

RESOLUTION NO. 2008-02-004R

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

(Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to add a standard Special Use Permit condition regarding lighting fixtures and to add "Township Highway Maintenance Garage" to the table of uses -- Plan Case No. CCZBA 596-AT-07)

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. 596-AT-07 to amend Section 6.1.2.B to include provisions regarding the lighting of properties receiving a Special Use Permit; and Section 5.2, Table of Uses, to include "Township Highway Maintenance Garage"; 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-596-AT-07: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to add a standard Special Use Permit condition regarding lighting fixtures and to add "Township Highway Maintenance Garage" to the table of uses; and

WHEREAS, said amendment is consistent with the City of Urbana's 2005 Comprehensive Plan to the extent that it would help to minimize land use incompatibilities and would require a higher level of review for intense uses within the City's Extra-territorial jurisdiction; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of February 7, 2008, has recommended by a vote of eight ayes to zero nays 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 not 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 adopt a Resolution of Protest against the proposed omnibus text amendment as presented in CCZBA-596-AT-07.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

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



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

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

DATE: February 14, 2008

SUBJECT: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to add a standard Special Use Permit condition regarding lighting fixtures and to add “Township Highway Maintenance Garage” to the table of uses. CCZBA-596-AT-07

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-596-AT-07. Their text amendment has two components. The first section adds a standard condition to any Special Use Permit which requires outdoor lighting to utilize “full-cutoff” fixtures. The second component is the addition of “Township Highway Maintenance Facility” to the Table of Uses in the County Zoning Ordinance. County staff is now bringing the amendment forward to the Champaign County Zoning Board of Appeals (CCZBA). The Plan Commission reviewed the proposed amendment at its February 7, 2008 meeting, and recommended by 8 yeas to 0 nays to defeat a resolution of protest against the proposed amendment.

If adopted, the following changes would be made to the Champaign County Zoning Ordinance:

1. Amend Section 6.1.2.B, Standard Conditions for Special Use Permits to include the following provisions:
 - a) All exterior light fixtures shall be “full-cutoff” type fixtures and shall be located to minimize glare. Full-cutoff means that the light fixture emits no light above the horizontal plane.
 - b) No lamp shall be greater than 250 watts and the County Board may require lower wattage.

- c) Locations and numbers of fixtures shall be indicated on site plans.
 - d) The County Board may require conditions regarding the hours of operation for outdoor recreational uses and other large lighting installations.
 - e) The County Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of full-cutoff for all outdoor lighting fixtures.
2. Amend Section 5.2, Table of Authorized Uses to include "Township Highway Maintenance Garage" as follows:
- a) Allowed by right in County B-1, B-4, B-5, I-1 and I-2 Zoning Districts.
 - b) Allowed by right in County AG-1, AG-2, B-2, and B-3 Zoning Districts if the use is not located within 150 feet of an existing dwelling (unless said dwelling is across a public right-of-way), and is not located within the 1.5 mile Extra-Territorial Jurisdiction (ETJ) of any city with a comprehensive plan, and complies with other standard conditions that may apply to all Special Use Permits. Otherwise it shall be allowed only with a Special Use Permit in County AG-1, AG-2, B-2 and B-3 districts.
 - c) Allowed with a Special Use Permit in the County CR and all Residential zoning districts.

The proposed amendments are meant to make the process more efficient for certain projects efficient when undergoing review at the County. The first amendment, regarding lighting standards for Special Use Permits, is a condition that is normally applied to all Special Use Permit cases by the Champaign County Zoning Board of Appeals. The Champaign County ZBA recently asked County staff to amend the Ordinance to include standards for lighting. The second amendment is necessary to make it easier for townships to build Highway Maintenance Garages in appropriate areas. These buildings are normally built in areas zoned for agriculture. Since there is no specific listing for them under the table of uses, they are either approved as "contractor facilities" or "government buildings" depending on whether they contain other government uses. Both of these uses require a Special Use Permit in agricultural districts. Allowing them by right in certain areas will expedite the approval process. When considered by the County ZBA, Township Highway Maintenance Garages have only been subjected to special conditions if they are located near residential uses. The proposed amendment will allow them by right in agricultural districts unless they are near residences or within the 1.5 mile ETJ of municipalities with comprehensive plans.

This case is scheduled for the February 14, 2008 CCZBA meeting, and it will then be heard at the Environmental and Land Use Committee and finally at the County Board in April. If forwarded, the amendment must be approved by a simple majority of the Champaign County Board. Under state law, any municipal protest of the proposed amendment would impose a three-fourths super majority of affirmative votes in order for the County Board to enact it.

The proposed text amendment is of interest to the City of Urbana as it may affect zoning and land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City's corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation;
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the County Zoning Ordinance to ensure compatibility with our existing ordinances. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan.

Issues and Discussion

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 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

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 are consistent with these goals and objectives. The first amendment recognizes that Special Uses may interfere with nearby uses, and therefore must control the amount of light that shines onto them. The second amendment recognizes the added level of review that is needed for development within the ETJ, while still making it easier for the County to approve maintenance garages in rural areas.

Zoning Impacts

Urbana's Zoning Ordinance addresses the impacts of lighting on adjacent development in a few sections. Under Urbana's Special Use procedures (p. 65), the Plan Commission may make specific conditions based on the lighting of sites as a part of the Special Use Permit. There have been Special Use Permit cases in which conditions were applied to ensure lighting did not impact the neighboring properties. Parking regulations prohibit light from vehicles shining onto adjacent properties (p. 73, 74, 77). The Development Review Board considers site lighting in cases it reviews (p. 143, 145). Minimum levels of illumination are also specified under sections on Mobile Home Parks (p. 195) and Boneyard Creekway Permits (p. 214). It should also be noted that the City is expected to consider the adoption of lighting standards in the Zoning Ordinance this year. Currently the City does not have very specific standards with respect to light levels and direction. Adopting standards will provide additional clarity and will allow for more modern standards that take into account energy consumption and the reduction of light pollution.

With this amendment, the County will standardize what has become a recurring condition for County Special Use Permits, which will lessen the impact on adjacent properties, including those within the City's one and a half mile extra-territorial jurisdiction.

The second part of this text amendment will have little effect on development within the City's ETJ. Township highway maintenance facilities will continue to be a special use within Urbana's ETJ.

Summary of Findings

1. Champaign County Zoning Case No. CCZBA 596-AT-07 would require standard conditions for Special Use Permits that limit the impact of lighting on adjacent properties and add Township Highway Maintenance Facility to the table of uses in the County Zoning Ordinance;

2. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's *2005 Comprehensive Plan's* goals and objectives;
3. The proposed zoning ordinance text amendment will have little impact on current development within the City's extra-territorial jurisdiction. Commonly recurring conditions will become standard for the lighting of properties requiring County Special Use Permits. Township Highway Maintenance Garages will continue to require a County Special Use Permit near residences and in Urbana's ETJ.
4. The City currently regulates exterior lighting in some cases, such as parking lots, Special Uses, and along the Boneyard Creek. The City will consider adopting new comprehensive lighting standards within the year.

Options

In CCZBA Case No. 596-AT-07, the City Council has the following options:

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

Recommendation

At its February 7, 2008 meeting, the Urbana Plan Commission voted 8 ayes to 0 nays to forward the case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.

Staff concurs with the Plan Commission's recommendation that City Council **defeat the attached resolution of protest** for the proposed text amendment.

Prepared by:

Jeffrey Engstrom, Planner I

Exhibits: A. Memorandum to the Champaign County ZBA, February 8, 2008

B. Memorandum to the Champaign County ZBA, January 11, 2008

cc: John Hall, Champaign County Zoning Administrator

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