

(D) The Board of Zoning Appeals shall have the power to authorize special exceptions if the following requirements are met;

(1) The special exception shall be listed as such in § 153.28 of this chapter for the district requested.

(2) The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards of § 153.55.

(3) The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(4) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(5) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(6) The special exception shall preserve the purpose of this chapter.
(‘66 Code, § 3-1-5-4)

(E) The Board shall have the power to authorize changes of lawful nonconforming uses as follows:

(1) A nonconforming use which occupies a portion of a structure or premises may be extended within the structure or premises as they existed when the prohibitory provision took effect but not in violation of the area and yard requirements of the district in which the structures or premises are located. No change of a nonconforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.

(2) The Board may authorize a change of use of an existing lawful nonconforming use to another nonconforming use if the Board determines that a change to a conforming use is not feasible and if the proposed new nonconforming use is more compatible with the use of adjoining properties than the existing nonconforming use.

(3) The Board may impose the conditions as it deems necessary for the protection of adjacent property and the public interest.

(‘66 Code, § 3-1-5-5)

(Ord. 1172, passed 10-3-66)