

# **Nonconforming Use Information Sheet**

## **Section 40.201 Definitions**

Nonconforming use. The use of a structure or premises, existing at the effective date of this chapter, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

## **Section 40.308 Nonconforming Uses and Structures**

(A) Purpose. It is the purpose of this article to provide for the regulations of nonconforming uses and structures which existed lawfully (whether by special exception, variance, or otherwise) on the effective date of passage or amendment of this Code and which fail to conform to any of the applicable regulations contained herein. Nonconforming uses are deemed to be: incompatible with and detrimental to permitted uses and structures in the zones in which they are located; the cause of disruption of the comprehensive land use patterns of the city; an inhibition of present and future development of nearby properties; conferring upon their owners and users an absolute franchise and hence a position of unfair advantage. A rigid control on expansion and the eventual elimination or reduction to conformity, as expeditiously as is reasonable, of nonconforming uses or structures is declared to be as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Code.

## **Examples:**

- 1) November 1, 2017 (2017-1500.637): Reclassified 'massage' from permitted by right, to permitted by special exception use or as accessory use in a medical office
- 2) November 1, 2017 (2017-1500.638): Prohibited self-storage
- 3) April 4, 2012 (1500.585): Prohibited pawn shops and auto repair in Corridor and B-3 districts
- 4) January 8 1997 (1500.585): Prohibited auto body shops and auto painting in the B-3 district.