



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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RUDOLPH J. RINALDI, Commissioner

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Borough Operations
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Issuance # 301

OPERATIONS
POLICY AND PROCEDURE NOTICE # 12/91

To: Distribution
From: Barry G. Cox
Date: June 12, 1991
Subject: Discontinued Non-Conforming Uses

Purpose: To establish a procedure to alert plan examiners to a discontinued non-conforming use at a premises.

Effective Date: Immediate

Specifics:

Intergovernmental Relations:

Documentation to establish whether a premises is a discontinued non-conforming use shall be forwarded to Intergovernmental Relations who shall review it and forward it to the General Counsel's Office. Intergovernmental Relations shall maintain a list of premises sent for review and shall notify the Assistant Commissioner for Borough Operations whenever there has been a new submission.

General Counsel:

General Counsel's Office shall review the request and determine whether sufficient documentation exists to establish a discontinued non-conforming use. Upon that determination the General Counsel's Office shall notify Intergovernmental Relations and the Assistant Commissioner for Borough Operations.

Borough Operations - Commissioner's Office:

The Assistant Commissioner for Borough Operations will notify the Borough Manager's Office whenever a premises is being reviewed or if the premises has been determined by Counsel's Office to be a non-conforming use. For any matter under review by Counsel's Office neither a Temporary or Final Certificate of Occupancy shall be issued.

Borough Office:

Upon instruction from the Assistant Commissioner for Borough Operations the Borough Manager will have the BIS system updated.

Data Entry

Premises under Review

The data entry clerk shall enter the phrase:
POSSIBLE DISCONTINUED NON-CONFORMING USE - UNDER REVIEW
in the "DOB BUILDING REMARKS" field located on the Property Profile Overview Screen, on the BIS System.

Premises Determined as a Discontinued Non-Conforming Use

The data entry clerk shall enter the phrase:
DISCONTINUED NON-CONFORMING USE in the "DOB Building Remarks" Field located on the property Profile Overview Screen, on the BIS System.

Once this is completed the clerk shall forward a copy of the request, with a dated notation to the Deputy Borough Superintendent.

Plan Examination:

All plan examiners shall check this field prior to approving a plan.

Premises Under Review: The plan examiner shall make certain that the filed plan is not for the discontinued non-conforming use. If it is, then the plan examiner shall forward the plan to the Deputy Borough Superintendent for review.

Premises Determined to be a Discontinued Non-Conforming Use:

If the plan examiner determines that the new use will be the same as the discontinued non-conforming use, then the plan examiner shall disapprove the plan.

JMc:mh