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Keith Warren

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Chase Winebarger

TOWN COUNCIL
Clay Wilson, Mayor Pro-Tem
Melissa Curtis
Rebecca Johnson
Joe Wesson
Bobby Mosteller

TOWN COUNCIL
August 18th, 2026
6:00 pm

STAFF REPORT

Background:
The planning department has been tasked with finding a reasonable way that property owners can expand existing single-family dwellings on properties with Nonconforming Uses. This needed to be a text amendment to allow such expansion, however, it still needs to keep with the overall spirit and intent of the ordinance that is not detrimental to the overall town or residential neighborhoods.

Below is the proposed language to be added to the Zoning Ordinance if so approved. The yellow highlighted text is to represent the proposed text to be added.

§153.130 NONCONFORMING USES

(A) After the effective date of the ordinance upon which this chapter is based, existing structures, or the uses of land or structures which could be prohibited under the regulations for the district in which it is located (if they existed on the adoption date of the ordinance upon which this Zoning Code is based), shall be considered as nonconforming.

(B) Nonconforming structures or uses may be continued provided they conform to the following provisions:

(1) A nonconforming use of any building or land shall not be enlarged or extended, provided that a nonconforming use of any building may be extended to any portion of such building which was, at the time such use became nonconforming, manifestly arranged or designed for such use.

(2) A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.

(3) No structural alterations shall be made in a building housing a nonconforming use, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.

(4) A nonconforming use of any building or structure which is damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, or act of God, shall be discontinued, and such building or structure shall thereafter be used only in compliance with the provisions of the district in which it is located.

(5) If a nonconforming use is discontinued for a continuous period of more than 120 days, any future use of the land or building shall be in conformity with the provisions of this chapter.

(C) Existing Single-Family Residential Dwellings in the Highway Business District (H-B). Notwithstanding any other provision of this Ordinance governing nonconforming uses or structures, an existing residential principal dwelling may be extended or enlarged, provided that all of the following requirements are satisfied:

(1) The dwelling was constructed before July 1, 1988;

(2) The dwelling has been continuously used for residential purposes since before July 1, 1988;

(3) The dwelling is located on a lot or parcel containing at least two acres;

(4) The extension or enlargement remains part of the existing principal dwelling and does not create an additional dwelling unit or change the property to a different residential or nonresidential use, unless otherwise permitted by this Ordinance; and

(5) The extension or enlargement complies with all applicable building codes, permitting requirements, setbacks, height limitations, lot-coverage requirements, floodplain regulations, wastewater or septic requirements, and other development standards.

A temporary vacancy resulting from a change in ownership, renovation, repair, or casualty damage shall not, by itself, constitute a discontinuance of residential use. Any abandonment or discontinuance of the residential use shall be governed by the applicable provisions of this Ordinance. If the residential use is abandoned or discontinued for a period of 180 days or more, then the nonconforming use can no longer be expanded.
(Ord. §90D, passed 2-19-2008) (Ord. Passed __-__-2026)

Staff Recommendation:
Staff recommends that the Town Council consider approving this text amendment. This text amendment will provide more options in the Town of Sawmills for residential housing and make many nonconforming homes now expandable again, given that they meet the standards of the nonconforming ordinance. The Planning Board also recommended this text amendment for approval.

Consistency and Reasonableness Statement:
The proposed text amendment is consistent with the goals and recommendations of the Town of Sawmills Comprehensive Plan (2017). Specifically, the Comprehensive Plan identifies "Providing Housing Options for Young Adults" as one of the Town's primary goals. By expanding the types of residential housing permitted within the Highway Business District, the amendment would create additional housing opportunities for residents, including young adults, first-time homebuyers, and others seeking housing options within the Town. The Comprehensive Plan also recommends diversifying the Town's housing supply. The proposed amendment directly advances this recommendation by allowing greater flexibility in the development and use of property within the Highway Business District. This flexibility may encourage a broader range of housing types and provide opportunities for residential development in areas where housing options are currently limited.

The amendment is also reasonable and of the public interest because it responds to the community's need for additional and varied housing opportunities while making more efficient use of land within an established zoning district. Increasing the potential housing supply may improve access to housing, provide residents with more choices, and support a balanced mixture of residential and commercial uses. For these reasons, the proposed text amendment is both consistent with the Town of Sawmills Comprehensive Plan and reasonable considering the Town's current and future housing needs.