

## ARTICLE II: GENERAL PROVISIONS

### 2.01.0 LOT OF RECORD (2012)

Lot of record shall be considered to meet the minimum lot size and frontage requirements of the Ordinance if it was in existence prior to the adoption of the Zoning Ordinance (3/11/69) as long as the lot of record has fifteen (15) feet of frontage on a Class V or better road.

### 2.02.0 NON-CONFORMING USES AND STRUCTURES (2013)

A use or structure lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated.

### 2.03.0 NON-CONFORMING USE AND STRUCTURES – CONTINUANCE, DISCONTINUANCE, OR CHANGE (2013)

2.03.1 **INTENT:** The intent of this section is to allow for the lawful continuance of non-conforming uses, and/or structures and to allow a certain reasonable level of alteration, expansion or change that will not change the nature of the use and unduly impact the neighborhood.

- A. **Continuance:** A non-conforming use or structure may be continued, although such use or structure does not conform to the current provisions of this Ordinance.
- B. **Discontinued use:** Whenever a non-conforming use has been discontinued for more than one (1) year for any reason, such non-conforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this Ordinance.
- C. **Alteration, Expansion, or Change:** Alterations, expansion or change of a non-conforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that:
  - 1. The proposed alteration, expansion or change shall not change the nature of the original use or structure and the proposed alteration, expansion, or change shall involve no substantially different effect on the neighborhood; or, (2013)
  - 2. In the case of Home Occupations (Article X, Sec. 10.02.3), Accessory Dwelling Units (ADU) (Article X, Sec. 10.02.6) and Office in the Residence A and B Districts (Article X Sec. 10.02.7), the proposed alteration, expansion, or change to a non-conforming use or structure complies with those specific Special Exception criteria governing those uses.

### 2.04.0 PUBLIC NUISANCE (2008)

No residential, business, commercial or industrial use shall be permitted which could cause any undue hazard to health or safety or which is offensive to the public because of noise, vibration, noxious odor, smoke or other similar reason.

### 2.05.0 USES/STRUCTURES NOT PERMITTED

Any uses of land and/or structures not specifically included in each zoning district as either acceptable or acceptable by special exception shall be considered as not permitted within that zoning district. (1997)

**2.06.0 EQUITABLE WAIVER (2012)**

Entire section moved to Section 10.7.0