



Pete Panepinto
Mayor

October 17, 2025

Line-Item Veto Statement for Ordinance No. 25- 5773 C.S.
An ordinance granting an expanded conditional use to Sherri Brown Jackson
to construct a duplex at 806 Mooney Avenue

Council,

I am exercising my authority and vetoing Ordinance 25-5773 C.S., which granted an expanded conditional use (ECU) to Sherri Brown Jackson to construct a duplex at 806 Mooney Avenue.

Dr. Brown originally requested a rezoning of her property from RS-3 to RM-2. RS-3 is a single-family residential zoning that does NOT allow duplexes. RM-2 is a multi-family residential zoning that *does* allow two-family housing, or duplexes. The Planning and Zoning Commission recommended approval of Dr. Brown's request—finding the new zoning compatible with surrounding zonings, which include RM-2. Rezoning would have granted Dr. Brown the right to build the duplex and ensured this duplex was a conforming (i.e. legal) structure.

The Council denied Dr. Brown's rezoning request and instead granted her an ECU.

In granting an ECU, the City's Unified Development Code (UDC) requires

1. the ECU be "noticed [and] advertised" before being voted on and
2. the ECU "originate with the Zoning Commission and... comply with all procedural requirements and limitations of a rezoning."

NONE of these requirements were met.

Additionally, as defined in the UDC, an ECU is "a personal right [that] expires upon a change in ownership of the property from the person or persons originally granted the conditional use." Consequently, while an ECU would grant Dr. Brown the personal right to build the duplex, it would also result in a nonconforming (i.e. illegal) structure, requiring future property owners—heirs, family members, other successors—to bring the duplex into conformance at their expense. With respect to nonconformity, the goals of the UDC are clear: "to curtail substantial investment in nonconformities and to bring about their eventual elimination... in order to preserve the integrity of... regulations."

It is my opinion that, in denying Dr. Brown's rezoning request and instead granting her an ECU, the Council did NOT act in the best interests of Dr. Brown and her successors, did NOT meet the requirements of the UDC, and did NOT support established goals of the City.

I therefore urge the Council to uphold this veto and to correct its action by reconsidering (and granting) Dr. Brown's rezoning request at the October 28 Council meeting.

Sincerely,

Pete Panepinto
Mayor