



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council

FROM: Lorrie Pearson, AICP, Community Development Services Director
Kevin Garcia, Principal Planner

DATE: September 9, 2021

SUBJECT: An Ordinance Amending the Urbana Zoning Ordinance (Zoning Administrator Text Amendment - Plan Case 2426-T-21)

Introduction

The Zoning Administrator is a regulatory role. The individual who serves in that role is appointed by the Mayor, with the consent of City Council. The proposed text amendment would amend the Zoning Ordinance to make the Zoning Administrator a designee of the Community Development Services Director.

The Plan Commission will hold a public hearing on the proposed text amendment at their September 9, 2021, meeting. A summary of the Plan Commission discussion and recommendation will be presented at the City Council meeting on Monday, September 13, 2021.

Discussion

Section XI-1.B of the Zoning Ordinance states that the Zoning Administrator has the authority and duty to administer the Zoning Ordinance. The Zoning Administrator's role is therefore regulatory and administrative in nature. Duties include issuing building permits, certificates of occupancy, special use permits once approved by City Council, conditional use permits once approved by the Zoning Board of Appeals, and sign permits. Other duties include inspections, enforcement, and maintaining permanent records.

Their role does not change based on policy direction from the Mayor or City Council; however, the Zoning Ordinance currently requires that the Zoning Administrator be appointed by the Mayor, with the consent of City Council. Since the Zoning Administrator's role is not subject to the Mayor or City Council's direction, it would be prudent to have the appointment of the Zoning Administrator be an administrative decision. To that end, the proposed text amendment would shift the authority to designate the Zoning Administrator to the Community Development Services Director.

Exhibit A, Proposed Amendments, outlines the proposed changes using ~~strikethrough~~ and underline notation. A ~~strikethrough~~ is used to indicate deleted language, while an underline is used to indicate added language.

Summary of Findings

1. The proposed amendment will change the role of the Zoning Administrator from being a Mayoral appointee to an administrative designee.
2. The proposed amendment will update the Zoning Ordinance to ensure that the regulatory environment more closely matches the goals and policies of the City.
3. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The City Council has the following options regarding An Ordinance Amendment the Urbana Zoning Ordinance (Zoning Administrator Text Amendment – Plan Case 2426-T-21):

1. Recognize the importance of protecting a regulatory role from the appearance of political influence and approve the ordinance;
2. Keep the role a Mayoral appointee and deny the ordinance.

Recommendation

At its September 9, 2021, meeting, the Plan Commission will consider Plan Case 2426-T-21. A summary of the Plan Commission discussion and recommendation will be presented at the City Council meeting on Monday, September 13, 2021.

Attachments: Exhibit A: Proposed Amendments

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

(Zoning Administrator Text Amendment / Plan Case 2426-T-21)

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to make the Zoning Administrator a designee of the Community Development Services Director; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2426-T-21; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held a public hearing on the petition on September 9, 2021; and

WHEREAS, the Plan Commission voted **XX** ayes and **XX** nays on September 9, 2021, to forward Plan Case No. 2426-T-21 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article XI, “Administration, Enforcement, Amendments and Fees,” Section XI-I, “Zoning Administrator,”
- B. Article XI, “Administration, Enforcement, Amendments and Fees,” Section XI-4, “City Council.”

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2021.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2021.

Diane Wolfe Marlin, Mayor

Exhibit A: Proposed Amendments

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Section XI-1. Zoning Administrator

- A. *Enforcement of this Ordinance.* This Ordinance shall be administered and enforced by the Zoning Administrator, designated by the Community Development Services Director, Mayor, ~~by and with the advice and consent of the City Council.~~ The Zoning Administrator may be provided with the ~~assistance of such persons as the City Council may direct.~~

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Section XI-4. City Council

In the administration and enforcement of this Ordinance, it shall be the duty and responsibility of the City Council to do the following:

- B. Consider all appointments made by the Mayor to the Plan Commission, and Zoning Board of Appeals, ~~and the position of the Zoning Administrator,~~ as provided in ~~Section XI-1 through Section XI-2 and Section XI-3;~~ and

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