size to a maximum of three acres; and
- Average the maximum lot size restrictions limiting the size of Rural Residential Overlay lots on best prime farmland to an average of two acres.

These requirements are already in force on an interim basis but are set to expire. If approved, the following zoning text amendments would become permanent:

1) Change existing Footnote 9 in Section 5.2 to read as follows:

9. ~~On an interim basis until the effective date of the Champaign County Board final action on Cases 414 AT 03 and 415 AT 03, No more than three LOTS in total (in any number of subdivisions involving LOTS that are less than 35 acres in area) are allowed to be platted per parcel except as provided in Section 5.4.2.~~

~~Thereafter, no more than three LOTS in total (in any number of subdivisions involving LOTS that are 10 acres or less in area) are allowed to be platted per parcel except as provided in Section 5.4.2.~~

2) Change existing Subsection 5.4.2 to read as follows:

5.4.2 Exemptions

- A. ~~On an interim basis until the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03,~~ The following may be permitted in the CR, AG-1 and AG-2 Districts without the creation of a Rural Residential Overlay District:
1. The creation of any number of LOTS greater than 35 acres in area.
 2. The creation of the first three LOTS less than 35 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998, provided, however that any such parcel that is greater than or equal to 25 acres in area and less than 50 acres may be divided into four LOTS.
 3. No lot that is 5 acres or less in area may be further divided.
 4. The creation of any number of LOTS contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.
- B. ~~Thereafter, the following may be permitted in the CR, AG-1 and AG-2 Districts without the creation of a Rural Residential Overlay District:~~
- ~~1. The creation of any number of LOTS greater than 10 acres in area.~~
 - ~~2. The creation of the first three LOTS less than 10 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998; or~~
 - ~~3. The creation of any number of LOTS contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.~~

3) Amend Section 5.3 to add an interim maximum lot size restriction for development in the CR, AG-1, and AG-2 Districts:

5.3 Schedule of Area, Height and Placement Regulations by District

Zoning DISTRICTS	Minimum LOT Size ¹²		Maximum HEIGHT ^{4,11}		Required YARDS (feet)					Maximum LOT COVERAGE	Special Provisions
	Area (square feet)	Average Width (feet)	Feet	Stori es	Front Setback from STREET Centerline ³			SIDE ⁷	REAR ⁶		
					STREET Classification						
					MAJOR	COLLECTOR	MINOR				
AG-1 AGRICULTURE	1 Acre	200	50	NR ¹⁰	85	75	55	15	25	20%	(5, 13)
AG-2 AGRICULTURE	20,000	100	50	NR ¹⁰	85	75	55	10	20	25%	(5, 13)
CR Conservation-Recreation	1 Acre	200	35	2 ½	85	75	55	15	25	20%	(5, 13)

Footnotes

13. ~~On an interim basis until the effective date of the Champaign County Board final action on Cases 414-~~

~~AT-03 and 415-AT-03~~ The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:

- A. LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - 1. The LOT is RRO-exempt;
 - 2. The LOT has a Land Evaluation score greater than or equal to 85 on the County's Land Evaluation and Site Assessment System; and
 - 3. The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
- B. LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 - 1. The LOT is located within a Rural Residential Overlay DISTRICT; and
 - 2. The LOT has a Land Evaluation score of greater than or equal to 85 on the County's Land Evaluation and Site Assessment System.
- C. The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
 - 1. A 'Remainder Area Lot'

A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO-exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot'.
 - 2. Any LOT greater than or equal to 35 acres in LOT AREA.

~~Thereafter, no maximum LOT AREA zoning restrictions are required.~~

4) Create Subsection 5.4.4 to add an interim average maximum lot size restriction for development in a Rural Residential Overlay.

5.4.4 Average Maximum LOT AREA Requirement

~~On an interim basis until the effective date of the Champaign County Board final action on Cases 415-AT-03 and 415-AT-03, LOTS within a Rural Residential Overlay DISTRICT with a Land Evaluation score of greater than or equal to 85 on the County's Land Evaluation and Site Assessment System must not exceed an average maximum LOT AREA of two acres.~~

~~Thereafter, no average maximum LOT AREA zoning restriction is required within a Rural Residential Overlay DISTRICT.~~

Why is it important for the City of Urbana to review proposed changes to the Champaign County Zoning Ordinance? The proposed zoning text amendment will affect the use and subdivision of land in the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. By State law, the City has jurisdiction over subdivision of land within one and a half miles of the City limits while the County holds zoning jurisdiction in this area. In part the City's review of projects in the ETJ area is

to insure that development does not occur just outside the City which is totally incompatible with urban standards in terms of improvements and infrastructure. Over time properties in the ETJ area will most likely be incorporated within the City through annexation. Also by State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's Comprehensive Plan. A municipal protest of the proposed amendment would require a three-fourths super majority vote by the County Board for approval of this proposal.

Issues and Discussion

Champaign County is working on a comprehensive seven-phase review of its zoning ordinance. The first phase of proposed zoning changes – rural development standards -- will begin in January 2006. Meanwhile, the County plans to incrementally update specific portions of its zoning ordinance dealing with rural residential development. As proposed, Case No. 521-AT-05 would adopt on a permanent basis what has up to now been approved and enforced on an interim (temporary) basis. This change would mean that the County would no longer have to update certain zoning amendments currently under a “sunset clause”.

In past years, Champaign County allowed subdivisions in unincorporated areas with relatively few regulations. County policy was subsequently adopted which addressed the fact that prime farmland, a finite resource, is being converted to very-low density residential development. Zoning requirements were adopted that allowed residential development in unincorporated areas only after approval based on twelve rigorous factors. These are meant to minimize conversion of prime farmland to low-density residential development and to minimize land use conflicts between agricultural and non-agricultural land uses. The County's Rural Residential Overlay zoning district places these requirements in effect.

While the Rural Residential Overlay is part of a rigorous review process, these requirements do include several exemptions. One of these exemptions allowed homes to be built essentially on 10-acre land tracts. This was an ineffective exemption because it had the unintended consequence of allowing very-low density residential development. As more 10-acre residential subdivisions were constructed, Champaign County took action by increasing the lot size for the exemption from 10 acres to 35 acres. Due to the economics of land development, this change, according to Champaign County Planning staff, has been effective. Additionally, where residential subdivisions are developed under a Rural Residential Overlay exemption and are on prime farmland, lot size is limited to a maximum of three acres. Again, these exemptions are currently in place in Champaign County's Rural Residential Overlay zoning districts on an interim (temporary) basis but are proposed to be adopted permanently.

More comprehensive changes to the County's zoning ordinance planned for January 2006 may very well further tighten these standards. A 40-acre minimum lot size per dwelling unit will reportedly be considered.

In terms of compatibility with the City of Urbana’s 2005 Comprehensive Plan, the proposed Champaign County zoning ordinance change is generally consistent. Specifically, under Goals and Objectives for Sensible Growth, Urbana’s comprehensive plan includes the following:

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.

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.

Champaign County Zoning Case No. 521-AT-05 is consistent with these goals and objectives from Urbana’s comprehensive plan.

Summary of Findings

1. The proposed Champaign County Zoning Ordinance text amendment – Case 521-AT-05 -- would adopt on a permanent basis provisions which have been in place on an interim basis since August 2004 or earlier;
2. The proposed zoning ordinance text amendment would permanently adopt heightened standards for Rural Residential Overlay zoning districts and for development on best prime farmland;
3. The zoning text amendment proposed through Case 521-AT-05 is consistent with the City of Urbana’s 2005 Comprehensive Plan to the extent that best prime farmland would be protected and premature development of the City of Urbana’s planned growth area would be precluded.

Options

In CCZBA Case No. 521-AT-05, 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. A resolution of protest would require a super majority vote of the Champaign County Board of Commissioners for them to adopt this Zoning Ordinance text amendment.

Recommendation

The Planning Commission considered this case at their December 8, 2005 meeting and voted unanimously to recommend the City Council defeat a Resolution of Protest. Based on the findings provided above, and subject to additional information that may be provided by Champaign County, the Plan Commission and City staff recommend that the City Council **defeat a resolution of protest** for the proposed text amendment.

RESOLUTION NO. 2005-12-028R

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

(Concerning Development Standards for Rural Residential Overlay Zoning
Districts and Best Prime Farmland / Plan Case No. CCZBA 521-AT-05)

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for a zoning text amendment to the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 521-AT-05 to amend Sections 5.2, 5.4.2, 5.3, and 5.4.4 concerning development standards for Rural Residential Overlay Zoning Districts and on Best Prime Farmland; 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-521-AT-05: Development Standards for Rural Residential Overlay Zoning Districts and Best Prime Farmland"; and

WHEREAS, said amendment is generally consistent with the City of Urbana's 2005 Comprehensive Plan to the extent that prime farmland and other natural resources would be protected and that premature development of the City of Urbana's planned growth area would be precluded; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of December 8, 2005, has recommended by a vote of 7 to 0 that the Urbana City Council defeat a resolution of protest against the proposed text amendment to the Champaign County Zoning Ordinance; and

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

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

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

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed omnibus text amendment as presented in CCZBA-521-AT-05.

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: December 8, 2005
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Marilyn Upah-Bant, Jim Ward
MEMBERS EXCUSED: Laurie Goscha, Bernadine Stake, Don White
STAFF PRESENT: Robert Myers, Planning Manager; Paul Lindahl, Planner I; Teri Andel, Secretary
OTHERS PRESENT: Bjorg Holte, Mary Kent, Scott Kunkel, Susan Taylor

NEW BUSINESS

CCZBA-521-AT-05: Request by Champaign County Zoning Administrator to adopt the interim Zoning Ordinance provisions to revise exemptions for development within Rural Residential Overlay zoning districts.

Mr. Myers presented this case to the Plan Commission. He explained the purpose for the proposed text amendment to the Champaign County Zoning Ordinance. In years past, Champaign County did not necessarily have stringent requirements for development in the unincorporated areas. Eventually, the County realized that a lot of prime farmland and other sensitive land areas and land uses were being used up. Prime farmland is a finite resource, and once it is used up it is essentially gone. We have some of the richest farmland in the world.

With this realization, the County realized that they needed to change their land use controls in order to help preserve farmland. So, they enacted a Rural Residential Overlay zoning requirement to help do this. The intent is to discourage and even prevent very large lot-size residential subdivisions from being built in the County. These residential developments are very low density and use up a tremendous amount of space.

As part of the process the County adopted some very stringent criteria, whereby they would judge any development proposal. A developer would need to meet stringent criteria in order to develop residential in unincorporated areas. Champaign County found that there were a few loopholes in

the requirements that developers were using to essentially develop residential subdivisions on 10-acre lots.

Now, Champaign County would like to close those loopholes on a permanent basis. They have approved provisions to close these loopholes on an interim basis, but would like to do so on a permanent basis.

Mr. Myers also mentioned that Champaign County was going through some major revisions to their Zoning Ordinance. Essentially, the County was going to rewrite their entire Ordinance over a number of years beginning January, 2006. The first section of the County Ordinance that they are working on is the Rural Residential Overlay Zoning District.

He pointed out that by adopting this case, CCZBA-521-AT-05, it would not adopt cases CCZBA-414-AT-03 and CCZBA-415-AT-03. These would be reviewed and changed during the rewriting of the County Ordinance. Champaign County was not trying to quietly sneak through this big zoning change by adoption of Case No. CCZBA-521-AT-05. They are only trying to adopt on a permanent basis what is already being carried out.

Mr. Pollock stated that it would increase the size of lots exempt from the overlay requirements. How would this save farmland? Mr. Myers responded by saying that because of the economics of it, if there was a minimum required 35-acre lot size, then this would be beyond what residential subdivision would bear. Developers are willing to build residential subdivisions on 10 acres, but not on 35 acres minimum lot size.

Mr. Pollock commented that there might be a developer that thinks he has a hot market and a great product and that he can build a subdivision on 35 acres, and then it eats up 3-1/2 times more land. Mr. Myers said that was correct. However, Champaign County has already adopted this change on an interim basis, and it has been effective.

Mr. Pollock inquired as to what the interim provisions changed originally. Mr. Myers recalled that Champaign County changed it two years ago from 5 lots to 4 lots on parcels sized 25-50 acres. It is a complicated formula that was used in order to achieve this. Mr. Lindahl added that rather than it being 10 acres or less, development exempt from the Rural Residential requirements would have a minimum lot size of 35 acres. Therefore, the number of lots that would be changed from Agriculture to Estate House would be fewer.

Mr. Ward moved that the Plan Commission forward the case to the City Council with a recommendation to defeat a resolution of protest. Ms. Burris seconded the motion.

Mr. Hopkins remarked that Champaign County needs to create an explanation of the draft proposal. Their staff reports are extremely difficult to sort out.

Mr. Ward reminded the Plan Commission members that Champaign County was not making any changes. They were simply making permanent what already exists on a tentative basis.

Roll call was as follows:

Mr. Hopkins - Yes Mr. Pollock - Yes

December 8, 2005

Ms. Upah-Bant	-	Yes	Mr. Ward	-	Yes
Ms. Burris	-	Yes	Mr. Grosser	-	Yes

The motion was passed by unanimous vote, and the case will go before City Council on Monday, December 19, 2005.