

Loss of Nonconforming Use FAQs

What is “land use” and how it is controlled?

Land use is the term used to describe the activities happening on a property. For example, the land use for a school would be “education,” while the land use for a clothing shop would be “retail.”

Land uses are controlled by the City of River Rouge’s Zoning Ordinance, which is the local law that regulates land. The purpose of the Zoning Ordinance is to promote the public health, safety, and general welfare of residents.

In the Zoning Ordinance, there are 8 “zoning districts.” Each district includes a list of the land uses that are allowed in the district and the land uses that are prohibited in the district. For example, the “Industrial” district allows for manufacturing and warehousing but prohibits residential homes. This is because residential and industrial uses are not compatible with each other.

Zoning districts are applied to every property in the city through the “Zoning Map.” This means that every property belongs to a specific zoning district. As such, the zoning district for a property controls which land uses are allowed and which are prohibited.

What is a nonconforming use?

A nonconforming use is a use that is “grandfathered in.” That means it is not allowed under the current Zoning Ordinance but it is allowed continue so long as it does not expand.

For example, a restaurant on a property that is zoned residential would be a nonconforming use, because restaurants are not allowed in residential zoning districts. A property like this would be considered to have “legal nonconforming status.”

When does a property lose its legal nonconforming status?

A property loses its legal nonconforming status in 3 ways:

- 1) The property is vacant for more than 6 months
- 2) The use stops being operated for more than 6 months
- 3) The use of the property changes to a new use that is allowed under the Zoning Ordinance

What happens when a property loses its legal nonconforming status?

The property can no longer be used for a nonconforming use. The property must be used for one of the uses that is allowed under its current zoning district.

For example, a restaurant is located on a property that is zoned residential. The restaurant goes out of business and is vacant for more than 6 months, so the property loses its legal nonconforming status. Now, the property must be used for one of the many uses that are allowed in the residential zoning district – houses, apartments, day cares, churches, etc. The property cannot be re-opened as a restaurant, and it cannot be used for any other use that is prohibited in the residential zoning district.