

ORDINANCE NO. 8990-117
AN AMENDMENT TO THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS

(General Variance Procedures)

WHEREAS, the Urbana Zoning Administrator submitted a petition to amend the Zoning Ordinance of Urbana to clarify the procedures of the General Variance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1350-T-90; and

WHEREAS, after due publication in accordance with Section XI-7, entitled "Amendments" of the Zoning Ordinance and Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on the proposed amendment on April 19, 1990; and

WHEREAS, the Urbana Plan Commission voted to forward the amendment described herein, as Plan Case #1350-T-90, to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Council of the City of Urbana has deemed it to be in the best interests of the City of Urbana to amend the text of the Zoning Ordinance of the City of Urbana, Illinois as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, that the Zoning Ordinance of the City of Urbana, Illinois is amended as follows:

That Article XI entitled "Administration, Enforcement, Amendments and Fees", Section XI-3 entitled "Board of Zoning Appeals", is hereby amended so that Subsection C.2.d is repealed in its entirety and the following is adopted in its place:

d. General Variances.

(1) Apart from and in addition to the variances specified in Section XI-3.C.2c above, the Board shall consider other variances which are consistent with the intent of this Ordinance. Said variances will be forwarded to the City Council only if the Board recommends their approval by a two-thirds vote of the members present and voting. If two-thirds of the Board does not reach a favorable recommendation, the variance is denied and the Board's findings will be the final administrative decision on such variance. The City Council shall have the authority to grant or deny general variance requests which the Board forwards in conformance with the procedures outlined below.

(2) The Administrative Secretary to the Board shall prepare a decision sheet which states the Board's findings of fact and decision concerning the requested general variance for the Board Chairman's signature. If the Board's decision is to forward the variance to the City Council with a recommendation for approval, the Administrative Secretary of the Board shall forward to the Urbana City Council the Board's decision sheet, the variance application, relevant case information, the names and addresses of all persons appearing before the Board and summaries of their testimony.

(3) The City Council shall consider the general variance request at a regular meeting of the Council. The Council need not take additional testimony or other evidence regarding the requested general variance. If the City Council decides by a duly adopted motion to receive additional evidence in the matter, such shall be done only after public notice, an opportunity to be heard and the right of cross examination is afforded in substantial conformity with the then existing rules of the Zoning Board of Appeals of the City of Urbana, Illinois; all such proceedings before the City Council shall be recorded by a certified court reporter. The Council shall act on the information presented in the Board's decision sheet, the Board's findings of fact and the summary of the testimony or other evidence presented to the Board of Appeals at the public hearing.

(4) After consideration of the requested general variance and the Board's recommendation and decision sheet record, if the Council determines to approve the general variance as recommended by the Board, it shall adopt by ordinance those findings of fact forwarded by the Board with which the Council agrees. In approving a general variance the Council may adopt any conditions recommended by the Board or other or different conditions the Council deems to be supported by the record.

(5) The Council may refer the variance request back to the Board for further consideration if the Council determines that the finding of fact is insufficient. The Council shall specify wherein such findings are insufficient. When the Board rehears the matter, it shall be in accordance with the Board's standard notification requirements and public hearing procedures. In any case, the Council must approve or deny the variance request within 120 days of the date of the Board meeting at which the Board first recommends approval of the variance to the City Council. Failure of the Council to approve or deny the variance within this aforesaid 120 days shall be deemed the same as Council approval.

(6) The consideration of a general variance shall not preclude the Board from granting a lesser, specific variance

on the same case if it is within their authority to do so as outlined in Sec. XI-3.C.2c above, if such specific variance is in substantial conformance with the intent of the general variance requested and is supported by the Board's findings. If such specific variance is then granted in the manner set forth above, City Council approval is not required.

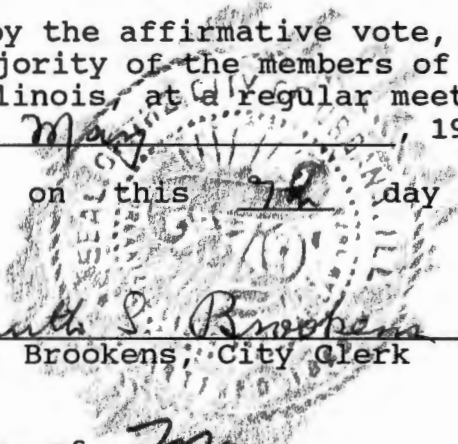
(7) The Urbana City Clerk shall notify the petitioner in writing of the City Council's decision regarding a general variance request.

(8) The general variance shall be subject to section XI-11 entitled "protest procedures".

This Ordinance shall be in full force and effect immediately upon its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7th day of May, 1990.

PASSED by the City Council on this 7th day of May, 1990.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

Approved by the Mayor this 14th day of May, 1990.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor