



# NON-CONFORMING USES AND STRUCTURES



Imagine Flint Draft Zoning Code 2015

## Overview

Within all 17 of Flint's proposed zoning districts there are established controls placed on the size, shape, and uses for structures erected. Once the City's zoning code is finalized and approved, there are going to be existing structures / buildings that do not meet the new standards set per each district. However, if those structures were lawfully built with the appropriate permits under the previous zoning code it may still be allowed to exist by means of a **non-conformity permit commonly known as grandfathering**.

## Frequently asked questions...

**Q: If I have to make repairs or replacements to my structure will my non-conforming use still be permitted?** A: Yes, routine repairs and replacements are permitted, however, if for any reason 51% or more of the structure (or the value of the structure) is damaged, when rebuilt, it must then conform with the regulations of the new zoning code. If the damage is 50% or less, rebuilding shall be permitted.

**Q: If I have a non-conforming use that is discontinued for a period of time, if I chose to begin that same use again at a later date, will I have to conform to the new standards?** A: Possibly, you may continue a nonconforming use if the structure or use is resumed within a 12 month period. If the period of vacancy exceeds 12 months, the use and structure is then required to meet the new standards.

**Q: If I chose to relocate my structure or use to a different location within the same district, will I then have to conform to the new regulations of the zoning within that district?** A: Yes, should a structure be moved any distance for any reason, it shall thereafter conform with the regulations of the district in which it is located after being moved.

**Q: Am I permitted to make alterations to my non-conforming structure?** A: Yes, such a structure may only be enlarged or altered if it does not increase its non-conformity.

**Q: Am I allowed to change my non-conforming use to another non-conforming use?** A: It is possible to change uses, such as a retail use to another similar retail use, however, the change cannot be substantially different than the current use or disrupt the natural flow of the surrounding district. All appeals must be approved as a variance by both the Planning Commission and Zoning Board of Appeals.

### What is a nonconformity?

A nonconformity is a building, structure and /or use that does not meet the size, shape or setback requirements of the new zoning district in which it is located and is granted the authority to continue.



#grandfathering

The primary purpose of the draft zoning code is to protect health, safety and welfare of residents. It is meant to create stability within the districts, so that each district allows for a predictable range of uses and building types.