

# Zoning: Nonconforming Buildings and Uses

## Introduction

According to the Michigan Zoning Enabling Act (PA 110 of 2006), “if the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment.

## What does nonconforming mean?

A nonconforming building or use is one that, when created, met the requirements of the zoning ordinance in effect at that time, but, as a result of a situation beyond the control of the owner, does not comply with the current ordinance.

The basic rule regarding nonconformities is that if the use or building was legal when constructed, it must be allowed to continue to exist.

## What is a nonconforming building?

Most municipal zoning ordinances will not permit a nonconforming building to be enlarged or expanded beyond its existing external footprint. However, regulations may be adopted that permit some degree of expansion, but approval by the zoning board of appeals is usually necessary to do so.

## What is a nonconforming use?

Nonconforming uses are most often created when a property is rezoned or changes are made to the uses allowed in a district. This can be a problem when residentially developed areas are rezoned to commercial. Most municipal zoning ordinances will not permit a nonconforming use to increase its area of nonconformity.

Unlike nonconforming buildings, which may be restricted once destroyed to some degree, the only way nonconforming uses can be eliminated (absent a purchase by the community) is if the owner intentionally abandons the use.

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