

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: July 14, 2011
Time: 7:00 P.M.
Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (June 16, 2011)
5. Continued Public Hearings
Case 683-AT-11 Petitioner: Zoning Administrator

**Note: The full ZBA packet is now available
on-line at: co.champaign.il.us.**

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Add definitions for 'by right', 'discretionary', 'discretionary development', 'parcel', 'best prime farmland', 'suited overall, and 'well suited overall'.
2. Revise paragraph 5.4.3C.2. as follows:
 - (a) In subparagraph a., add 'and infrastructure to support the development' and give examples of relevant infrastructure;
 - (b) In subparagraph h. add 'to support the proposed development' and give examples of relevant services;
 - (c) In subparagraph j., delete 'effects on' and replace with 'the amount of disturbance to.'
3. Revise paragraph 9.1.11.B. 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 improvement is suited overall;
 - (b) The existing public services are adequate 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.

Case 684-AT-11 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 zoning 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.

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JULY 14, 2011
Page 2

Case 685-AT-11 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:**

- (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
- (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
- (3) Require a minimum driveway separation between driveways in the same development;**
- (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
- (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
- (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;**
- (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

6. New Public Hearings

***Case 693-S-11** Petitioner: **Fisher Community School District Number One**

Request: **Authorize a School Transportation Facility as a Special Use Permit in the AG-1 Zoning District.**

Location: **A 33 acre tract in the Northwest Quarter of the Southwest Quarter of Section 36 of Brown Township and commonly known as the barn and farmland at 3032 CR 500E, Fisher.**

7. Staff Report

A. June, 2011 Monthly Report

8. Other Business

A. Proposed ZBA Bylaws Amendments

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

To: **Champaign County Zoning Board of Appeals**

From: **John Hall**, Zoning Administrator

Date: **July 8, 2011**

RE: **Minutes of June 16, 2011**

UPDATE

The minutes for the June 16, 2011, meeting will be included with the Agenda for the July 28, 2011, meeting.

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 351-3766

CASE NO. 683-AT-11

SUPPLEMENTAL MEMORANDUM

July 8, 2011

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

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.**

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.

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)

CASE 683-AT-11

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**

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.
-

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.



- (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.



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.
-

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



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.**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

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.

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									
	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
Residential Uses															
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 ¹⁰	B ¹⁰	B ¹⁰												

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.

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**

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 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.
-

- (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.



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

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, 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
Residential Uses															
BOARDING HOUSE						S									
DWELLING, SINGLE FAMILY														7	
DWELLING, TWO-FAMILY			S	S	S										
DWELLING, MULTI-FAMILY															
Fraternity, Soronty, 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 ¹⁰	B ¹⁰	B ¹⁰												

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.

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.
-

CASE NO. 685-AT-11

SUPPLEMENTAL MEMORANDUM

July 8, 2011

Petitioner: **Zoning Administrator**

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

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 to add standard conditions required for any County Board approved special use permit for a rural residential development in the Rural Residential Overlay District (RRO) as follows:

1. Require that each proposed residential lot shall have an area equal to the minimum required lot area that is located outside of the Special Flood Hazard Area.
2. Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation.
3. Require any proposed residential lot that fronts onto an existing public street to have the driveway adjacent to another driveway, if more than one lot is proposed, and require each pair of driveways or individual driveways to be at least 600 feet from any driveway for any other lot in the same development.
4. Require for any residential lot on which a dwelling may be more than 140 feet from a public street that the lot shall have a driveway as follows:
 - a. The minimum required driveway pavement shall be a minimum of six inches of gravel or similar all-weather material that is a minimum of 20 feet wide and the driveway shall extend from the public street to the proposed dwelling.
 - b. The required driveway pavement shall be maintained with a vertical clearance free of overhanging vegetation for a minimum height of 13 feet six inches.
 - c. The required driveway shall include a hammer head type turnaround that is a minimum of 20 feet by 40 feet in area and that consists of the same minimum driveway pavement and minimum clear vertical clearance.
5. Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall contract the services of the Illinois State Water Survey to conduct or provide a review of the results of a recent groundwater investigation to determine if adequate groundwater resources exist on the site for the proposed RRO, without endangering groundwater availability for the existing neighboring land uses.
6. Require for any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) that the petitioner shall contact the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response.
7. Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.

STATUS

This case was continued from the May 26, 2011, meeting. More evidence may be available for the meeting and if so the Case will hopefully be ready for final action.

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 685-AT-11

JULY 8, 2011

1. Add the following to Section 6.1.3 Schedule of Requirements and Standard Conditions (Note that numbers in parentheses within Table 6.1.3 indicate Footnotes at the conclusion of Table 6.1.3.):

SPECIAL USES or USE Categories	Minimum Fencing Required ⁵	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR		
						STREET Classification						
			MAJOR	COLLECTOR	MINOR							
Rural Residential Development County Board Special Use Permit	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	See below
												<p>1. <u>Each residential LOT in the rural residential development shall have at least one acre of buildable area that is not in the Special Flood Hazard Area.</u></p> <p>2. <u>More than two residential LOTS that are each less than five acres in area or any Rural Residential Overlay District (RRO) that does not comply with the standard condition for minimum driveway separation shall front a new STREET that shall meet the standards of the relevant SUBDIVISION jurisdiction.</u></p> <p>3. <u>A LOT that fronts on and has access to an existing STREET shall locate a driveway adjacent to another driveway, if more than one LOT is proposed, and each pair of driveways or individual driveways shall be at least 600 feet from any driveway for any other LOT in the same development.</u></p> <p>4. <u>For any residential LOT on which a DWELLING may be more than 140 feet from a STREET, that LOT shall have a driveway as follows:</u> a. <u>The minimum required driveway pavement shall be a minimum of six inches of gravel or similar all-weather material that is a minimum of 20 feet wide and the driveway shall extend from the public street to the proposed dwelling.</u> b. <u>The required driveway pavement shall be maintained with a vertical clearance free of overhanging vegetation for a minimum height of 13 feet six inches.</u> c. <u>The required driveway shall include a hammer head type turnaround that is a minimum of 20 feet by 40 feet in area and that consists of the same minimum driveway pavement and minimum clear vertical clearance.</u></p> <p>5. <u>For any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, the petitioner shall contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results of a recent groundwater investigation to determine if adequate groundwater resources exist on the site for the proposed RRO, without endangering groundwater availability for the existing neighboring land uses.</u></p> <p>6. <u>For any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420), the petitioner shall contact the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response.</u></p> <p>7. <u>Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.</u></p>

PRELIMINARY DRAFT

685-AT-11

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: July 14, 2011

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay District as follows:

1. Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area.
2. Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation.
3. Require any proposed residential lot that fronts onto an existing public street to have the driveway either adjacent to another driveway, if more than one lot is proposed, and require each pair of driveways or individual driveways to be at least 600 feet from any driveway for any other lot in the same development.
4. Require for any residential lot on which a dwelling may be more than 140 feet from a public street that the lot shall have a driveway as follows:
 - a. The minimum required driveway pavement shall be a minimum of six inches of gravel or similar all weather material that is a minimum of 20 feet wide and the driveway shall extend from the public street to the proposed dwelling.
 - b. The required driveway pavement shall be maintained with a vertical clearance free of overhanging vegetation for a minimum height of 13 feet six inches.
 - c. The required driveway shall include a hammer head type turnaround that is a minimum of 20 feet by 40 feet in area and that consists of the same minimum driveway pavement and minimum clear vertical clearance.
5. Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a

PRELIMINARY DRAFT

shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results of a recent groundwater investigation to determine if adequate groundwater resources exist on the site for the proposed RRO, without endangering groundwater availability for the existing neighboring land uses.

6. Require for any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) that the petitioner shall contact the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response.
7. Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.

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.

- (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 should *HELP 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 should *HELP 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.

PRELIMINARY DRAFT

- 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.

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.

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.

- 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 should *HELP ACHIEVE* the following LRMP goal(s):
 - Goal 4 Agriculture
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity
 - B. 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 19, 2011
5. Supplemental Memorandum dated May 26, 2011, with attachment:
 - A Approved Rural Residential Overlay (RRO) Zoning Map Amendment Cases And Conformance With Proposed Standard Conditions
6. 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 685-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

PRELIMINARY DRAFT

1. Add the following to Section 6.1.3 Schedule of Requirements and Standard Conditions (Note that numbers in parentheses within Table 6.1.3 indicate Footnotes at the conclusion of Table 6.1.3.):

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
					MAJOR	COLLECTOR	MINOR				
Rural Residential Development County Board Special Use Permit	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	See below
	1.	Each residential LOT in the rural residential development shall have at least one acre of buildable area that is not in the Special Flood Hazard Area.									
	2.	More than two residential LOTS that are each less than five acres in area or any Rural Residential Overlay District (RRO) that does not comply with the standard condition for minimum driveway separation shall front a new STREET that shall meet the standards of the relevant SUBDIVISION jurisdiction.									
	3.	A LOT that fronts on and has access to an existing STREET shall locate a driveway adjacent to another driveway, if more than one LOT is proposed, and each pair of driveways or individual driveways shall be at least 600 feet from any driveway for any other LOT in the same development.									
	4.	For any residential LOT on which a DWELLING may be more than 140 feet from a STREET, that LOT shall have a driveway as follows:									
		a. The minimum required driveway pavement shall be a minimum of six inches of gravel or similar all-weather material that is a minimum of 20 feet wide and the driveway shall extend from the public street to the proposed dwelling.									
		b. The required driveway pavement shall be maintained with a vertical clearance free of overhanging vegetation for a minimum height of 13 feet six inches.									
		c. The required driveway shall include a hammer head type turnaround that is a minimum of 20 feet by 40 feet in area and that consists of the same minimum driveway pavement and minimum clear vertical clearance.									
	5.	For any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, the petitioner shall contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results of a recent groundwater investigation to determine if adequate groundwater resources exist on the site for the proposed RRO, without endangering groundwater availability for the existing neighboring land uses.									
	6.	For any proposed RRO in a high probability area as defined in the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420), the petitioner shall contact the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response.									

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)			Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			
						STREET Classification			
		MAJOR	COLLECTOR	MINOR	SIDE	REAR			
		7. Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.							

CASE NO. 693-S-11

PRELIMINARY MEMORANDUM

July 8, 2011

Petitioners: **Fisher Community Unit School District Number One**

Request: **Authorize a School Transportation Facility as a Special Use Permit in the AG-1 Zoning District.**

Site Area: **33 acres**

Time Schedule for Development:
Fall 2011

Location: **A 33 acre tract in the Northwest Quarter of the Southwest Quarter of Section 36 of Brown Township and commonly known as the barn and farmland at 3032 CR500E, Fisher.**

Prepared by: **John Hall**
Zoning Administrator

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

BACKGROUND

Step Ahead Stables was authorized as a Rural Home Occupation on the subject property on 5/25/04 but is no longer in business. The Fisher Community Unit School District Number One recently purchased the property with the intent of relocating the School Transportation Facility there.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Fisher which has a comprehensive plan. Municipalities with zoning do not have protest rights on Special Use Permits, but they are notified of such cases and invited to comment

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Former Step Ahead Stables	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
	----- Single family dwellings	
East	Single family dwellings	Village of Fisher
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
	----- Single family dwelling	

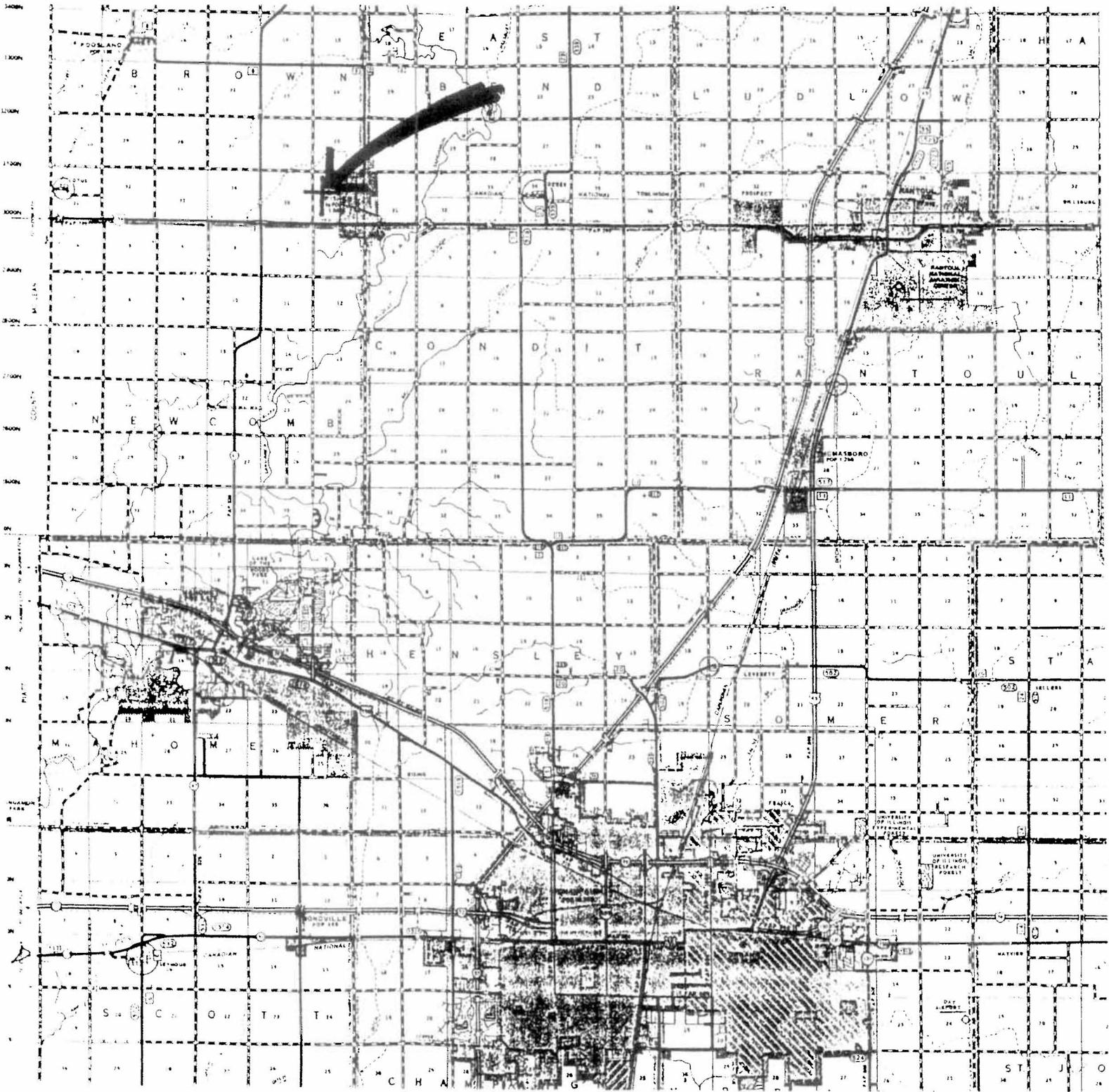
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Google Earth Photo Before Proposed Development received June 15, 2011
- C Site Plan (Proposed Development) received June 15, 2011
- D Draft Summary of Evidence, Finding of Fact, and Final Determination

Attachment A. Location Map

Case 693-S-11

JULY 8, 2011

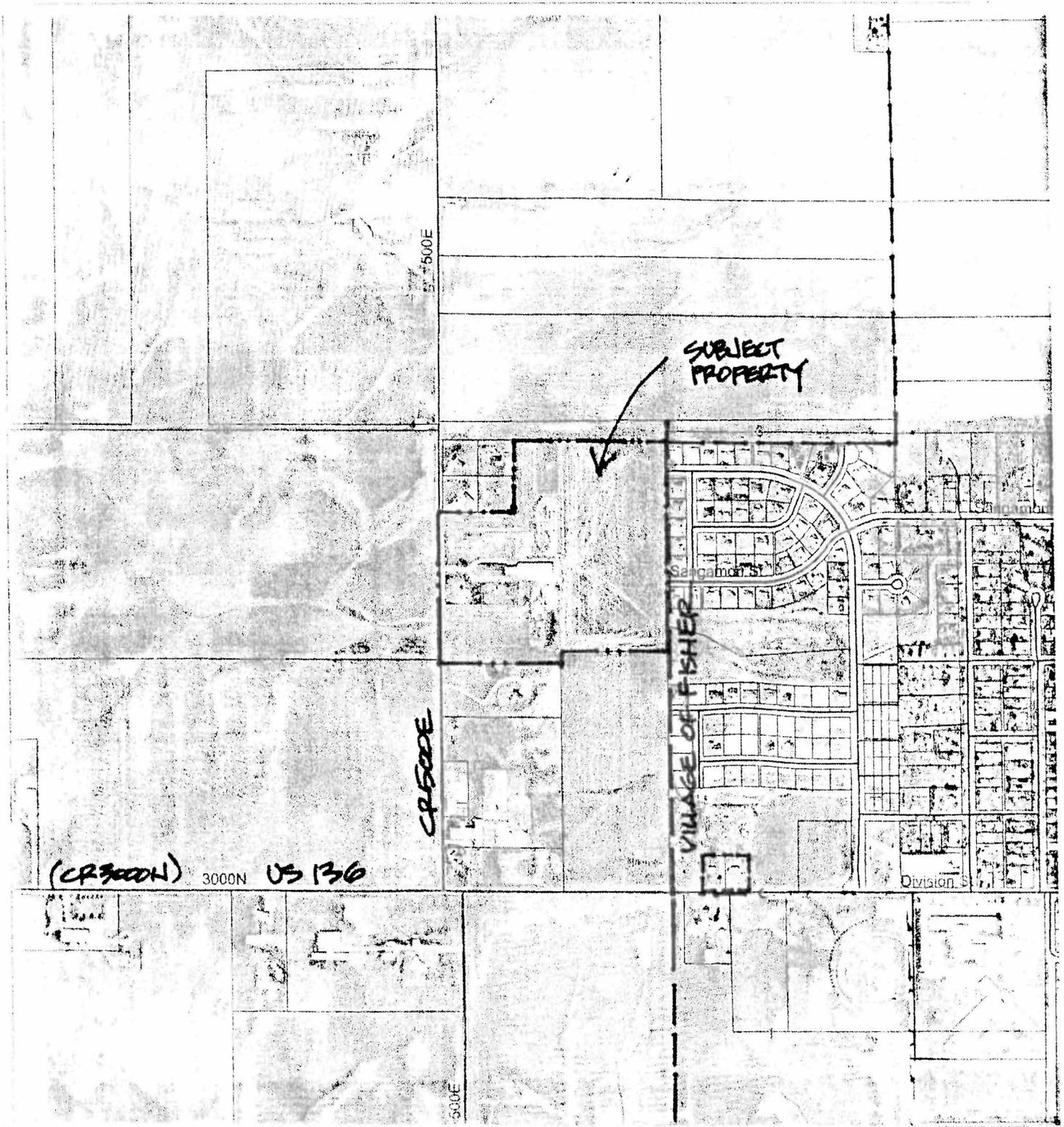


Champaign
County
Department of
**PLANNING &
ZONING**

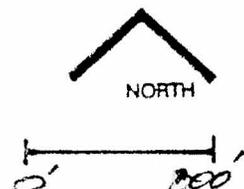
Attachment A. Land Use

Case 693-S-11

JULY 8, 2011



SF	Single Family	<input type="checkbox"/>
FS	Farmstead	<input type="checkbox"/>

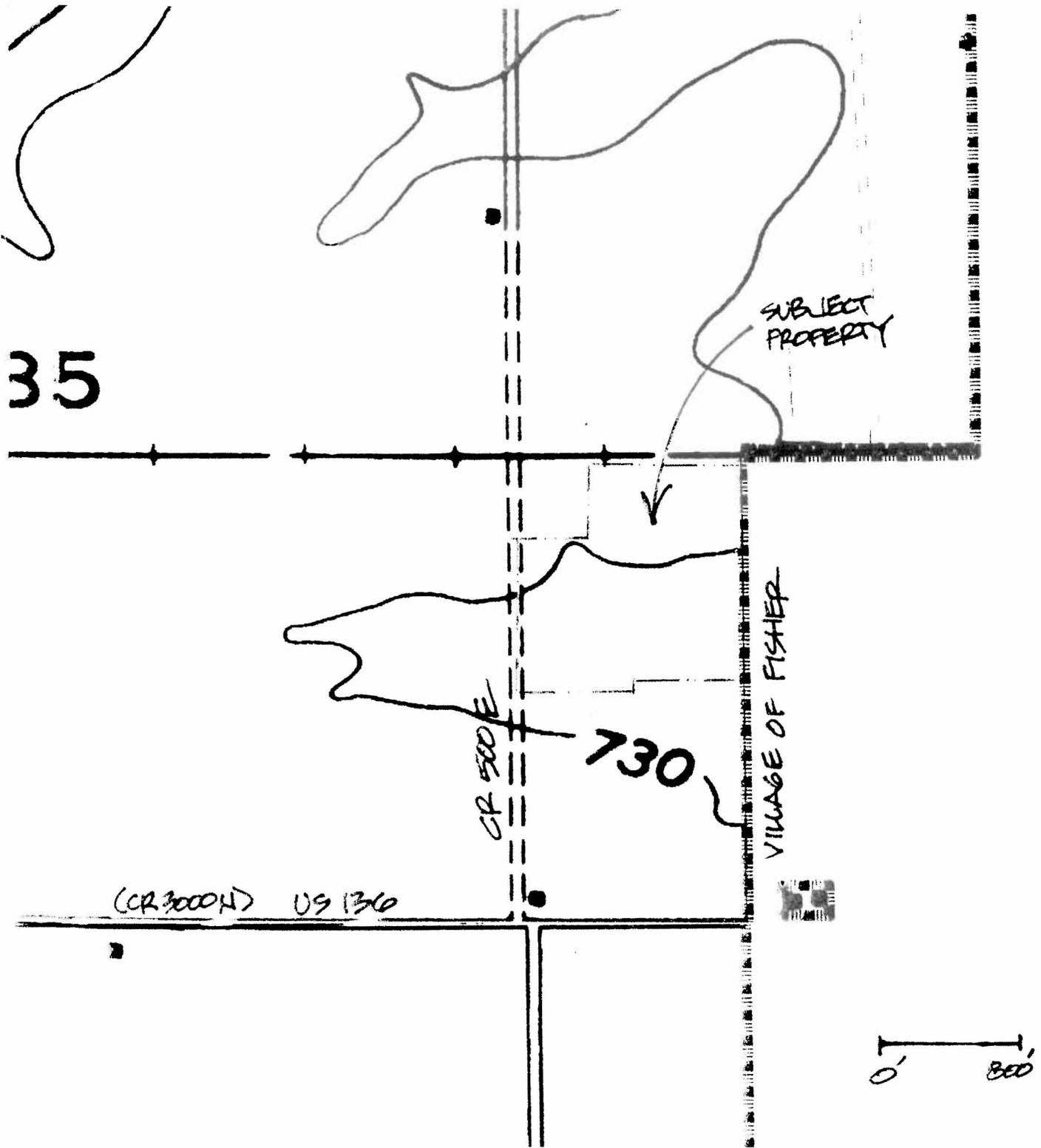


Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A. Zoning

Case 693-S-11

JULY 8, 2011

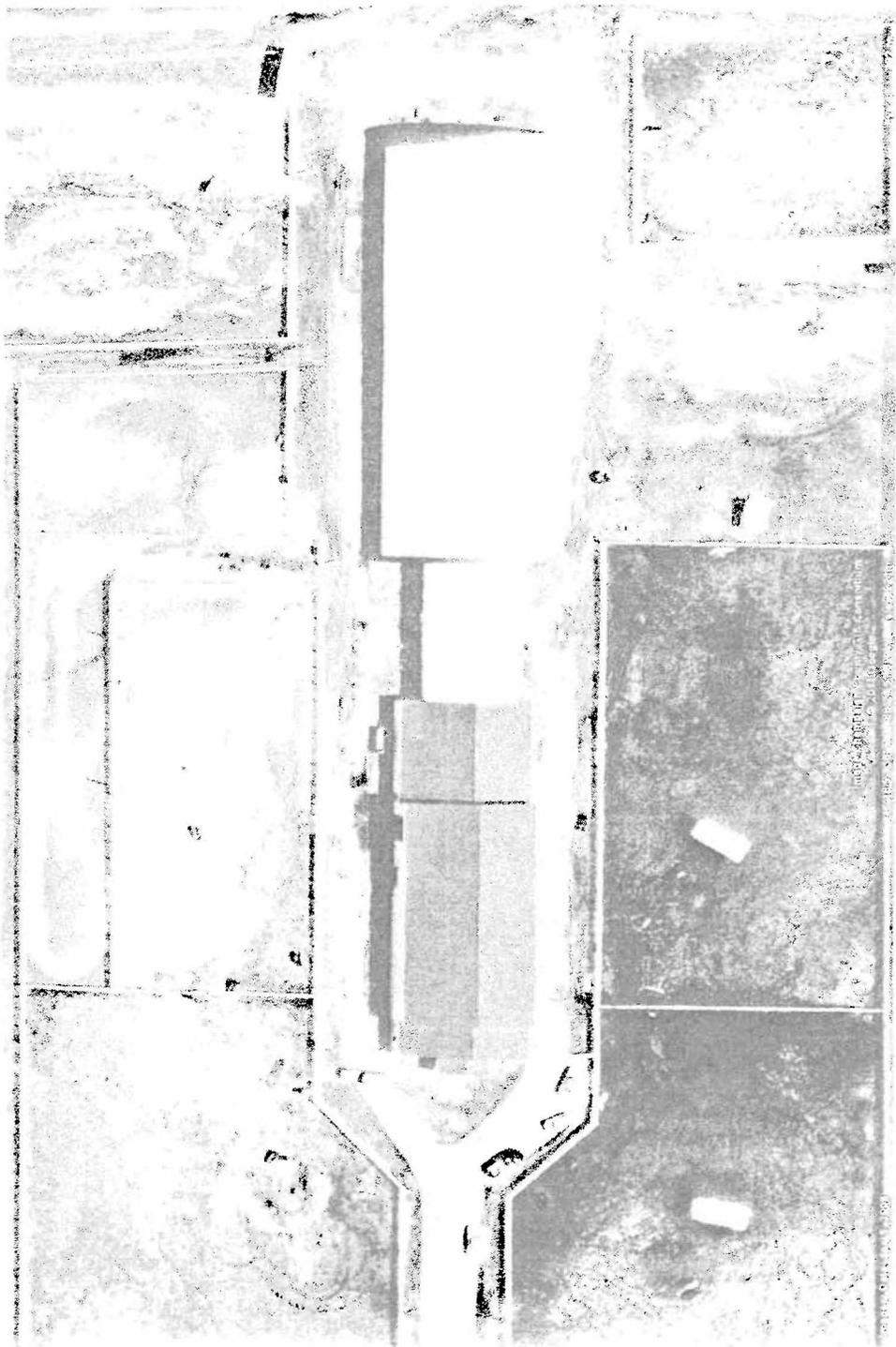


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry



Champaign County
Department of
PLANNING & ZONING

201-1-11 VIA Google Earth



PRELIMINARY

693-S-11

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

Final Determination: { *GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED* }

Date: July 14, 2011

Petitioners: Fisher Community Unit School District Number One

Request: Authorize a School Transportation Facility as a Special Use Permit in the AG-1 Zoning District.

SUMMARY OF EVIDENCE

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

1. The petitioner Fisher Community Unit School District Number One owns the subject property.
2. The subject property is a 33 acre tract in the Northwest Quarter of the Southwest Quarter of Section 36 of Brown Township and commonly known as the barn and farmland at 3032 CR500E, Fisher.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of Fisher. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. Land to the north of the subject property is zoned AG-1 Agriculture and is in use for agriculture except for the single family dwellings on the four lots of the North Prairie Subdivision (County subdivision case (Case 126-96).
 - B. Land on the east side of the subject property is in the Village of Fisher and is in residential use.
 - C. Land on the south side of the subject property is zoned AG-1 Agriculture and is in use for agriculture except for one single family dwelling.

PRELIMINARY

- D. Land on the west side of the subject property is zoned AG-1 Agriculture and is in use for agriculture

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan of the proposed SCHOOL Transportation Facility:
- A. The subject property is a 33 acre tract that was formerly the site of the Step Ahead Stables that was authorized in Zoning Use Permit 126-04-02RHO and subsequently expanded in Zoning Use Permit 149-04-01 by the addition of a large fabric covered structure. The petitioner has submitted a Google Earth Photo of the property before the proposed development that shows the single large building surrounded by fenced pastures with loafing sheds.
- B. The Site Plan of the proposed development was received on June 15, 2011, and includes the following:
- (1) The single large building that formerly the site of the Step Ahead Stables.
 - (2) An extensive compacted gravel vehicle circulation area and bus parking area with two driveways on CR500E.
 - (3) Small areas of new concrete paving for bus access to the building and at a new accessible parking space.
 - (4) An existing well is indicated northwest of the existing building.
 - (5) An existing septic system is indicated on the north side of the existing building.
 - (6) Storm sewers are indicated running east from the existing building.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a School a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL as a Special Use only in the CR, AG-1, and AG-2 Zoning Districts, and by-right in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

- (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) There are no standard conditions for SCHOOL in Subsection 6.1.3
- D. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.
- E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) SCHOOL: A BUILDING or group of BUILDINGS, and all associated STRUCTURES, facilities, and grounds in and on which instruction is given.
 - (4) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.

PRELIMINARY

- (5) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use 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;
 - (3) That the Special Use 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 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.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **"For seven (7) years, Fisher CUSD #1 has been searching for an alternative to the current transportation building. The facility presently housing the District's Transportation Department is owned by the Village of Fisher, and the facility is no longer a viable option as it provides inadequate space. Additionally, the Village is considering plans for that property, including occupation or demolition. The Fisher CUSD #1 Board of Education feels the new property will allow the District to continue providing quality service for the students of the rural community, while also providing storage for all vehicles. Currently, many of the District's buses and other vehicles must be kept outside, which increases wear over time and leaves them susceptible to vandalism. The new location will allow the District to adequately store and maintain its vehicles in a location that best facilitates service to the rural areas of the District, but is also close to the Village."**

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Fisher CUSD #1 will work with its architect and construction manager to ensure all public health/safety guidelines are met. The traffic created by the buses at the newly proposed facility will not disrupt or substantially increase traffic flow, and will remove the transportation department from the center of the Village and relocate to the outskirts of town.”**
 - B. Regarding surface drainage, the subject property is tributary to a large detention basin inside the Village of Fisher.
 - C. The subject property is accessed from CR500E on the west side of the property. Regarding the general traffic conditions on CR500E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT).
 - (2) The Township Highway Commissioner has been notified of this case.
 - D. Regarding fire protection of the subject property, the subject property is within the protection area of the Sangamon Valley Fire Protection District and is located approximately 1.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
 - E. The subject property is not located within a Special Flood Hazard Area.
 - F. Regarding outdoor lighting on the subject property, none appears to be indicated on the site plan received on June 15, 2011.
 - G. Regarding wastewater treatment and disposal on the subject property, there is an existing septic system that serves the existing building that is located north of the building.
 - J. Regarding parking for the proposed SCHOOL, see Item 9.B.(2).
 - K. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the

PRELIMINARY

code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.
- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and

which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
 - (k) A review of the 1991 National Fire Protection Association (NFPA) Life Safety Code appears to indicate that the dining room inside the pole barn meets the requirements for number and capacity of exits.
 - (l) The 1991 NFPA Life Safety Code also indicates that the capacity of the dining room is 62 persons.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“Yes. The existing structure will not change externally. An additional access from the county road will be added, but little farm land (which is currently at enclosed pasture) will be disturbed. The two lean-to’s will be auctioned, as many inquiries have been made to the District in regards to those structures. The proposed use is highly compatible with its surroundings as the visible changes to the property will be relatively minor, and school bus traffic is well established in rural parts of the District and does not change the rural/ agricultural character of the area in any significant manner.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) SCHOOL is authorized only by Special Use Permit in the AG-1 Agriculture Zoning District.

PRELIMINARY

- (2) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1 C.3.d. requires that parking spaces for SCHOOLS in general but does not address only portions of schools.
 - (b) Paragraph 7.4.1 C.3.e. requires that ESTABLISHMENTS other than specified above provide one parking space for every 200 square feet of floor area.
 - (c) The Zoning Ordinance does not require parking spaces for SCHOOLS to be an all-weather surface and there is more than enough area in total for the required number of parking spaces. The site plan received on June 15, 2011, indicates 12 automobile parking spaces on gravel plus one accessible parking space on concrete and an indeterminate number of bus parking spaces.

- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) Regarding the requirement of stormwater detention:
 - (a) The subject property is less than 16% impervious areas in total but appears to have more than one acre of connected impervious area as a result of the proposed gravel parking area.
 - (b) Section 4.3 of the Stormwater Management Policy requires stormwater detention for any part of a lot with more than an acre of impervious area within any rectangular area of 90,000 square feet. This section also exempts construction in lots in subdivisions platted subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater.
 - (c) The subject property is tributary to a stormwater detention facility in the Village of Fisher and the design of the detention facility provided for the drainage of this agricultural area.
 - (2) Regarding the requirement to protect agricultural field tile, there does not appear to be any field tile on the subject property.

- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
 - (1) The subject property is not located in the Special Flood Hazard Area.
 - (2) The subject property is located in the Village of Fisher subdivision jurisdiction.

- E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is a School Transportation Facility which will make use of the existing agricultural buildings.

- F. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings. The petitioners indicated two accessible parking spaces on their parking proposal submitted on April 15, 2010. However, it is unclear if these spaces actually meet the requirements for accessibility. The petitioners were asked to contact the Illinois Capital Development Board to obtain a determination of what would be required for them to comply with the Illinois Accessibility Code. No information regarding that determination has been received so far.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. SCHOOL may be authorized in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

PRELIMINARY

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
 - (b) With regard to the value of the subject property,
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified

industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing 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; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing 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.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and none of the current structures or the current use existed on the date of adoption.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

PRELIMINARY

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-1 Agriculture District and is, by definition, a rural use.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is an existing NONCONFORMING USE because it is an existing business that has been in operation without all necessary approvals. The Petitioner has testified on the application, "N/A"

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

DOCUMENTS OF RECORD

1. Special Use Permit Application received on June 15, 2011 with attachments:
 - A Legal description
 - B Google Earth Photo Before Proposed Development
 - C Site Plan (Proposed Development)

2. Preliminary Memorandum for Case 667-S-10, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Google Earth Photo Before Proposed Development received June 15, 2011
 - C Site Plan (Proposed Development) received June 15, 2011
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination

PRELIMINARY

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 693-S-11 held on July 14, 2011, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}* necessary for the public convenience at this location because:

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:

 - c. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - d. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - e. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:

 - f. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:

 - h. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:

 - i. *(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS / IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL / WILL NOT}* make the existing use more compatible with its surroundings *{because: *}*
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}*

*The Board may include additional justification if desired, but it is not required.

PRELIMINARY

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **693-S-11** is hereby *{ GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the petitioner **Fisher Community Unit School District Number One** to authorize a **School Transportation Facility as a Special Use Permit in the AG-1 Zoning District** *{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

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