



## Legislation Details (With Text)

**File #:** ORD 17-019    **Version:** 2    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 8/15/2017    **In control:** City Council  
**On agenda:** 9/12/2017    **Final action:** 9/12/2017  
**Title:** Public Hearing and Action on Ordinance 17-019, an Ordinance rezoning Lot 100, Block 1, Skinner's Third Addition from an Industrial I-1 Light District to a Residence R-1D Single-Family District (807 2nd Street So.).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance, 2. Hearing Notice, 3. Planning Commission Minutes 8/1/2017, 4. Area Map, 5. Rezoning Map, 6. Exhibit Map

Date	Ver.	Action By	Action	Result
9/12/2017	2	City Council	denied	
8/22/2017	1	City Council	read into the record	

Public Hearing and Action on Ordinance 17-019, an Ordinance rezoning Lot 100, Block 1, Skinner's Third Addition from an Industrial I-1 Light District to a Residence R-1D Single-Family District (807 2<sup>nd</sup> Street So.).

### Summary:

The applicant is seeking to rezone a lot from Industrial I-1 Light District to Residence R-1D Single-Family District.

### Background:

The property is located at 807 2<sup>nd</sup> Street South and currently has a residential home on the property. The general area has transitioned from residential to industrial and business uses over time; however, the area still includes a mix of uses with four (4) residential zoned properties to the east. The property was rezoned to industrial several decades ago and the residence was allowed to remain as a non-conforming use. City staff maintained an active residential rental license on the property until 2010. In 2011, the City issued a Zoning Use and Registration Permit for a daycare, which is a permitted special use in the I-1 District. When the use was changed to a daycare, the property lost its non-conforming status to allow residential occupancy of the home. The ordinance allows a non-conforming use to remain until it is discontinued for a period of one (1) year or more.

The owner would like to sell the home for use as a residence; however the I-1 District does not allow for residential occupancy. In order to use the property as a residence, the lot needs to be rezoned to an R-1D. The lot is 6,355 square feet and meets the size and frontage requirements of the R-1D District. The ordinance does not require a minimum lot size or area for a rezoning request.

The Comprehensive Plan shows this area as industrial as the land was zoned industrial at the time the current Comprehensive Plan was adopted.

**Findings of Fact:**

1. The Comprehensive Plan shows the area as Industrial.
2. The residential nonconforming status was lost when the owner changed the use to a daycare, which is a permitted special use in the I-1 District.

**Planning Commission Recommendation:**

The Planning Commission voted 6-3 to deny the rezoning request.

**Attachments:**

Ordinance  
Hearing Notice  
Planning Commission Minutes 8/1/2017  
Area Map  
Rezoning Map  
Exhibit Map