

What is a Legal Non-Conforming Use or Structure

Very simply, a legal non-conforming use or structure is something that was once legal, but has become illegal because of changes in the local Zoning Ordinance. Like most communities, Forest Park regulate the use of land through its Zoning Map and Zoning Ordinance. The Zoning Map assigns a zoning district for every parcel in town and the Zoning Ordinance describes how each property may be built upon...what kind of use, how close to the front, rear and side property lines a structure can be built, how tall, how intense, etc. Zones are typically arranged from least intense to most intense, so an R-1 District is intended to be the most restrictive zoning classification, which usually means it has the least number of units permitted, less lot coverage, greater setbacks, etc. An R-2 District would allow for more units and provide for more intense development. R-3 would be more intense than R-2 and R-1.

A current example of a non-conforming use might be a two-flat in an R-1 District, which only allows single-family homes according to today's Zoning Ordinance. Large multiple family buildings are non-conforming uses in the R-2 district, which allows attached townhomes or row houses as its most intense residential use.

A non-conforming structure is an existing building on the lot that does not comply with one or more setback, height, coverage, or other similar "bulk" requirement. For example, in an R-1 Zoning District, a house that is located on a 40' wide lot and is less than 4' from the side lot line is a non-conforming structure because it is closer to the side lot line than the required 10 percent of lot width requirement provided in the Zoning Ordinance. Another common example of a non-conforming residential structure is a coach home. Coach homes are second homes located at the rear of a lot. They are non-conforming because the current Zoning Ordinance allows only one principal structure on a lot. Coach homes are also considered to be non-conforming uses because, as a second residential structure, they provide for more than one single-family use on the lot. It is not uncommon in Forest Park for a lot to have a combination of a non-conforming use and a non-conforming structure, or for the structure to have more than one non-conforming aspect.