




## MEMORANDUM

---

Date: May 2, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress   
City Manager

From: Katie P. Halloran  
Planning Director

Subject: **A request to approve the proposed text amendment to Section 86-9 entitled “Definition of terms.”, and Section 122-30 entitled “Abandonment of nonconforming use.” of the Land Development Regulations, to provide for an amended definition of the term “abandon”.**

---

### Introduction

The purpose of this ordinance is to amend the City’s Land Development Regulations to provide clear, consistent, objective language for the term “abandon”, defined in Section 86-9 entitled *Definition of terms*, and Section 122-30 entitled *Abandonment of nonconforming use*. The proposed text amendment was developed by the Planning Department with coordination from the Legal Department, has been recommended for approval by the Planning Board, and is recommended to be approved by the City Commission.

### Background

Pursuant to Section 122-32 of the Land Development Regulations (LDR’s), a nonconforming use may be continued subject to specified conditions in the City Code. However, if a legal nonconforming use ceases, and falls under the City’s definition of “*abandon*” as defined within Section 86-9, as elaborated further in Section 122-30 of the LDR’s, the property must conform with the use sections of the Land Development Regulations going forward. The proposed amendment provides City staff with objective criteria to determine whether a nonconforming property or land use has been abandoned. The proposed amendment is intended to further promote land use consistency and compatibility across all nonconforming properties within any designated zoning district, by clarifying criteria for determinations of abandonment.

As noted above, the proposed text amendment has been recommended for approval to the City Commission by the Planning Board through Planning Board Resolution No. 2023-006. The Planning Board did not suggest any changes to the proposed text amendment. The full text of the proposed changes are provided in the attached draft ordinance.

**Procurement**

The proposed text amendment would not have any financial impact on the City.

**Recommendation**

Staff recommend approval of the proposed text amendments to Section 86-9 entitled, “*Definition of terms.*”, and Section 122-30, entitled “*Abandonment of nonconforming use.*” of the Land Development Regulations, as outlined in the attached draft ordinance and as recommended for approval by the Planning Board through Resolution No 2023-006.

Exhibits:

Exhibit A – Planning Board Resolution No. 2023-006