PROPOSED AMENDMENT 1

ISSUE

In the existing Zoning Ordinance, the Core Commercial District (Article 12, C-1) provides that single-family residences are a use permitted by right. The new Zoning Ordinance eliminates this as a principal permitted use, but still permits two-family dwellings.

The intent of the modified Ordinance is to encourage development of retail and commercial spaces within the C-1 zone. However, there are currently numerous single-family residences currently existing in the C-1. While the new Ordinance would permit these residences to continue as lawful nonconforming uses, this status would restrict the expansion, or reconstruction of an existing single-family residential use within the C-1 zone.

At its meeting to approve the text of the Zoning Ordinance, the planning commission heard from the zoning administrator asking the commission to consider allowing existing single-family homes to remain a lawful permitted use. The planning commission voted four to zero to support an amendment to the C-1 zone, with language to be proposed by the zoning administrator, to prevent existing single-family residences from becoming nonconforming uses.

The planning commission proposes that the Village Council adopt such a revision to the proposed language.

PROPOSED SOLUTION

Section 5.07 of the Zoning Ordinance contains Table 5 "Zoning Ordinance Use Table", showing all potential uses, whether permitted by right, by special permit, or not permitted at all, within each zone. It is proposed that an asterisk be placed in the box for single-family dwelling in the C-1 zone. At the bottom of the table the following language would be added, "A single-family residential use both established, and occupied, on before July 11, 2024, shall be treated as a principal permitted use by right for all purposes under this ordinance, and may continue as such without the need for a variance, or certificate of nonconforming use issued under this Ordinance."

POTENTIAL MOTION

I move that we amend the table at section 5.07 by placing an asterisk in the box for single-family dwellings in the C-1 zone, and add the following language at the bottom of the of the table, "A single-family residential use both established, and occupied, on before July 11, 2024, shall be treated as a principal permitted use by right for all purposes under this ordinance, and may continue as such without the need for a variance, or certificate of nonconforming use issued under this Ordinance."