

RESOLUTION NO. 1999-04-016R

FILED

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

APR 21 1999

(Request by Champaign County Zoning Administrator to amend Sections 3 and 5.2 of the Champaign County Zoning Ordinance to provide for Sexually Oriented Businesses and permit them by right in the B-4, General Business District subject to certain location restrictions - CCZBA Case No. 178-AT-99)

Frank DiNovo
COUNTY CLERK

WHEREAS, Mr. Frank DiNovo, 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. 178-AT-99 to amend Sections 3 and 5.2 of the Champaign County Zoning Ordinance to provide for Sexually Oriented Businesses and permit them by right in the B-4, General Business District subject to certain location restrictions; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to the proposed zoning text amendment at their April 8, 1999 Plan Commission meeting, has recommended by a vote of 4-1 that the City Council defeat a resolution of protest against said proposed amendment; and

WHEREAS, despite the recommendation of the Plan Commission, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed zoning text amendment is not in the best interests of the City of Urbana because the definition of Sexually Oriented Business in said text amendment is fundamentally different than the Urbana Zoning Ordinance definition of Adult Entertainment Use in that the proposed text amendment would allow restricting the locations of business establishments on the basis of the content of materials sold, rather than on the basis of the practice of excluding entry of minors by virtue of their age.

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 should protest the proposed Zoning Ordinance text amendment set forth in the Petition filed in Champaign County ZBA Case No. 178-AT-99.

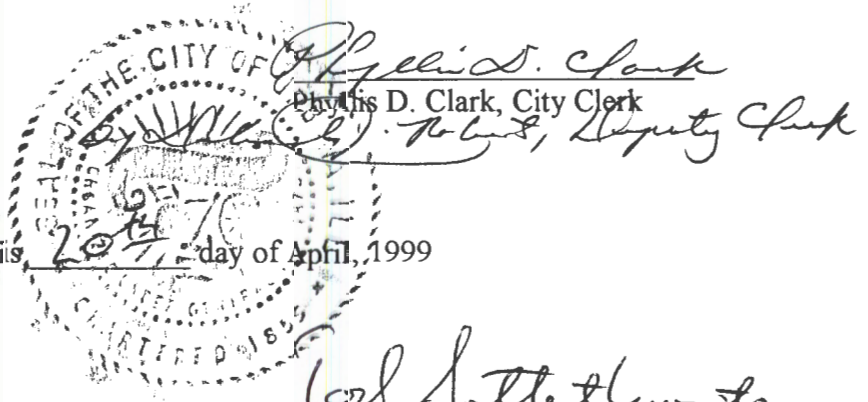
Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. Frank DiNovo at 1776 East Washington, Urbana, Illinois 61801 and to Mr. John C. Piland, State's Attorney for Champaign

County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

Section 4. That the Urbana City Council would not protest an amendment to the Champaign County Zoning Ordinance to provide for Sexually Oriented Businesses if, by definition, the land use "Sexually Oriented Businesses if, by definition, the land use "Sexually Oriented Businesses" applies only to establishments which exclude entry of minors by virtue of their age.

PASSED by the Urbana City Council this 19th day of April, 1999.

APPROVED by the Mayor this 20th day of April, 1999



Tod Satterthwaite
Tod Satterthwaite, Mayor

AYES: Hayes, Huth, Kearns, Patt, Taylor, Wyman

NAYS: Whelan

ABSTAIN: