



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rebecca Bird, Planner I

DATE: February 4, 2011

SUBJECT: CCZBA-AT-10: A request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1 concerning Special Use Permits

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-666-AT-10. The purpose of this amendment is to make clear that the County Zoning Board of Appeals and/or the County Board may grant a waiver of Special Use Permit requirements, including those for wind farms, as part of the Special Use Permit approval process.

The proposed amendment would clarify that the requirements for specific special use permits found in Subsection 6.1 of the Champaign County Zoning Ordinance which exceed the applicable district requirements found in Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or by the County Board. The district requirements in Subsection 5.3 include minimum lot size, maximum height, required setbacks, and maximum lot coverage. The requirements for specific special uses include regulations such as a ban on a crematory being located within 100 feet of any residential district or use and that an enclosed kennel shall not permit animals to be kept outside. The Plan Commission should review the proposed amendment to determine what impact it will have on the City, and recommend to City Council whether or not to protest.

If adopted, the following changes would be made to Subsection 6.1 and Subparagraph 9.1.11 D.1 of the Champaign County Zoning Ordinance:

6.1 Standard for SPECIAL USES

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal

regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD or GOVERNING BODY is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

9.1.11 D. Conditions

1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

The proposed amendments came about as a result of comments received during a recent zoning case that indicated confusion regarding the two sections listed above.

Zoning Case 634-AT-08 added Section 6.1.4 to the zoning ordinance creating wind farm regulations. During the public hearing for this case, testimony was given that indicated uncertainty whether the regulations for wind farms could be waived by the Zoning Board of Appeals (ZBA) during the special use permit process. This arises from the reference to Section 6.1.3 Schedule of Requirements and Standard Conditions, a table of special uses and the regulations associated with them. When the wind farm regulations were adopted, they were not added to the special use table in Section 6.1.3, but added as a separate subsection, Subsection 6.1.4. According to John Hall, Champaign County Zoning Administrator, the intent of the ordinance was that wind farm regulations could be waived as part of the special use process, just as any other regulation stipulated in the section on specific special uses.

The proposed text amendment is intended to be a *clarification* of and not a *change* to existing regulations. Therefore, the proposed amendment would have no substantive impact on the City.

Issues and Discussion

City of Urbana Policies

Champaign County’s proposed Zoning Ordinance should be reviewed for consistency with the City of Urbana’s *2005 Comprehensive Plan*. Specifically, Urbana’s comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed changes appear to be generally consistent with these goals and objectives.

Zoning Impacts

The proposed County text amendment would not change how zoning or land use development decisions are made within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area, but would help the County in administration of its Zoning Ordinance.

Summary of Staff Findings

1. Champaign County Zoning Case No. CCZBA 666-AT-10 would make clear that the County Zoning Board of Appeals and/or the County Board may grant a waiver of Special Use Permit requirements, including those for wind farms, as part of the Special Use Permit approval process.
2. The proposed zoning ordinance text amendment would revise Subsection 6.1 and paragraph 9.1.11 D.1 to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the County Zoning Board of Appeals or the County Board;
3. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's 2005 *Comprehensive Plan's* goals and objectives;
4. The proposed text amendment is a clarification of existing regulations and would not change how zoning or land use development decisions are made within the City's one-

and-one-half mile extra-territorial jurisdictional (ETJ) area, but would help the County in administration of its Zoning Ordinance.

Options

In CCZBA Case No. 666-AT-10, the Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendments;
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest, contingent upon some specific revision(s) to the proposed text amendments; or
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendments.

Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above.

Exhibits: Memorandum to the Champaign County ZBA, March 19, 2010

cc: John Hall, Champaign County Zoning Administrator

CASE NO. 666-AT-10

Champaign County
PRELIMINARY MEMORANDUM
March 19, 2010

Department of
Petitioner: **Zoning Administrator**



Prepared by: **John Hall**
Zoning Administrator
J.R. Knight
Associate Planner

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802
(217) 384-3708

Request: **Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

BACKGROUND

The need for the amendment came about as follows:

- Subsection 6.1 and Paragraph 9.1.11 D.1. define standard conditions and establish the ability of the ZBA and County Board to waive them based on certain findings.
- Comments were received during the public hearing for Zoning Case 658-AT-09 asserting that the more correct interpretation of these two parts of the Zoning Ordinance is that only standard conditions which have the same kind of requirements in Section 5.3 are subject to waiver.
- Those comments indicate that disagreement is likely and it would be best to eliminate any cause for disagreement or confusion.

The proposed amendment will clarify that any standard conditions which exceed the standards in Section 5.3 in either amount or kind of requirement are subject to waiver.

STANDARD CONDITIONS ESTABLISHED BY CASE 855-AT-93

When the Zoning Ordinance was adopted on October 10, 1973, Section 6.1 was the "Schedule of Area, Height, and Location Regulations for Specific SPECIAL USES." Zoning Case 855-AT-93 renumbered Section 6.1 to 6.1.3 and renamed it to the "Schedule of Requirements and Standard Conditions."

Zoning Case 855-AT-93 gave the ZBA the ability to grant waivers of the standard conditions that were moved to 6.1.3. In granting a waiver the Board is required to make two findings, as follows:

1. That such waiver is in accordance with the general purpose and intent of the Zoning Ordinance; and
2. That such waiver will not be injurious to the neighborhood, or to the public health, safety, and welfare.

These two findings are essentially the same as two of the required criteria for variances found in subparagraph 9.1.9 C.1.d. and 9.1.9 C.1.e. See the attached Finding of Fact for Case 855-AT-93 for more information.

ATTACHMENTS

- A Draft Proposed Change to Subsection 6.1 and subparagraph 9.1.11 D.1.
- B Approved Finding of Fact for Zoning Case 855-AT-93
- C Draft Finding of Fact for Case 666-AT-10

1. Revise Subsection 6.1 as follows:

(Underline and ~~strikeout~~ text indicate changes from the existing Ordinance text.)

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD or GOVERNING BODY is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

2. Revise Paragraph 9.1.11. D.1. as follows:

Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

855-AT-93
FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination: Adoption Recommended

Date: September 2, 1993

Petitioner: Zoning Administrator

Petition: Part A (items b, d, g, i & j): Amend Sections 3 & 9.1, to establish authority and procedures for the Zoning Administrator administrative to grant variances up to 10% of the standard.

Part B (items a, c, e, f, g, h & i): Sections 3 & 9.1, to establish authority and procedures for a Zoning Hearing Officer to grant variances exceeding 10% and reserve authority for the Zoning Board of Appeals to grant variances exceeding 50% of the standard.


Part C (items a, f, i, l, n, o & p): Amend Sections 3, 8.3, 8.4, 8.5, 9.1 & 10.1, to revise, clarify and extend the authority of the Zoning Board of Appeals to grant variances.

Part D (items k & m): Amend Sections 6.1 and 9.1 to permit the Zoning Board of Appeals to grant waives of special standards for specific Special Uses to the extent they exceed applicable district standards.

Finding of Fact


From the documents of record and the testimony and exhibits received at the public hearing which commenced on April 15, 1993 and concluded on September 2, 1993, the Zoning Board of Appeals of Champaign County finds that:

With respect to Part A that:

1. The State of Illinois authorized County Zoning Administrators to grant of variances of 10% or less of regulations affecting the location of structures and bulk requirements of the Zoning Ordinance in adopting P.A. 86-1028, effective February 5, 1990.
- 

2. The Zoning Board of Appeals hears an average of 50 cases per year. Of this amount approximately 15 cases are variances.
3. The number of cases heard by the Zoning Board of Appeals has increased approximately 20% over the last three years and the number of variance cases has increased 50%.
4. The increased case load of the Zoning Board of Appeals has led to extended meeting times and delayed the completion of zoning cases.
5. The proposed amendment would permit the zoning administrator to handle approximately 27% of variances cases.
6. The relatively small magnitude of variances allowed to be decided by the Zoning Administrator make most such requests noncontroversial.
7. Provisions of the Illinois County Code provide that small variances to which neighbors object can be granted only by the Zoning Board of Appeals after a public meeting.

With respect to Part B that:

8. The State of Illinois authorized delegation of functions of the Zoning Board of Appeals to a Hearing Officer in adopting P.A. 86-962 effective January 1, 1990.
 9. The proposed amendment would delegate authority to grant variances greater than 10% and less than 50% to a hearing officer. This would divert approximately 54% of the variance cases heard the Zoning Board of Appeals.
 10. Decisions of the Hearing Officer would be appealable to the Zoning Board of Appeals. Such appeals are more informal and may be pursued without reliance on legal counsel.
 11. The Zoning Board of Appeals would retain exclusive authority to grant variances of relatively great magnitude and of qualitative provisions of the Zoning Ordinance.
 12. The variance authority of the Zoning Board of Appeals will still exclude use variances, procedural requirements, state and federal regulations incorporated into the ordinance by reference and all but certain specified variances affecting non-conformities.
 13. The amendment contains provisions to protect both petitioners' and neighbors' rights to procedural due process.
- 

With respect to Part C that:

14. The expansion of the Zoning Board of Appeals authority to grant variances will allow site specific relief to ensure protection of landowners' rights to substantive due process and help avoid unnecessary or undesirable zoning map or text amendments.


With respect to Part D that:

15. The ordinance contains special requirements for specific special uses that exceed the applicable requirements of the zoning district.
16. The rationale for these special standards for specific special uses is not well established.
17. The public hearing process for Special Use Permits provides for due process for all interested parties.
18. Permitting the Zoning Board of Appeals to waive special standards to the extent they exceed the applicable standards of the district will ease the review of Special Use cases and eliminate the filing of parallel variance cases.

With respect to Parts A - D inclusively that:

19. The amendments will provide a clearer and easier to understand format.
20. The criteria for granting variances are revised to provide greater clarity and eliminate redundancy.

Documents of Record

1. Memorandum to Champaign County Board Environment and Land Use Committee dated February 2, 1993.
 2. Preliminary Memorandum dated April 15, 1993.
 3. Summary Memorandum dated May 28, 1993.
 4. Letter to Frank DiNovo from Assistant States Attorney, Susan Piette dated July 12, 1993.
 5. Supplementary Memorandum dated July 30, 1993.
 6. Draft Amendments dated April 15, May 30, June 25, July 30, and September 1, 1993.
- 

Determination

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Text Amendment proposed in Case 855-AT-93 as set forth in the Draft dated September 1, 1993 which is attached hereto should be acted upon by the Champaign County Board as follows:

1. Part A including all relevant parts of items b, d, g, i and j should be adopted;
2. Part B including all relevant parts of items a, c, e, f, g, h and i should be adopted;
3. Part C including all relevant parts of items a, f, i, l, n, o and p should be adopted; and
4. Part D including all relevant parts of items k and m should be adopted.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

ATTEST:

SIGNED:

Secretary to the Zoning Board of Appeals

Richard D. Parnell, Chairman
Champaign County Zoning Board of Appeals

DATE: _____

PRELIMINARY DRAFT

666-AT-10

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: March 19, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 25, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. Subsection 6.1 and Paragraph 9.1.11 D.1. define standard conditions and establish the ability of the ZBA and County Board to waive them based on certain findings.
 - B. Comments were received during the public hearing for Zoning Case 658-AT-09 asserting that the more correct interpretation of these two parts of the Zoning Ordinance is that only standard conditions which have the same kind of requirements in Section 5.3 are subject to waiver.
 - C. Those comments indicate that disagreement is likely and it would be best to eliminate any cause for disagreement or confusion.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the proposed amendment are as follows:
 - A. Subsection 6.1 and Subparagraph 9.1.11 D.1. establish standard conditions and their being subject to waiver as follows:
 - (1) Subsection 6.1 states:
-

PRELIMINARY DRAFT

The standards listed for specific SPECIAL USES which exceed the applicable DISTRICT standards in Section 5.3 and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, shall be considered standard conditions which the BOARD is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

- (2) Subparagraph 9.1.11 D.1. states:

An other provision of this ordinance notwithstanding, the BOARD, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 Schedule of Requirements and Standard Conditions, to the extent that they exceed the minimum standards of the DISTRICT, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

- B. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
- (1) "BOARD" shall mean the Zoning Board of Appeals of the COUNTY
 - (2) "GOVERNING BODY" shall mean the County Board of Champaign County, Illinois.
 - (3) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment is summarized here as it will appear in the Zoning Ordinance, as follows (Underline and ~~strikeout~~ text indicate changes from the current Ordinance):
- A. Revised Subsection 6.1 will appear as follows:

6.1 Standard for SPECIAL USES

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD or GOVERNING BODY is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

B. Revised Subsection 9.1.11 D.1 will appear as follows:

- 1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES

- 6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
 - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

REGARDING SPECIFICALLY RELEVANT LAND USE GOALS AND POLICIES

- 7. There are goals and policies for agricultural, commercial, industrial, and residential land uses, as well as conservation, transportation, and utilities goals and policies in the Land Use Goals and Policies, but due to the nature of the changes being proposed none of these specific goals and policies are relevant to the proposed amendment.

REGARDING THE GENERAL LAND USE GOALS AND POLICIES


- 8. Regarding the General Land Use Goals and Policies:
 - A. Only the fifth General Land Use Goal appears to be relevant to the proposed amendment. The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment appears to *{ACHIEVE}* the fifth General Land Use Goal because of the following:



PRELIMINARY DRAFT

- (1) When the Zoning Ordinance was adopted on October 10, 1973, Section 6.1 was the "Schedule of Area, Height, and Location Regulations for Specific SPECIAL USES."
 - (2) Zoning Case 855-AT-93 renumbered Section 6.1 to 6.1.3, renamed it to the "Schedule of Requirements and Standard Conditions," and granted the Zoning Board of Appeals the power to waive standard conditions for Special Uses. In that case the ZBA made several relevant findings, as follows:
 - (a) Item 17 in the Finding of Fact for Case 855-AT-93 states, "The public hearing process for Special Use Permits provides for due process for all interested parties."
 - (b) Item 18 in the Finding of Fact for Case 855-AT-93 states, "Permitting the Zoning Board of Appeals to waive special standards to the extent they exceed the applicable standards of the district will ease the review of Special Use cases and eliminate the filing of parallel variance cases."
 - (2) In granting a waiver the Board is required to make two findings, as follows:
 - (a) That such waiver is in accordance with the general purpose and intent of the Zoning Ordinance; and
 - (b) That such waiver will not be injurious to the neighborhood, or to the public health, safety, and welfare.
 - (c) These two findings are essentially the same as two of the required criteria for variances found in subparagraph 9.1.9 C.1.d. and 9.1.9 C.1.e.
 - (3) Regarding petitioners' ability to seek relief from unreasonable requirements of the Zoning Ordinance:
 - (a) If the Board's ability to grant waivers was reduced to only those standard conditions with equivalent requirements in Section 5.3, as suggested by comments received during Zoning Case 658-AT-09, all other standard conditions would still be subject to variance, and a petitioner's ability to seek relief from unreasonable standard conditions would be largely unchanged.
 - (b) However, in a Special Use Permit case where variances from multiple standard conditions were required, a petitioner would be required to pay Zoning Case Filing Fees for the Special Use Permit and for the parallel Variance case. Time spent in the public hearing for that case would also increase as the ZBA and County Board would be required to consider the Special Use Permit and all required Variances separately.
 - (c) In the case of County Board Special Use Permits for wind farms, state statute gives the County Board the right to approve certain variances if they so choose.
- 

- (3) Regarding the intent of Subsection 6.1 and subparagraph 9.1.11 D.1:
 - (a) Subsection 6.1 and subparagraph 9.1.11 D.1. grant the ZBA and County Board the ability to grant waivers of standard conditions which, "...are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction..."
 - (b) Section 5.3 of the Zoning Ordinance is entitled "Schedule of Area, Height, and Placement Regulations by District," and establishes requirements for minimum lot area, maximum lot area (for lots in the CR, AG-1, and AG-2 Zoning Districts), minimum average lot width, maximum height of principal and accessory structures (in feet and stories), front setback from street centerlines, front yard, side yard, rear yard, and maximum lot coverage.
 - (c) Other COUNTY ordinances, state regulations, federal regulations, and other authoritative bodies having jurisdiction do not, in general, enact requirements regarding area, height, and placement of structures.
 - (d) The clause quoted in Item 8.A.(3)(a) above is unnecessary if the intent of Subsection 6.1 and subparagraph 9.1.11 D.1 was to grant the ZBA and County Board the ability to grant waivers of only those standard conditions with equivalent requirements in Section 5.3.
 - (4) The practice of the Zoning Board of Appeals in the 17 years since Zoning Case 855-AT-93 was adopted has been to view all standard conditions as subject to waiver.
- D. None of the General Land Use Policies appear to be relevant to the proposed amendment.
-

DOCUMENTS OF RECORD

1. Memo to the Champaign County Board Committee of the Whole, dated, February 22, 2010, regarding direction to Zoning Administrator regarding a necessary zoning ordinance text amendment to conduct a proposed Zoning Ordinance text amendment clarifying standard conditions and clarifying wind farm shadow flicker requirements
2. Application for Text Amendment from Zoning Administrator, dated March 3, 2010
3. Preliminary Memorandum for Case 666-AT-10, dated March 19, 2010, with attachments:
 - A Draft Proposed Change to Subsection 6.1 and subparagraph 9.1.11 D.1.
 - B Approved Finding of Fact for Zoning Case 855-AT-93
 - C Draft Finding of Fact for Case 666-AT-10

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 666-AT-10 should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date