

To: Board of Trustees
From: Zoning Board of Appeals
Date: June 20, 2013

Ladies and gentlemen:

Over the past two months we have been discussing an issue that was raised by Trustee Meroni regarding the effect of a condemnation on existing lots of record. At our June 17, 2013 meeting the ZBA passed a motion to request the Board of Trustees review the suggested amendments, which are attached hereto, and allow the ZBA to hold a public hearing on such amendments before making a formal recommendation to the Board.

Respectfully Submitted:

[signature]

Judith Freeman, Chairperson

5-5-4: LOT AREA:

Lot area requirements shall be as set forth under each zoning district.

(A) No use shall be established or hereafter maintained on a lot recorded after April 1, 1963, which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located, unless such lot is a lot of record or is subject to the provisions of Section 5-5-4 (C) below. (Ord. 63-1, 4-1-1963; amd. 1977 Code)

(B) In any residence district, on a lot which was is a lot of record, a single-family dwelling may be established regardless of the area of the lot, provided that all other requirements of this title are met. (Ord. 89-8, 7-24-1989)

(C) A zoning lot that is a conforming lot or an existing lot of record that is reduced in area by the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance to an authorized governmental body under threat of eminent domain if such lot is no longer conforming, shall be treated as a lot of record for purposes of this Section 5-5-4.

(C)(D) In any residence district, a lot of record which does not meet the area requirements of this title may be voluntarily increased in area, provided that all other requirements of this title are met.

(D)(E) No existing building shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which such building is located. (Ord. 63-1, 4-1-1963; amd. 1977 Code)

5-5-5: AVERAGE LOT WIDTH:

Average lot width requirements shall be as set forth under each zoning district.

(A) No use shall be established on a lot which was recorded as a lot after January 26, 1981, which is of less "average lot width", as that phrase is defined and determined according to section [5-2-1](#) of this title, than is prescribed hereinafter for such use in the zoning district in which it is to be located.

(B) In any residence district, on a lot which was recorded between April 1, 1963, and January 26, 1981, the average lot width as prescribed hereinafter shall be calculated using only the front lot line. (Ord. 84-5, 3-26-1984)

(C) In any residence district, on a lot which was is a lot of record, a single-family dwelling may be established regardless of the width of the lot, provided that all other requirements of this title are met. (Ord. 89-8, 7-24-1989)

(D) A zoning lot that is a conforming lot or an existing lot of record that is reduced in width by the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance under threat of eminent domain if such lot is no longer conforming, shall be treated as a lot of record for purposes of this Section 5-5-5.