



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

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

**TO:** The Urbana Plan Commission

**FROM:** Christopher Marx, Planner I

**DATE:** February 13, 2015

**SUBJECT:** CCZBA-791-AT-14: A request by the Champaign County Zoning Administrator to amend Section 6.1.3 of the Champaign County Zoning Ordinance regarding “Heliport/Restricted Landing Area”.

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### **Introduction**

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-791-AT-14 to add standard conditions for Special Use Permits to allow “Heliport/Restricted Landing Area”. Under the proposed conditions, Heliports or Restricted Landing Areas (RLAs) would need to be buffered from dwellings under separate ownership and land reserved for conservation and recreation. The proposed amendment would make temporary changes adopted last year permanent. In plan case CCZBA 768-AT-13, which was the initial one-year phase of the conditions being adopted by the Champaign County Zoning Board of Appeals, the Urbana Plan Commission and City Council concurrently adopted a Resolution of Protest. The full memo to the Champaign County Zoning Board of Appeals can be found online at:

<http://urbanaininois.us/sites/default/files/attachments/cczba-memo-1-9-15.pdf>

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

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;

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

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. It is the Plan Commission's responsibility to review the proposed amendment to determine what impact it will have on 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 three-quarters super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

### **Proposed Amendment**

The County Zoning Administrator is proposing to add additional standard conditions as follows. The full text of the revised amendment is attached as Exhibit A.

- A. *Revise the standard conditions and special provisions in Section 6.1.3 for a 'Heliport or Heliport Restricted Landing Area' as follows:*
1. *Replace "runway" with "Final Approach and Takeoff (FATO) Area".*
  2. *Delete the paragraph preceding Standard Condition 2. That limits the time that standard conditions 2. and 3. will be in effect to no more than 365 days from the date that they were adopted.*
  3. *Add a new Standard Condition 2. that indicates that the following Standard Conditions apply only to a HELIPORT-RESTRICTED LANDING AREA.*
  4. *Renumber existing Standard Condition 2. to be new Standard Condition 2.A.*
  5. *Add a new Standard Condition 2.B. that requires that no part of a Final Approach and Takeoff (FATO) Area may be closer than 1,320 feet from the nearest dwelling under different ownership than the HELIPORT-RESTRICTED LANDING AREA.*
  6. *Add a new Standard Condition 2.C. that requires that no part of a Final Approach and Takeoff (FATO) Area may be closer than 280 feet from the nearest property under different ownership than the HELIPORT-RESTRICTED LANDING AREA.*
  7. *Delete existing Standard Condition 3. and add a new Standard Condition 2.D. to provide that the requirement of Section 4.3.8 notwithstanding, any DWELLING or LOT established after a HELIPORT-RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 2.B. or 2.C. for a HELIPORT/RESTRICTED LANDING AREA and no Special Use Permit shall be required.*

*B. Revise the existing standard conditions and special provisions in Section 6.1.3 for a 'Restricted Landing Area' as follows:*

- 1. Replace all references to Section 4.3.7 with references to Section 4.3.8.*
- 2. Replace all references to "Table 5.3 noted (12)" with references to "Footnote 11 in Section 5.3".*
- 3. Delete the paragraph preceding Standard Condition 5. that limits the time that standard conditions 5. and 6. Will be in effect to no more than 365 days from the date that they were adopted.*
- 4. Add a new Standard Condition 6 that requires that no part of a runway may be closer than 1,320 feet from the nearest dwelling under different ownership than the RESTRICTED LANDING AREA.*
- 5. Add a new Standard Condition 7 that requires that no part of a runway may be closer than 280 feet from the nearest property under different ownership than the RESTRICTED LANDING AREA.*
- 6. Delete Standard Condition 6 and add a new Standard Condition 8 to provide that the requirement of Section 4.3.8 notwithstanding any BUILDING or STRUCTURE or USE or LOT established after a RESTRICTED LANDING AREA is established is not required to comply with Standard Conditions 6 or 7 for a RESTRICTED LANDING AREA and no Special Use Permit shall be required provided there in compliance with Standard Condition 3 for a RESTRICTED LANDING AREA.*

## **Issues and Discussion**

The amendment would make permanent changes that were temporarily adopted last year for a one year trial. The only substantive differences were two minor changes. The new amendment added additional language to separate their minimum separation requirements from their Special Use Permit exceptions and a clarification of the separation requirement from a Champaign County CR zoning district. The County Zoning Ordinance definition of Restricted Landing Area (RLA) refers to state statute, which defines an RLA as "any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use." Restricted Landing Areas are used by private aircraft, mainly for recreational and agricultural purposes. The County Zoning Ordinance imposes standard conditions on several Special Uses. For heliports, the ordinance currently requires that the use meet Federal Aviation Administration and Illinois Department of Transportation requirements. For restricted landing areas, the use must meet Federal Aviation Administration and Illinois Department of Transportation requirements, and must be contained entirely on the subject lot. Structures intended for human occupancy may not be located within the Runway Clear Zone, which is a trapezoidal area extending 1,000 feet from the restricted landing area.

The purpose of the proposed amendment is to protect residences and natural areas near heliports or RLAs. The amendment was brought about when a Special Use Permit application for a restricted landing area was denied for a parcel in southern Champaign County. At that case the County Zoning Board of Appeals suggested adopting additional restrictions for heliports and restricted landing areas. The CCZBA is now deciding on whether these restrictions shall be

permanent after being adopted on a temporary basis of one year. The County Zoning Administrator is proposing the new standard conditions based on CCZBA's recommendation. There are no existing or proposed restricted landing area facilities in question that are inside of Urbana's extra-territorial jurisdiction, so there would be no anticipated impacts from the proposed amendment to Urbana.

### **Urbana 2005 Comprehensive Plan**

By State law, the City has the ability to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City's comprehensive plan. Champaign County's proposed Zoning Ordinance text amendment should therefore be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

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

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

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

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

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

*Objective 21.2* Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed text amendment is generally consistent with these goals and objectives. It provides for protection of incompatible land uses by requiring additional buffer distance between heliports or restricted landing areas and residences or conservation and recreation areas.

### **Zoning Impacts**

The proposed amendment would have no known impact on zoning within the City's extra-territorial jurisdiction. The Urbana Zoning Ordinance allows Heliports in the AG, Agricultural and IN-1, Light Industrial/Office Zoning Districts with a Conditional Use Permit, and in the IN-2, Heavy Industrial Zoning District with a Special Use Permit. Table VII-1 of the Zoning Ordinance requires Heliports in the City to meet FAA and IDOT regulations. The proposed County text amendment would impose additional buffer areas for heliports and restricted landing areas, beyond the height clearances required by FAA and IDOT.

## Summary of Staff Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to add standard conditions for Heliports and Restricted Landing Areas under Section 6.1.3 of the Champaign County Zoning Ordinance.
2. The proposed amendment would provide additional buffer area between Heliports/Restricted Landing Areas and occupied buildings or conservation and recreation lands.
3. The proposed zoning ordinance text amendment is generally consistent with the goals and objectives of the Urbana 2005 Comprehensive Plan.
4. The proposed zoning ordinance text amendment would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

## Options

The Plan Commission has the following options for recommendations to the City Council regarding proposed text amendments in CCZBA Case No. 791-AT-14:

1. Recommend to defeat a resolution of protest; or
2. Recommend to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Recommend to adopt a resolution of protest.

## Staff Recommendation

Based on the findings above, Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment.

Attachments: Exhibit A: Revised Amendment Language dated January 15, 2015  
Please see Memorandum to the Champaign County ZBA dated January 15, 2015, which can be found at: <http://urbanailinois.us/sites/default/files/attachments/cczba-memo-1-9-15.pdf>  
Exhibit B: Visual Diagrams of Separation Specifications

cc: John Hall, Champaign County Zoning Administrator