

FILED

RESOLUTION NO. 1999-07-030R

JUL 19 1999

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

Mark Sheldon
COUNTY CLERK

(Request by Champaign County Zoning Administrator to Amend Sections 3, 5.2 and 6.1.3 of the Champaign County Zoning Ordinance to provide for Minor and Major Rural Specialty Business involving limited retail sales and related recreational or educational activities in the CR, Conservation-Recreation, AG-1 and AG-2 Agriculture districts, and the Business Districts - CCZBA Case No. 174-AT-99)

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. 174-AT-99 to amend Sections 3, 5.2 and 6.1.3 of the Champaign County Zoning Ordinance to provide for Minor and Major Rural Specialty Business involving limited retail sales and related recreational or educational activities in the CR, Conservation-Recreation, AG-1 and AG-2 Agriculture districts, and the Business Districts; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to the proposed zoning text amendment at their June 24, 1999 Plan Commission meeting, has recommended by a vote of 5-0 that the City Council defeat a resolution of protest against said proposed amendment with the following conditions:

That the amendment specify that in the case of a major rural specialty business, alcoholic beverages produced off-site may not be sold unless a specific waiver is granted as part of the special use permit; and

That the City Council defeat a resolution of protest against the proposed amendment under the condition that the Council be alerted of the following:

- a. The language of the proposed amendment is confusing because it regulates the size of a minor rural specialty business in terms of lot coverage, yet regulates the size of a major rural specialty business in terms of the lot itself. To qualify as a minor rural specialty business, the portion of lot that is covered by the business may not exceed one acre. To qualify as a major rural specialty business, the lot itself must be a minimum of five acres; and
- b. The language is further confusing because the amendment does not allow rural specialty businesses that exceed one acre but are located on a lot that is less than five acres. This leaves a gap in what is allowable; and

By a vote of 3-2 the Plan Commission recommended the condition that the CR, Conservation-Recreation zoning district be omitted from the list of zoning districts in which minor and major rural specialty business would be allowed; 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 as presented.

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.

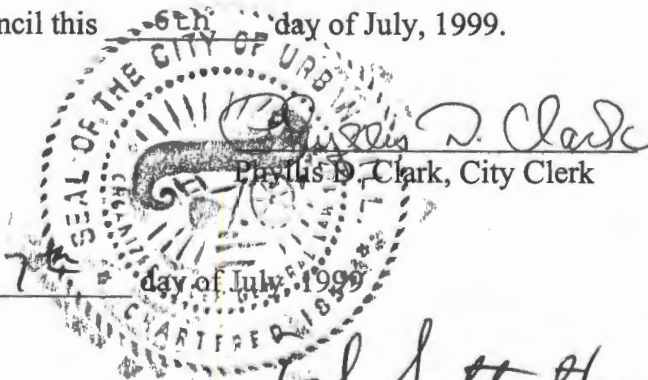
Section 2. That the Urbana City Council hereby resolves the City of Urbana is to enter a protest of the proposed Zoning Ordinance text amendment as set forth in the Petition filed in Champaign County ZBA Case No. 174-AT-99.

Section 3. This protest is withdrawn, however, if the text to the proposed amendment is revised to do the following:

- Modify the amendment to specify in Section 6.1.3 that in the case of a major rural specialty business, alcoholic beverages produced off-site may not be sold unless a specific waiver is granted as part of the special use permit; and
- Modify the amendment to provide that minor rural specialty business be permitted in the CR, Conservation-Recreation zoning district as a special use instead of by right.

Section 4. 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.

PASSED by the Urbana City Council this 6th day of July, 1999.



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 7th day of July, 1999

Tod Satterthwaite
Tod Satterthwaite, Mayor