



Legislation Text

File #: 201117., **Version:** 1

Determination of status of a legally non-conforming use for a property located in the U8 Transect Zone.
Located at 1516 N Main St.

Explanation:

Per Section 30-10.5 of the City's Land Development Code, certain nonconforming uses that have been established as a legal nonconforming use may continue indefinitely as long as the use is not abandoned. "Abandoned" means to cease the use for a continuous period equaling or exceeding nine months. City staff, after a review of relevant evidence, has determined that the use at this subject property has been inactive for a continuous period equaling or exceeding nine months and has therefore been abandoned. Consequently, this property may no longer be used for outdoor storage and display.

The purpose of this hearing is for the City Plan Board to make a final decision regarding whether or not the use of the property for outdoor storage and display has been abandoned and therefore is no longer permitted. Per Section 30-10.5, the property owner has the burden to present relevant evidence to establish that the use has not been abandoned. Relevant evidence can include public records, utility records, property records, verified personal records, or other general research and documentation. The intent of the owner or user shall not be relevant in determining whether the use has been abandoned. The time period of any legal proceedings related to change of ownership, including foreclosures or bankruptcies, shall not be used in any calculation of the time period for abandonment. Following the close of the public hearing, the City Plan Board shall render its decision no later than 30 calendar days after the date of the hearing.

Fiscal Note

None

Recommendation:

Staff to City Plan Board - Make a final decision regarding whether or not the use of the property for outdoor storage and display has been abandoned and therefore is no longer permitted.