



# **RESOLUTION 2012-07 STATUS UPDATE**

**TOWN COMMISSION SPECIAL WORKSHOP  
APRIL 24, 2013**



# NONCONFORMING USE OR STRUCTURE SECTION 158.138(B)(8)

- **Not Used or Occupied, Vacant for Period of One Year  
Deemed Abandoned**
- **Abandonment Removes Nonconforming Status**
- **Extensions due to Legal Restraints Permissible through  
Town Commission Action**



# LOSS OF NONCONFORMING STATUS

- **Must Comply with T-6 Zoning (6 Units/Acre)**
  - **103 Units Allowed on 17.3 Acres**
  - **Loss of 134 Units of the Existing 237 Units**



## **COLONY USE TIMELINE**

- **Colony Closed on August 15, 2010**
- **Potentially Abandoned August 15, 2011**
- **Association Requested One Year Extension May 2011**
- **Town Commission Granted Extension through December 31, 2012 (Resolution 2011-17)**
- **Association Requested Second Extension July 30, 2012**



## RESOLUTION 2012-07

- **Grants Extension Until Earlier of: Final Determination Concerning Control is Established or December 31, 2013**
- **Requires Quarterly Litigation Progress Reports**
- **Requires Development Plan for Re-Opening Within 90 Days of Final Control Determination**
- **Requires Cash Bond to Guarantee Maintenance of Property**



# **PROPERTY MAINTENANCE REQUIREMENTS**

- **Maintain Vermin and Pest Control Programs**
- **Secure all Unsafe Buildings and Stairways**
- **Restore and Maintain Landscaping and Irrigation  
Visible to Public at Pre-Shutdown Condition**



## RESOLUTION 2012-07, SECTION 5

- If Colony or Town Manager believes any conditions have not been met a public hearing before the Town Commission may be requested
- Public hearing is to determine compliance with resolution requirements
- If Town Commission determines requirements of resolution have not been met, the Town Commission may take all necessary, reasonable, and appropriate action
- Such action, upon 90 days notice, includes terminating all, or a portion, of the extensions of time granted for the nonconformity



**END OF ITEM**