

ORDINANCE NO. O-87-2014

**AN ORDINANCE PROVIDING FOR THE REZONING OF 464
PARK AVE. S.W., IN THE VILLAGE OF BOLIVAR;
ESTABLISHING AN EMERGENCY**

WHEREAS, the Village of Bolivar has received an application from William and Barbara Russman for the rezoning of 464 Park Ave. S.W. in the Village of Bolivar from residential to commercial; and

WHEREAS, the petitioners wish to use the property as a model home and office space to meet with clients for their home construction business; and

WHEREAS, the Village Council hereby notes that the proposed use of the property is of the kind that would be permitted in a residential district as a home-based business if the petitioners lived on the property, in that it is not a public nuisance and would not change the outward appearance of the building as a residential home;

WHEREAS, the Village Council, having had public hearing and discussion on the matter, agrees with the proposed use of the property, but believes that an unlimited commercial use could be detrimental to the zoning characteristics of the neighborhood and would not be in the public welfare;

WHEREAS, the Village Council has the power to impose conditions upon any petition for rezoning which are necessary for general welfare, to protect individual property rights, and are within spirit of zoning code;

WHEREAS, the Village Council determines this rezoning should be granted on an emergency basis, containing certain conditions.

NOW, THEREFORE, the Village of Bolivar ordains as follows:

Section 1: The Application for Zoning Change filed by Barbara and William Russman is approved and the property known as is rezoned to a commercial property under the Zoning Code for the Village of Bolivar, subject to the following conditions:

The commercial use of the property shall be limited to the use of the property as a model home and office to meet with clients for a construction business. No other commercial use shall be permitted, although all uses also permitted in a residential property shall be permitted. The owners may install a sign advertising the business within in accordance with the sign requirements contained in the Bolivar Zoning Code, but the rest of the property must at all times retain the outward appearance of being a dwelling house.

Section 2: These conditions are within power of Council, and are necessary for general welfare, to protect individual property rights, and are within spirit of zoning code, in that they are needed to preserve the essentially residential character of the neighborhood, to maintain the peace of the neighborhood, and to protect neighboring property values, while allowing a use which would be permitted in a residential neighborhood if the petitioners lived in the building in question.

Section 3: This Ordinance is hereby declared to be an emergency, necessary for the preservation of the public health, safety and welfare for the purpose of allowing the property owner to proceed without further delay with operating their new business in the Village, which will provide added revenue to the Village in the form of income taxes, to allow the Village Council to proceed with a comprehensive revision to its zoning ordinances and regulations without further delay, and to protect the surrounding properties by placing conditions upon the rezoning of the property.

PASSED AND ADOPTED by the Village of Bolivar Council on this _____ day of _____, 2014.

ATTEST:

Rebecca Hubble, Mayor

Maria App, Village Clerk/Treasurer