



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

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

DATE: January 16, 2003

SUBJECT: CCZBA-374-AT-02: Request by the Champaign County Zoning Administrator to amend paragraph 9.1.6.A.1 of the Champaign County Zoning Ordinance to change the limit on the length of time that Zoning Board of Appeals members may serve from a limit of 10 consecutive years to a limit of no more than two consecutive, full five-year terms plus the remainder of any consecutive unexpired term to which the member is initially appointed.

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the County Zoning Ordinance to revise paragraph 9.1.6.A.1, which identifies how long Zoning Board of Appeals members may serve on the Board and how they can be reappointed. The proposed text amendment is as follows:

9.1.6 Zoning BOARD of Appeals

A. Appointment

1. The GOVERNING BODY shall provide for the appointment of the BOARD. The Board shall consist of seven members who shall each serve a term of 5 years. Members may be reappointed by the GOVERNING BODY provided, however, that no reappointment shall be made which will permit the appointee to serve more than two consecutive, full five-year terms on the BOARD plus the remainder of any consecutive unexpired term to which the member is initially appointed. All vacancies on the BOARD shall be filled by appointment within 90 days.

The City of Urbana has the authority to review proposed amendments to the Champaign County Zoning Ordinance. The City exerts their review authority through either passing a resolution to

protest the amendment or passing a resolution to defeat a protest. A resolution to protest the proposal would require a super-majority vote at the County Board.

On January 9, 2003, the Urbana Plan Commission reviewed the request for Case 374-AT-02 and recommended unanimously (8-0) that the Urbana City Council defeat a resolution of protest. Additional information on the proposal is available in the staff memorandum to the Plan Commission dated January 3, 2003 along with the attached memorandum from the Champaign County Planning and Zoning Department.

Issues and Discussion

The Champaign County Zoning Ordinance recognizes the state law which specifies that the length of a term shall be five years. The Zoning Ordinance also specifies that an appointee shall not serve more than 10 consecutive years. This formula has become problematic when members are appointed to finish a term of an outgoing Board member. In these cases, the appointee would not be able to be reappointed to two consecutive five-year terms because their length of service would then exceed ten years. The proposed amendment would allow for newly appointed Board members to finish an unexpired term and still be reappointed to two consecutive five-year terms.

The Urbana Zoning Ordinance specifies that Zoning Board of Appeals members are appointed for a term of five years. There is no limit on the length of service.

This amendment allows for protection of the public interest and would not negatively affect the City of Urbana. At this time no changes are recommended for the Urbana Zoning Ordinance related to this proposal.

Summary of Staff Findings

At the January 9, 2003 meeting, the Urbana Plan Commission adopted the following findings:

1. The proposed text amendments are generally consistent with the Urbana Zoning Ordinance and Comprehensive Plan Goals and Objectives.
2. The proposed text amendments would allow for better administration of the Champaign County Zoning Ordinance as it relates to the appointment and length of service for Champaign County Zoning Board members.
3. Comparable text amendments to the City of Urbana Zoning Ordinance are not necessary.
4. The proposed text amendments would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

In CCZBA Case #374-AT-02, the City Council has the following options:

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

Staff Recommendation

At the January 9, 2003 Plan Commission meeting, the Commission unanimously (by a vote of 8-0) recommended the Urbana City Council **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above. Staff concurs with this recommendation.

Attachments:

- A) Draft Resolution
- B) Draft Minutes from the January 9, 2002 City of Urbana Plan Commission meeting

c: John Hall, Associate Planner, Champaign County Planning and Zoning

RESOLUTION NO. 2003-01-001R

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

(Text amendment to amend paragraph 9.1.6.A.1 of the Champaign
County Zoning Ordinance - Plan Case CCZBA 374-AT-02)

WHEREAS, Charles Wunder, Champaign County Zoning
Administrator, has petitioned the County of Champaign for an
amendment to the text of the Champaign County Zoning Ordinance in
Champaign County ZBA Case No. 374-AT-02 to amend paragraph
9.1.6.A.1 of the Champaign County Zoning Ordinance; and

WHEREAS, said amendment relates to the length of terms that
Champaign County Zoning Board of Appeals members may serve; and

WHEREAS, said amendment has been submitted to the City of
Urbana for review and is being considered by the City of Urbana
under the name of "CCZBA-374-AT-02"; and

WHEREAS, the Urbana Plan Commission, after considering
matters pertaining to said Petition at their meeting of January
9, 2003, has recommended by a vote of 8 to 0 that the Urbana City
Council defeat a resolution of protest against the proposed text
amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed text amendment as presented in CCZBA-374-AT-02.

PASSED by the City Council this _____ day of _____, 2003.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2003.

Tod Satterthwaite, Mayor