



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

**m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Nick Olsen, Planner I

**DATE:** April 14, 2022

**SUBJECT:** **CCZBA-040-AT-22:** An amendment to the Champaign County Zoning Ordinance to allow private or commercial transmission and receiving towers over 100 feet in height as a second principal use on lots with an electrical substation in the AG-1 and AG-2 districts.

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**Introduction**

The Champaign County Zoning Administrator (“Zoning Administrator”) requests a text amendment to the Champaign County Zoning Ordinance (“Ordinance”) to allow “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use on lots with “Electrical Substations” in the AG-1 and AG-2 districts.

The proposed text amendment is of interest to the City of Urbana because it may affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area, and it is important that there be consistency between these two jurisdictions where regulations may overlap. Land uses in the county affect the City of Urbana in several ways, including:

- They can potentially conflict with adjacent land uses in the City;
- Unincorporated portions of the county adjacent to the City will likely be annexed into the City at some time, and the uses existing on the land would be incorporated as part of that annexation; and
- Development patterns of areas annexed into the City will affect the City’s ability to grow according to the shared vision provided in the City’s Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to ensure compatibility with City ordinances. It is the Plan Commission’s responsibility to review the proposed amendment to determine how it may affect the City, and to recommend to City Council whether or not to protest the proposed text amendment. Under state law, a municipal protest of the proposed amendment would require a three-quarters super-majority of votes to approve the request at the County Board; otherwise, a simple majority would be required.

**Staff believes that the proposed text amendment does not directly affect the use of land or affect the City’s ability to manage growth and development, and recommends no protest of the proposed text amendment.**

## Background

### *County Timeline*

Champaign County Planning & Zoning has a client who is interested in bringing high-speed internet to rural communities by installing 120 foot tall towers on five existing substations within Champaign County, none of which are located in Urbana's ETJ.

Private or commercial transmission and receiving towers (including antennas) over 100 feet in height are already allowed by special use permit in all county zoning districts except the I-2 Heavy Industry Zoning District, which allows them by-right. These towers are not currently allowed as a second principal use, as the client proposes.

The proposed amendment would limit these towers as second principal uses only on lots with electrical substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts.

On March 17, 2022, the Champaign County Zoning Board of Appeals voted to recommend approval of the proposed amendment to the Champaign County Board.

The Environment and Land Use Committee of the Champaign County Board (ELUC) reviewed the amendment on April 7, 2022 and is expected to again on May 5, 2022, awaiting municipal comments in the interim. At the May 5, 2022 meeting, ELUC is expected to make a recommendation to the County Board.

The County Board is expected to make a final decision on the proposed amendment on May 19, 2022.

### *Draft Amendment*

The full text of the proposed amendment, excerpted from a March 8, 2022 memo from the Champaign County Zoning Administrator is included as part of Exhibit A. The legal publication for the initial March 17, 2022, public hearing of the CCZBA summarized the proposed zoning amendment as follows (**bolded** text for convenience):

1. **Add new paragraph 4.2.1 C.7. as follows:**

4.2.1 CONSTRUCTION and USE

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a Special Use Permit in the AG-

1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT  
with an Electrical Substation.

***Proposed Amendment's Benefits to County***

The proposed amendment would allow a second principal use for which there is a demonstrated demand on certain lots. The Champaign County Land Resource Management Plan (LRMP) was adopted by the County Board on April 22, 2010, and is currently the only guidance for amendments to the ordinance. CCDPZ staff determined that the proposed text amendment “will help achieve” LRMP Goal 3, “will not impede” achievement of goals 1, 2, and 4-9, and that Goal 10 is “not relevant” to the proposed amendment.

LRMP Goal 3 states, “Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.” CCDPZ states that this goal is helped by the proposed text amendment which “will allow internet towers to piggyback on electrical substation properties, which will improve cost efficiencies for those providers,” and should also improve internet service for County residents.

The proposed text amendment “will improve” the ordinance itself because it will “help achieve” the purpose of the ordinance and “improve” the text of the ordinance.

**Discussion**

***County Zoning***

County land within the City’s ETJ is dominated by agricultural (81%) zoning, with small areas zoned residential (8%) and conservation (7%), and little business (2%), and industrial (3%) zoning (Exhibit B). The proposed amendment applies to the AG-1 and AG-2 agricultural zoning districts (Figure 1).

The County Zoning Ordinance already allows for the construction of private or commercial transmission and receiving towers over 100 feet tall in the AG-1 and AG-2 districts as a sole principal use. The proposed amendment would allow these towers as a second principal use by special use permit in the AG-1 and AG-2 districts on lots with an electrical substation. County municipalities may submit comments on Champaign County special use permit cases.

All electrical substations currently located in the Urbana ETJ are owned by Ameren and are exempt from County zoning as a public utility.

The County Zoning Ordinance requires a 100 foot setback for towers over 100 feet tall from any major, minor, and collector streets, and a 50 foot setback from side and rear streets. It is likely that towers located on lots with substations will also require waivers from the County for reduced setbacks, as existing substations on lots may make compliance with setback requirements unfeasible.

## AG-1 & AG-2 County Districts Within Urbana Extraterritorial Jurisdiction

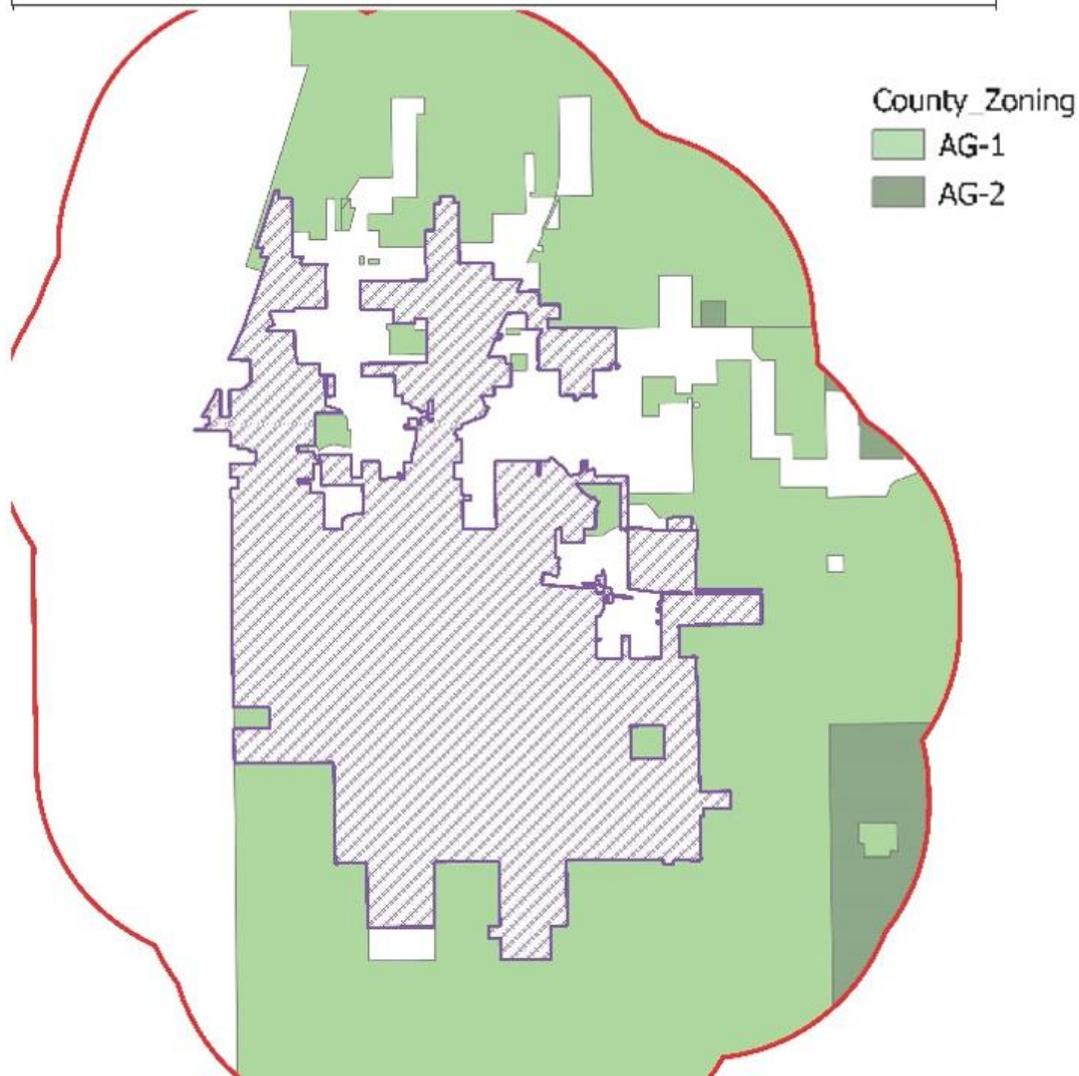


Figure 1. Affected Agricultural Districts in City of Urbana ETJ (Green Areas) - Champaign County Department of Planning & Zoning

### **City Zoning**

If the proposed amendment is passed, City staff does not see any potential land use conflicts in the city or the ETJ. It would not affect the City's ability to plan or manage future development.

The City Zoning Ordinance Table of Uses (Table V-1) allows telecommunications towers in the AG, Agricultural district with a special use permit, and does not regulate tower height in the district. Section XIII-1 states that antennas and towers may be considered as a principal or accessory use and that "a different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot."

**In sum, the City Zoning Ordinance already allows for the construction of telecommunications towers greater than 100 ft. tall in agricultural districts by special use permit and as a second principal use.** As such, the City Zoning Ordinance would not conflict with the county’s proposal to allow telecommunications towers greater than 100 ft. tall as a second principal use on lots with an electrical substation with a special use permit.

For the purposes of City Zoning Ordinance Section XIII-1, pertaining to telecommunications towers, the AG district is considered a “Residential Zoning District,” which presents some additional conditions for the construction of telecommunications towers.

The Zoning Ordinance states that:

*“Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless there are unusual geographic or public health, safety, and welfare or other public policy considerations.”*

This would potentially require greater setbacks for towers in agricultural districts than required by the County. The City could express any concerns regarding tower setbacks for future developments in the ETJ as part of the County’s special use permit process.

The City also requires that applicants wishing to locate towers in a residential zone shall:

*“...demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.”*

Because any towers located on a lot with an Electrical Substation would be there in part to monitor the adjacent substation, the conditions for demonstrating valid constraints preventing an alternate location would presumably be met.

### ***Implications for Development Within the City’s ETJ***

Within the City’s municipal boundaries, the proposed amendment does not significantly affect the use of land, nor does it affect the City’s ability to manage growth and development. The City Zoning Ordinance already allows what Champaign County is proposing to allow, and the City would be able to express any concerns over differences in setback requirements as part of the required special use permit process for any second principal use tower. As such, **staff does not anticipate a negative effect on the City’s ability to plan or manage growth or development.**

At this time, all lots with substations located in the City of Urbana ETJ are operated by Ameren and are exempt from the County Zoning Ordinance as a public utility, and are not subject to the proposed amendment. Existing lots with substations that would be immediately affected by the proposed amendment are located outside the City ETJ. Any future lots with substations within the Champaign County jurisdiction would be subject the proposed amendment (unless exempted as a public utility).

## Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its ETJ for consistency with the City's comprehensive plan. Therefore, Champaign County's proposed text amendment should be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

**Goal 4.0**            **Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.**

Objective            4.1 Encourage a variety of land uses to meet the needs of a diverse community.

**Goal 17.0**           **Minimize incompatible land uses.**

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

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

**Goal 21.0**           **Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).**

Objectives           21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

The proposed county zoning ordinance text amendment is generally consistent with these City goals and objectives: encourage a variety of land uses while minimizing the effects of potentially incompatible land uses through design controls.

## Summary of Staff Findings

1. The Champaign County Zoning Administrator ("Zoning Administrator") requests a text amendment to the Champaign County Zoning Ordinance ("Ordinance") to allow "private or commercial transmission and receiving tower (including antenna) over 100 feet in height" as a second principal use with the "Electrical Substation" land use in the AG-1 and AG-2 district.
2. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promotes a variety of compatible land uses.
3. The proposed text amendment would not negatively affect land uses or the ability of the City to manage growth and development of land currently within the City's ETJ.

## Options

The Plan Commission has the following options in CCZBA Case No. 040-AT-22, a request to amend the Champaign County Zoning Ordinance to allow "private or commercial transmission and receiving tower (including antenna) over 100 feet in height" as a second principal use with the "Electrical Substation" land use in the AG-1 and AG-2 district:

- a. Forward the plan case to the City Council with a recommendation to **protest the proposed amendment**; or
- b. Forward the plan case to the City Council with a recommendation to **protest the proposed amendment, contingent upon specific provisions to be identified**; or

- c. Forward the plan case to the City Council with a recommendation to **not protest the proposed amendment.**

### **Staff Recommendation**

Based upon the findings above, staff recommends that the Plan Commission forward the case to the City Council with a recommendation to **not protest the proposed amendment.**

Attachments: Exhibit A: Champaign County Department of Planning & Zoning Documents:

- Excerpt of Preliminary Memo

Exhibit B: AG-1 & AG-2 County Districts Within Urbana ETJ

cc: John Hall, Director, Champaign County Planning and Zoning  
Susan Burgstrom, Planner, Champaign County Planning and Zoning.

# Exhibit A: Champaign County Department of Planning & Zoning Documents:

- Excerpt of Preliminary Memo

Champaign County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
zoningdept@co.champaign.il.us  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

## **CASE 040-AT-22**

PRELIMINARY MEMORANDUM

MARCH 8, 2022

**Petitioner:** Zoning Administrator

**Request:** Amend the Champaign County Zoning Ordinance as follows:

Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

**Location:** Unincorporated Champaign County

**Time Schedule for Development:** As soon as possible

**Prepared by:** Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator

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## **BACKGROUND**

Planning & Zoning has a client who is interested in bringing high-speed internet to rural communities by installing 120 foot tall towers with antennas on some existing substations in Champaign County.

At its February 10, 2022 meeting, ELUC reviewed a memorandum dated January 31, 2022, regarding authorization for “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use with the “Electrical Substation” land use (Attachment B to this memo). ELUC approved opening a ZBA public hearing for these amendments at its February 10, 2022 meeting.

Private or commercial transmission and receiving towers (including antennas) over 100 feet in height are already allowed by Special Use Permit in all zoning districts except the I-2 Heavy Industry Zoning District, which allows them by-right. These towers are not allowed as a secondary use, however, and that is what the client proposes.

The proposed amendment would limit these towers as second principal uses only with Electrical Substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts.

## **WAIVERS MAY BE NECESSARY FOR TOWERS IN ELECTRICAL SUBSTATIONS**

Attachment D is an excerpt from Table 6.1.3 Schedule of Standard Conditions for Specific Types of SPECIAL USES. Standard conditions for towers over 100 feet require 100 feet setback and 50 feet side and rear yards on a minimum one acre of land. Such requirements will not typically fit in an existing electrical substation property, so waivers would likely be necessary to accommodate those dimensions.

## **APPROVAL PROCESS**

We anticipate that the proposed amendment (at the end of Attachment E) will be discussed at the March 17, 2022, and at least one additional ZBA meeting. The earliest that a recommendation from the ZBA would go to ELUC is May 5, 2022, and the earliest that the County Board could adopt the amendment would be June 23, 2022.

## **ATTACHMENTS**

- A Legal advertisement
- B ELUC Memorandum dated January 31, 2022, with attachment:
  - Exhibit A: Outline of proposed amendment
- C Land Resource Management Plan (LRMP) Goals & Objectives  
*(available on ZBA meetings website)*
- D Excerpt from Table 6.1.3 Schedule of Standard Conditions for Specific Types of SPECIAL USES
- E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 040-AT-22 dated March 17, 2022, with attachment:
  - Proposed Amendment

**LEGAL PUBLICATION: WEDNESDAY, MARCH 2, 2022**

**CASE: 040-AT-22**

**NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 040-AT-22

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, March 17, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email [zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us) no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, MARCH 2, 2022, ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802  
Phone: 384-3708

Our News Gazette account number is 99225860.

Champaign County  
Department of

**PLANNING &  
ZONING**

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

**TO: Environment and Land Use Committee**  
**FROM: John Hall, Zoning Administrator  
Susan Burgstrom, Senior Planner**  
**DATE: January 31, 2022**  
**RE: Authorization for Public Hearing on Proposed Zoning Ordinance Text  
Amendment authorizing “private or commercial transmission and  
receiving tower (including antenna) over 100 feet in height” as a second  
principal use with the “Electrical Substation” land use**

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**BACKGROUND**

Planning & Zoning has a client who is interested in bringing high-speed internet to rural communities by installing 120 foot tall towers with antennas on some existing substations in Champaign County.

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The proposed amendment would limit these towers as second principal uses only with Electrical Substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts.

**PROPOSED TEXT AMENDMENT**

An outline of the proposed amendment is attached.

**TEXT AMENDMENT PUBLIC HEARING TIMELINE**

The public hearing requires a legal advertisement in the newspaper and notice provided to all relevant municipalities. If the public hearing is authorized by ELUC on February 10th, the anticipate timeline (\*earliest possible dates) is as follows:

- |  |                                   |
|--|-----------------------------------|
| 1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA)  | <b>*Thursday, March 31, 2022</b>  |
| 2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board                      | <b>**Thursday, April 14, 2022</b> |
| 3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA’s recommendation      | <b>*Thursday, May 5, 2022</b>     |
| 4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board | <b>*Thursday, June 9, 2022</b>    |
| 5. Champaign County Board makes a final determination  | <b>*Thursday, June 23, 2022</b>   |

\*earliest anticipated dates of action

**ATTACHMENTS**

- A Outline of Proposed Amendment

## PROPOSED AMENDMENT

### 1. Add new paragraph 4.2.1 C.7. as follows:

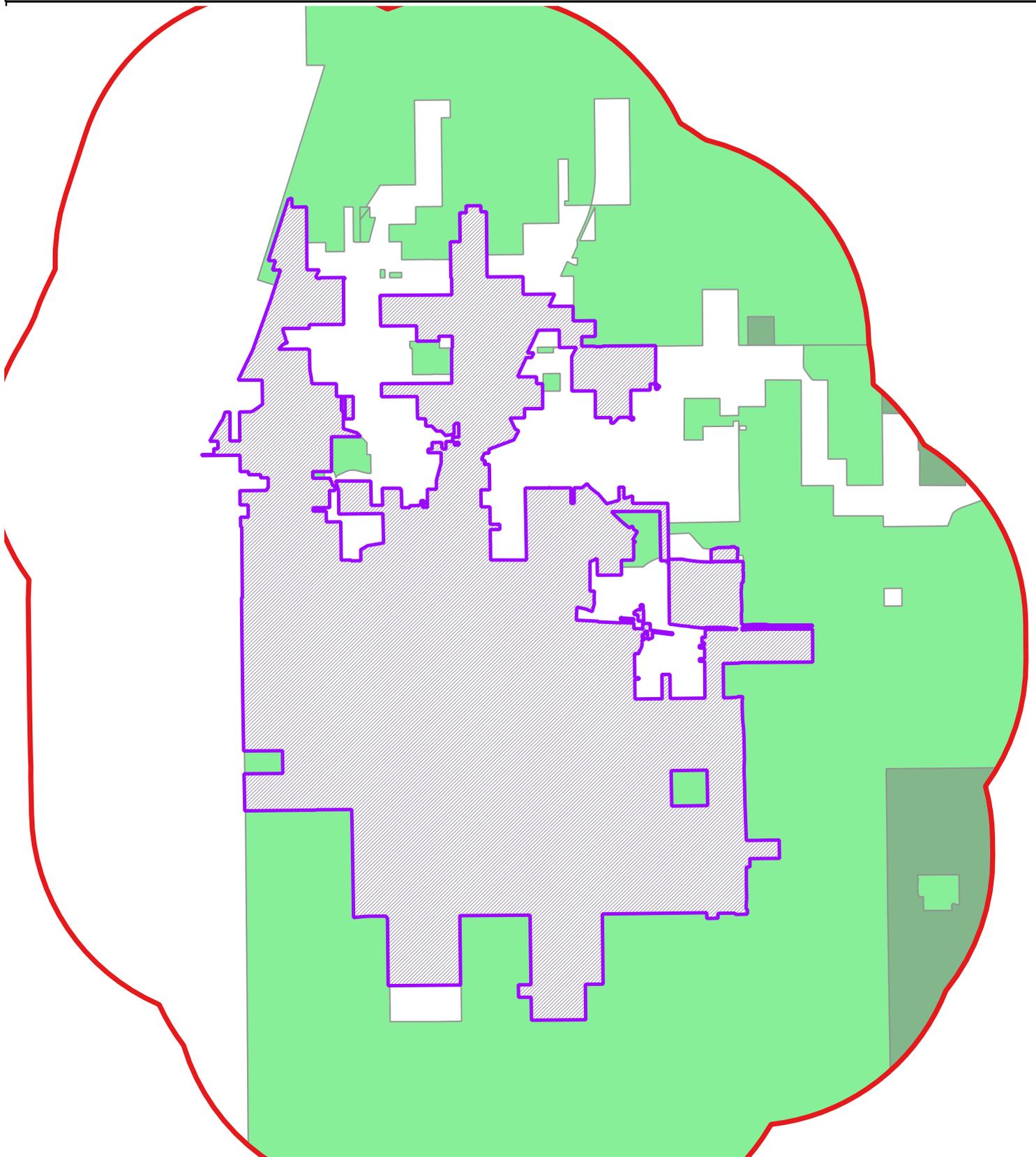
#### 4.2.1 CONSTRUCTION and USE

C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

ELUC  
02/10/22

Exhibit B: AG-1 & AG-2 County Districts Within Urbana Extraterritorial Jurisdiction



Case No.: CCZBA-040-AT-22  
Subject: Proposed Telecom Tower  
Amendment (Relevant Districts)  
Location: Champaign County  
Petitioners: Champaign County  
Zoning Administrator

County\_Zoning  
AG-1  
AG-2



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