

From: Marit Brock
Sent: Monday, November 26, 2012 11:42 AM
To: Lindgren, Patricia (CI-StPaul)
Subject: Re: FW: Non conforming use text amendments

Hi Pat - this one was not something that was a concern to me, I don't know if others will have a concern.

The proposal from Councilman Stark (copied below with bold and italic added by me) related to rental property, which is a concern for me. Although this change is better than the original proposed by the planning commission, it still gives some discretion to the zoning administrator to make a call about whether a use is appropriate. My preference would be to not change the current practice, which is to require that once a residential building has been vacant for more than one year they must go through the full application process to reestablish the nonconforming use. The process described below seems much too subjective based on the opinion of the zoning administrator which could be dangerous for an old neighborhood like ours where properties have been broken up into multiple units, in some cases they were broken up decades ago. It seems like an easy call for someone not connected with the neighborhood to decide that the multiple units were original, etc.

The practical example for me is the property at 69 Douglas, which [was built in 1921 and](#) was converted to a duplex many years ago. It was a problem property but has been vacant for at least two years with limited activity. The neighborhood is very invested in trying to make sure that whoever purchases the property will do a good job, and right now it is less attractive because it is no longer a duplex. It is also in pretty rough shape, but if it was easy to reestablish this property as a duplex it would probably be scooped up by a slumlord. I want to make sure that it is not easy to repeat the mistakes of the past!

When a legal nonconforming use is discontinued or ceases to exist for a continuous period of ~~three hundred sixty-five (365) days~~ more than one (1) year, the building, or building and land in combination, shall thereafter be used in conformance with the regulations of the district in which it is located, unless the planning commission approves a permit to reestablish the nonconforming use as set forth in section 62.109(e). A residential building vacant for more than one (1) year may be reestablished at the number of units for which it was originally constructed provided that it has not been physically converted to a fewer number of units. If the building has been converted to fewer units, the use may be re-established up to the reduced number of units. **The zoning administrator shall determine the number of units at the time of original construction by any of the following methods: an onsite inspection, building permit records, county assessor records, or similar public records.** If the original number of units cannot be clearly established by the zoning administrator, the process for reestablishment of a nonconforming use in section 62.109(e) shall be followed.

Thanks!
Marit