



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Robert A Myers, AICP, Planning Manager

DATE: December 7, 2005 **REVISED**

SUBJECT: CCZBA-521-AT-05: Request by Champaign County Zoning Administrator to adopt the interim Zoning Ordinance provisions that are set to expire on the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03.

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; and
- For lots developed under the exempt provisions of the Rural Residential zoning overlay and which are on best prime farmland, the lot size will be limited to a maximum of three acres.

If approved, the following zoning provisions would be permanently adopted:

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 however 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 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 Staff Findings

1. The proposed Champaign County Zoning Ordinance text amendment – Case 521-AT-05 -- would adopt on a permanent basis four 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 increased standards for Rural Residential Overlay zoning districts which previously allowed rural residential development essentially on ten acre lots.
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 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 Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendment.

Staff Recommendation

Based on the findings summarized above, and subject to additional information that may be provided by Champaign County, City 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 amendment.

c: Susan Monte, Champaign County Planning and Zoning

ramyers/Plan Commission/2005/pc.cczba521-AT-05.doc