

Can I Continue to Use a Legal Non-Conforming Use or Structure?

A non-conforming use may be continued unless it is revised or discontinued for a period of six months. So if one unit in a legal non-conforming two-flat remains vacant for more than six months, that unit loses its legal non-conforming status, reverting to an illegal structure and may no longer be used in its current condition as a living unit.

A structure which is non-conforming because of setbacks or other bulk requirements may continue to be used unless it is destroyed by more than 50 percent of its value at the time of destruction. For example, if a property valued at \$400,000 suffers more than \$200,000 in damage due to a fire, then the structure must be rebuilt according to current zoning requirements. Under the current ordinance if that house happens to be a two flat in an R-1 district (a non-conforming use), only a single-family home could be rebuilt.

There are limitations as to how legal non-conforming structures can be modified. See “Can I Alter, Expand or Enlarge a Legal Non-Conforming Use or Structure?”