

**Powers and Duties-Changing of One Nonconforming Use to Another Non-Conforming Use**

- A. Upon appeal from the decision of the Zoning Administrator, that a person is or would be in violation of this Zoning Ordinance, by changing one nonconforming use to another nonconforming use, the Board shall have the power to approve the change, but only under the following conditions and circumstances.
- B. The Board shall not entertain a request to change a nonconforming use designated by the letters "SE", in Section 405, Article 4, Table of Use Regulations, to a use which is designated by the letter "N", in Section 405 thereof.
- C. The Board shall grant the change, only if the applicant shows to the satisfaction of the Board that the proposed new use will be no more objectionable in external effects than the existing nonconforming use in regards to the various criteria set forth in subsection 1006-D hereof.
- D. Before granting the requested change, the Board must be satisfied that the proposed new use will be no more objectionable with regard to the following specific criteria:
  - 1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.
  - 2. Noise, smoke, dust, fumes, vapors, gases, heat, odors, glare or vibration.
  - 3. Storage and waste disposal.
  - 4. Appearance.
  - 5. Compatibility with the neighborhood.
- E. The criteria set forth in subsection 1006-D hereof are designated minimal requirements only. A showing that each of these specific requirements has been met, does not entitle an applicant to approval by the Board for changing one nonconforming use to another nonconforming use.

F. In granting the proposed change, the Board may impose whatever conditions it deems necessary and appropriate to make the continued new nonconforming use as compatible as possible with the rest of the neighborhood in which it is located, including alterations to the exterior of any building, changes in any traffic flow, or parking, upon the property, the construction of screening, fencing, planting of shrubbery, and any other such conditions. Any conditions set by the Board under the provisions hereof, shall be conditions precedent, and the change granted under this Section shall not become effective until such conditions are carried out. In the event that the conditions are not fully carried out and/or kept and maintained, and the change has been made, the nonconforming status of the property, if any, shall be forfeited, and thereafter the property shall be treated as any other property.