

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: September 20, 1996

TO: Bob Derrick	Gary Kohler	Pam Dhanapal
Greg Kipp	Lisa Pringle	Terry Brunner
Tom McDonald	Anna Nelson	Harold Vandergriff
Mark Carey	Mike Sinsky	Ken Dinsmore

FM: Jerry Balcom

Present: Priscilla Kaufmann, Pam Dhanapal, Greg Borba, Betty Salvati, Connie Blumen

- 1. Can one nonconforming use be exchanged for another nonconforming use if there is no "expansion" of the building to accommodate the new nonconforming use? See K.C.C. 21A.02.040(A) and K.C.C. 21A.32.020(A). (Greg Borba)**

The committee was in agreement that Title 21A does not contain any provisions which would allow one nonconforming use to replace another nonconforming use. K.C.C. 21A.02.040(A) states that "No use or structure shall be established, *substituted* (emphasis added), expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title." K.C.C. 21A.32.020(A) requires that "all nonconformances shall be subject to the provisions of this chapter." There are no provisions in K.C.C. 21A.32 that allow substituting one nonconforming use for another. The issue of whether or not the structure in which the new nonconforming use will be located needs to be modified or expanded is not relevant to this question.

The committee suggested that the question be researched to determine if provisions should be established to allow a change of use provided the new proposed nonconforming use is on the same permitted use table as the existing nonconforming use and if it has the same review procedures (i.e. permitted outright, conditional use permit required, etc.). Any new provisions should also address the relationship between a change of use and modifications to the structures used to accommodate the use.

JB:pk

cc: Priscilla Kaufmann, Code Development Planner
Connie Blumen, Code Development Planner
Greg Borba, Planner III, Land Use Services Division