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

RESCINDED