
MEMORANDUM

DATE: April 11, 2003

TO: Council Members

FROM: Council Member Carlton Christensen

SUBJECT: Legislative Action – request to reevaluate the Zoning Ordinance relating to the nonconforming use regulations

CC: Rocky Fluhart, Dave Nimkin, DJ Baxter, Ed Rutan, Lynn Pace, Alison Weyher, David Dobbins, Roger Evans, Brent Wilde, Harvey Boyd, Craig Spangenberg, Enzo Calfa, Jan Aramaki, Marge Harvey, Sylvia Jones, Janne Neilson, Annette Daley, Barry Esham, Gwen Springmeyer

I would appreciate the Council's support for a Legislative Action requesting that the Administration reevaluate the non-conforming use and non-complying structure regulations in the Zoning Ordinance, Sec. 21A.38. I am aware that in the past several years other Council Members have been contacted by constituents and property owners who have experienced difficulty in selling their properties or securing financing and insurance for their properties and buildings at a competitive rate.

In following up on this with the Administration, Planning staff indicated that it would be appropriate to update the current non-conforming use and non-complying structure requirements to allow a case by case evaluation of uses and provide options for reconstruction in certain instances.

I would appreciate the support of Council Members in asking the Administration to reevaluate the regulations in the Zoning Ordinance and provide the Council with options. The result I would like to see is Zoning Ordinance language that would:

- Eliminate the current percentage limitations for reconstruction, improvement or expansion of non-conforming uses and non-complying structures.
- Establish refined standards, public notification and review processes that include:
 - Replacement, reconstruction, improvement or expansion of certain types of non-conforming uses and non-complying structures.
 - Establish categories of non-conforming uses and non-complying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood.
- Other options that may be identified by the Administration.

Item F-2

Legislative Action sponsored by Council Member Carlton Christensen relating to non-conforming use and non-complying structure regulations in the Zoning Ordinance.

- Council Members discussed this item with the Announcements on March 4, 2003.
- A majority of Council Members were comfortable with placing this on the Council's agenda for formal action.