

CASE 948-AT-19

PRELIMINARY MEMORANDUM

September 19, 2019

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

BACKGROUND

At its May 9, 2019 meeting, ELUC reviewed a memorandum dated May 1, 2019 regarding proposed changes to Zoning Ordinance Section 8.3: Nonconforming Structures – see Attachment B. The proposed change is to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

ELUC approved opening a ZBA public hearing for these amendments at its June 6, 2019 meeting.

REASONS FOR THE PROPOSED AMENDMENT

Section 8.3.2 currently requires a variance in order to reconstruct a nonconforming structure destroyed to an extent greater than 50% of its replacement cost. As Section 8.3.2 is written, a property owner would have to wait for a structure to be damaged or destroyed before they could apply for a variance to rebuild.

Numerous variance cases have resulted in P&Z Staff finding that there is also a nonconforming structure on the property that would require a variance should it be destroyed. P&Z Staff believe the option should be available to request the variance before a nonconforming structure is destroyed when there is another required zoning variance needed for the property. Allowing the variance prior to destruction could reduce the time between when a structure is destroyed and when it can be rebuilt by months, since variance cases may have to wait several ZBA meetings before they can be heard.

ADDITIONAL INFORMATION RELATED TO THE PROPOSED AMENDMENT

Section 9.1.9 B.4. of the Zoning Ordinance states, “At no time shall the BOARD, the Hearing Officer or the GOVERNING BODY grant a VARIANCE to waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.”

At the January 17, 2019 ZBA meeting, there was a case that included several required variances. P&Z Staff decided to include a variance for a nonconforming house to be proactive about the possibility of the structure being damaged in the future. Mr. DiNovo stated that he had a very strong reservation

with respect to hearing the variance about the nonconforming structure “because the existing house is a lawful nonconforming structure that can continued to be used, and this Board does not have the legal authority to grant a variance to simply make a nonconforming structure conforming.” Further, Mr. DiNovo stated, “Section 9.1.9 of the Champaign County Zoning Ordinance indicates that the Board is prohibited from granting variances for nonconforming structures except for those that are specifically provided for in Section 8, which provides for granting variances for expansions of nonconforming uses and provides for granting variances for the reconstruction of nonconforming uses that have been destroyed. The home is still there, so there is no provision in the Zoning Ordinance for granting a variance for an existing structure just because it is nonconforming. The Board is not authorized to erase the nonconforming status of existing structures; we can provide for their expansion and reconstruction, but the Board is not authorized to change their status and that is what Part B. proposes to do and would be violating Section 9.1.9 of the Ordinance.”

The January 17, 2019 minutes state, “Mr. Hall stated he understands Mr. DiNovo’s point, but as the Zoning Administrator, he sees the Ordinance having unintentional bad effects, and every day he minimizes those as much as he possibly can, and this is another aspect of that, but this is a decision by this Board...Mr. Hall stated that this is one of the most common variances. He asked the Board to recall how many variances they have received with this part to it, so he would consider this a critical amendment. He said that he does not like doing text amendments because they always end up taking up more time than can be imagined, but this is something that is fundamental.”

Ultimately, the ZBA voted in favor of allowing the variance 5-0, with Mr. DiNovo voting in favor, but with strong reservations.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated May 1, 2019, with attachment:
 - Proposed Changes to Zoning Ordinance Other Than in Response to Municipal Concerns dated February 27, 2019
- C Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 948-AT-19 dated September 26, 2019, with attachment:
 - Annotated version of proposed amendment

LEGAL PUBLICATION: WEDNESDAY, SEPTEMBER 11, 2019

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

**NOTICE OF PUBLIC HEARING IN REGARD TO PROPOSED AMENDMENTS TO THE
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 26, 2019, at 6:30 p.m.** prevailing time in the John Dimit Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to amend the Champaign County Zoning Ordinance as follows:

Case 945-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required time for municipal review by adding the following:
 1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- B. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- C. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 946-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
- B. Increase the minimum required time for municipal review by adding the following:

1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
 2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
 3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
 4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- C. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- D. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- E. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 947-AT-19

Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District, and amend the requirements in Section 6.1.5 Q.(4)e. to add requirements for financial assurance provided by financial institutions headquartered in Champaign County.

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Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, SEPTEMBER 11, 2019 ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

TO: **Environment and Land Use Committee**

Case 948-AT-19, ZBA 09/26/19
Attachment B Page 1 of 2

FROM: **John Hall, Champaign County Zoning Administrator**
Susan Burgstrom, Champaign County Senior Planner

DATE: **May 1, 2019**

RE: **Update on Direction Regarding Proposed Zoning Ordinance Text
Amendment for PV Solar Farm Requirements Other than in Response
to Municipal Concerns (continued from the 3/7/19 ELUC meeting)**

Champaign County
Department of
**PLANNING &
ZONING**

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

At the 3/7/19 meeting the Committee reviewed a memorandum dated 2/27/19 that included two proposed changes to the Zoning Ordinance. Those changes are included as Attachment A.

The 2/27/19 memorandum also referred to another proposed change involving the minimum required credit rating for financial institutions headquartered in Champaign County providing solar farm financial assurance. No draft language was included for this proposed change in that 2/27/19 memo.

ALTERNATIVE MINIMUM CREDIT RATING FOR FINANCIAL INSTITUTIONS HEADQUARTERED IN CHAMPAIGN COUNTY

The Zoning Ordinance currently requires that a financial institution providing financial assurance for solar farm decommissioning must have a minimum corporate debt rating of "A" by S&P or "A2" by Moody's. Staff has been contacted about establishing alternative minimum credit ratings for banks headquartered in Champaign County.

An alternative minimum credit rating for banks headquartered in Champaign County that provide financial assurance for solar farm decommissioning is proposed in Attachment B.

The proposed alternative minimum credit rating for banks headquartered in Champaign County is approximately the same as the minimum corporate debt ratings from S&P or Moody's so there should be little or no added risk to Champaign County arising from this proposed change.

It is assumed there is only one bank headquartered in Champaign County that will be able to meet these minimum credit ratings.

The proposed changes in this memorandum have been referred to the State's Attorney's Office for legal review.

ATTACHMENTS

- A **2/27/19 Proposed Changes to Champaign County Zoning Ordinance other than in Response to Municipal Concerns**
- B **Alternative Minimum Required Credit Rating for Financial Institutions Headquartered in Champaign County**

1. Delete existing Section 6.1.5B.(2)b.:

b. ~~Less than one half mile from the CR Conservation Recreation Zoning District.~~

{Note: This part of the amendment is not related to the 11/5/18 letter from non-home rule municipalities. Based on the reviews of recently authorized PV SOLAR FARMS, a minimum separation from the CR Conservation Recreation Zoning District is not necessary and should be eliminated from the Ordinance.}

2. Amend Section 8.3.2 to read as follows (proposed new text is underlined):

8.3.2 Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9. The BOARD may authorize such a VARIANCE prior to such STRUCTURE incurring any damage or destruction.

{Note: This part of the amendment was not requested in the 11/5/18 letter from non-home rule municipalities and is not related to any recently authorized PV SOLAR FARM. This part of the amendment makes it clear that an owner can apply for a variance to replace a nonconforming structure prior to the structure actually being destroyed.}

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

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

Date: *{September 26, 2019}*

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to update the requirements for Photovoltaic (PV) SOLAR FARMS in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. Goal 1 is **NOT RELEVANT** to the proposed amendment in general.

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7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. Goal 2 is *NOT RELEVANT* to the proposed amendment in general.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. Goal 3 is *NOT RELEVANT* to the proposed amendment in general.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Goal 4 is *NOT RELEVANT* to the proposed amendment in general.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. Goal 5 is *NOT RELEVANT* to the proposed amendment in general.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Goal 6 is *NOT RELEVANT* to the proposed amendment in general.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. Goal 7 is *NOT RELEVANT* to the proposed amendment in general.

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13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. Goal 8 is **NOT RELEVANT** to the proposed amendment in general.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. Goal 9 is **NOT RELEVANT** to the proposed amendment in general.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is **NOT RELEVANT** to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose because concerns about adequate light, pure air, and safety from fire and other dangers are common concerns related to nonconforming structures.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose because allowing for reconstruction of a damaged structure is critical to maintaining the value of that structure.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

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- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose because it will allow a variance for rebuilding a nonconforming structure to be considered prior to any damage occurring, which will facilitate repair that much quicker should damage actually occur.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

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- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient

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development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment ***WILL*** improve the text of the Zoning Ordinance because:
 - A. The proposed amendment will allow a variance for rebuilding a nonconforming structure to be considered prior to any damage occurring, which will facilitate repair that much quicker should damage actually occur.
 - B. The proposed amendment will streamline variance case processing by adding a potential future variance case to a currently necessary variance case.

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NOT RELEVANT*** to LRMP Goals because it only concerns zoning case administration.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

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DOCUMENTS OF RECORD

1. Legal advertisement
2. Preliminary Memorandum for Case 948-AT-19 dated September 19, 2019, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated May 1, 2019, with attachment:
 - Proposed Changes to Zoning Ordinance Other Than in Response to Municipal Concerns dated February 27, 2019
 - C Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 948-AT-19 dated September 26, 2019, with attachment:
 - Annotated version of proposed amendment

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FINAL DETERMINATION FOR CASE 948-AT-19

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

The Zoning Ordinance Amendment requested in **Case 948-AT-19** 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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PROPOSED AMENDMENT FOR CASE 948-AT-19

1. Amend Section 8.3.2 to read as follows (proposed new text is underlined):

8.3.2 Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9. The BOARD may authorize such a VARIANCE prior to such STRUCTURE incurring any damage or destruction.