

**"QUICK LOOK" COMPARISON OF ZONING REGULATIONS**

Regulations Comparison	DE SOTO	JOHNSON COUNTY
<b>Zoning District Regulations</b>	<b>Article 4: "R-0" Residential - Suburban</b>	<b>Article 9 - Rural (RUR)</b>
<b>Intent/ Uses</b>	<ul style="list-style-type: none"> <li>To control subdivision and density of development in areas that cannot be served by sewer</li> </ul>	<ul style="list-style-type: none"> <li>Maintain and enhance agricultural operation; Preserve and protect agricultural areas; Holding zone to prevent premature development/prevent urban sprawl; Reduce urban/rural conflict.</li> </ul>
<b>Uses</b>	<ul style="list-style-type: none"> <li>Single-family residences and related public/non-public uses</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture; Single-family dwellings; Railroad facilities; Accessories; Home Occupations, Supplementary Uses; Passive natural areas/parks</li> </ul>
<b>Height/Area/Bulk</b>	<b>(Also see Supplemental Regulations, Article 5)</b>	<b>(Also see Supplemental Regulations, Article 17)</b>
<i>Height:</i>	<ul style="list-style-type: none"> <li>35 feet; Public/non-public additional 2' per 1' setback</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture-no restriction; Residence-35'; Accessory-25'</li> </ul>
<i>Front Yard:</i>	<ul style="list-style-type: none"> <li>50'; Collector street 95' from CL; Arterial 105' from CL</li> </ul>	<ul style="list-style-type: none"> <li>50' (100' recommended on unpaved road)</li> </ul>
<i>Side Yard:</i>	<ul style="list-style-type: none"> <li>Residence 25'; Other uses 50'; Street side 50'</li> </ul>	<ul style="list-style-type: none"> <li>25 feet</li> </ul>
<i>Rear Yard:</i>	<ul style="list-style-type: none"> <li>50 feet</li> </ul>	<ul style="list-style-type: none"> <li>25 feet</li> </ul>
<i>Lot dimensions/area:</i>	<ul style="list-style-type: none"> <li>On sewer: 12,000 sf/100' wide; No sewer: 1 net acre</li> </ul>	<ul style="list-style-type: none"> <li>300' wide / Minimum 10 Acres</li> </ul>
<b>Intent/ Uses</b>	<b>Article 4: "R-1" Residential - Low Density</b>	
<b>Uses</b>	<ul style="list-style-type: none"> <li>Low density residential communities</li> <li>Single-family residences, parks, educational uses, religious uses</li> </ul>	
<b>Height/Area/Bulk</b>	<ul style="list-style-type: none"> <li></li> </ul>	
<i>Height:</i>	<ul style="list-style-type: none"> <li>35 feet (See also Article 5)</li> </ul>	
<i>Front Yard:</i>	<ul style="list-style-type: none"> <li>35 feet (See also Article 5)</li> </ul>	
<i>Side Yard:</i>	<ul style="list-style-type: none"> <li>10% OR Min 10'/Max 15'; Street side 20'</li> </ul>	
<i>Rear Yard:</i>	<ul style="list-style-type: none"> <li>50 feet</li> </ul>	
<i>Lot dimensions/area:</i>	<ul style="list-style-type: none"> <li>90' wide / Minimum 10,350 sf; Lot Coverage max 30%</li> </ul>	
<b><u>FENCES</u></b>	<b>Article 5, Sections 3 &amp; 11</b>	<b>Article 16, Section 2</b>
<b>Allowed in all districts</b>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
<b>Allowed on property line</b>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Yes (see below)</li> </ul>
<b>Allowed in setbacks</b>	<ul style="list-style-type: none"> <li>Yes</li> </ul>	<ul style="list-style-type: none"> <li>Limited - see below</li> </ul>
<b>Solid Fences</b>	<ul style="list-style-type: none"> <li>4' in front yards, 6' elsewhere</li> </ul>	<ul style="list-style-type: none"> <li>Only if approved by development plan or as screening</li> <li>Max 6' at PL; Up to 12' at or inside yard setback line</li> </ul>
<i>Front</i>		
<i>Rear or Side</i>		

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<p align="center"><i>Street Side/Rear</i></p> <p><b>See-Through Fence</b></p> <p align="center"><i>Front</i> <i>Rear or Side</i> <i>Street-Side/Street-Rear</i></p> <p><b>Hazards</b></p> <p align="center"><i>Traffic</i> <i>People/Animals</i> <i>Electric</i></p> <p><b>Pool/Hot tub enclosure</b></p> <p><b>Dog pens/runs</b></p>	<ul style="list-style-type: none"> <li>• 4' in front yards, 6' elsewhere</li>   <li>• Restricted within sight triangle at intersections</li> <li>• Hazardous materials not allowed</li> <li>• No electronic fence in front yard</li> <li>• Fence required per City Code</li> </ul>	<ul style="list-style-type: none"> <li>• Setback minimum 1/2 the front yard setback amount</li>   <li>• Yes, up to 4' height</li> <li>• Max 6' at PL; Up to 12' at or inside yard setback line</li> <li>• Setback minimum 1/2 the front yard setback amount</li>   <li>• Restricted within sight triangle at intersections</li> <li>• Hazardous materials for agricultural purposes only</li> <li>• Rural district only</li> <li>• Fence required with gate</li> <li>• Sufficient height/construction to contain dog(s)</li> </ul>
<p><b><u>OPEN STORAGE -</u></b></p> <p>Outside storage of salvage, scrap materials, household goods, furniture, business equip/materials</p>	<p><b><i>Article 4</i></b></p> <ul style="list-style-type: none"> <li>• Special Use Permit required</li> </ul>	<p><b><i>Article 16, Section 4</i></b></p> <ul style="list-style-type: none"> <li>• Max up to 48 hours without Conditional Permit; OK on Agrucultural property for replacement parts, if screened</li> </ul>
<p><b><u>IN-OPERABLE VEHICLES -</u></b></p> <p>Disassembled, wrecked, unable to move under own power, has not moved for 10 days, no registration</p>	<p><b><i>City Code, Chapter 8, Article 3</i></b></p> <ul style="list-style-type: none"> <li>• Regulated by City Code</li> <li>• Only in permitted salvage/wrecking yard or on private property in fully enclosed structure</li> </ul>	<p><b><i>Article 16, Section 5</i></b></p> <ul style="list-style-type: none"> <li>• Only in permitted salvage/wrecking yard or fully enclosed structure</li> </ul>
<p><b><u>TEMPORARY USE PERMIT -</u></b></p> <p>Christmas Tree Sales</p> <p>Outdoor Produce/Harvestable Goods</p> <p>Contractor's Office/ Structures</p> <p>Construction Housing</p> <p>Real Estate Project Sales Office</p>	<p><b><i>Article 5, Section 9</i></b></p> <ul style="list-style-type: none"> <li>• Harvestable Goods Related to Holidays: Meet setbacks &amp; vision triangle; 8A-10P</li> <li>• Fruits, vegetables, plants; No trees, shrubs, landscaping materials, sod; Hours limited to 8A-10P</li> <li>• Office/equipment shed; On/off-site; No sleeping or cooking</li>   <li>• Basement/garage/camper/manufactured home for construction workers on-site during const only</li> <li>• New subdivision; No sleeping/cooking unless model home; meet setbacks/sight triangle; BP; Until lots sold</li> </ul>	<p><b><i>Article 16, Section 6</i></b></p> <ul style="list-style-type: none"> <li>• Open lot; Max 45 days; No setbacks; Not in visual triangle</li>   <li>• Office/watchperson/equipment shed on construction project; No sleeping/cooking; Max 1 yr/Renewable</li>   <li>• New subdivision office; No sleeping/cooking unless model home; Max one year/Renewable</li> </ul>

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Temporary Storage Temporary Housing  Garage, Yard, Porch sale  Fundraising or Non-Commercial Outdoor Seasonal Displays  Promotional Activities/Devices  Recycling/Material Collection Recreational Vehicles Commercial Activities  Public Events	<ul style="list-style-type: none"> <li>• During construction only</li> <li>• Emergency relief during reconstruction following disaster; All utilities required; Max 180 days</li> <li>• Sell used items on private property in residential districts</li> <li>• Non-profits; Structures meet setbacks; Hours 8A-11P</li> <li>• Sale of merchandise or products; Enclosed or unenclosed area; Size limits; Hours 8A-10P</li> <li>• Displays/entertainment/inflatables/flags/trailers/etc; Sight distance/setback requirements; No nuisance impact</li> <li>• Meet setbacks; Screened from residences</li> <li>• Occasional overnight quarters</li> <li>• Tent/sidewalk sales/flea market/swap meet/auction, etc.</li> <li>• Parade/run/walk/shows; Vendors OK; No setbacks</li> </ul>	<ul style="list-style-type: none"> <li>• Trailer/structure; During construction only</li> <li>• Mfg home following disaster while rebuilding; All utilities; Notify neighbors; Min 3 acres; Max 180 days</li> </ul>
<b><u>VISUAL SIGHT TRIANGLE -</u></b>	<b><i>Article 5, Section 6</i></b> <ul style="list-style-type: none"> <li>• <i>Clear visual path a minimum 90' from intersection of CL</i></li> </ul>	<b><i>Article 17, Section 1</i></b> <ul style="list-style-type: none"> <li>• Clear visual path a minimum 90' from intersection of centerline of road / 120' on arterial streets</li> </ul>
<b><u>ARCHITECTURAL PROJECTIONS -</u></b>	<b><i>Article 5, Section 10</i></b> <ul style="list-style-type: none"> <li>• Projections such as roof eave, cornice, porch, stairs, dormer, bay/egress window, ornamentation or balcony <u>cannot</u> encroach on setbacks</li> <li>• Exception--Canopy may extend over sidewalk/right-of-way; size limitations</li> </ul>	<b><i>Article 17, Section 3</i></b> <ul style="list-style-type: none"> <li>• Open-walled and roofed--porch, canopy, balcony, platform, carport, covered patio/deck attached to main structure cannot project into setbacks</li> <li>• Open-walled and Un-roofed: porch, balcony, platform, deck may extend into setbacks in some cases.</li> </ul>
<b><u>HEIGHT REGULATIONS -</u></b>	<b><i>Article 5, Section 1</i></b> <ul style="list-style-type: none"> <li>• Per District regs (Article 4)</li> <li>• Exceptions--No limitations on grain elevator, chimney, ornamental tower, spire/church steeple, stage tower, scenery loft, monument, stacks, cooling tower, elevator head-house, fire tower, water tank/tower, mechanical unoccupied appurtenances</li> <li>• Additional height allowed with increased setbacks</li> </ul>	<b><i>Article 17, Section 4</i></b> <ul style="list-style-type: none"> <li>• Max height 60' without CUP</li> <li>• Exceptions--No limits on ag facilities, electrical power transmission lines, appurtenance such as belfry, chimney, cupola, elevator head-house, fire tower, ventilator, water tank, domestic antenna less than 60' tall, or mechanical appurtenance unless aircraft hazard</li> </ul>

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**Regulations Comparison**

**DE SOTO**

**JOHNSON COUNTY**



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<p><b><u>SUPPLEMENTAL YARD REGS -</u></b>  <b>Front yard setbacks</b></p> <p><b>Side/Rear yard setbacks</b></p>	<p><b>Article 5, Section 2</b></p> <ul style="list-style-type: none"> <li>• <u>All Districts EXCEPT R-0:</u>                      &gt;Corner lot/Double frontage lot--front yard setback on both streets unless no other lots within that block front on the street                      &gt;Additional 50' setback on Arterial St (from CL of road)                      &gt;Additional 40' setback on collector St (from CL of road)</li> <li>• Other restrictions--see regulations</li> <li>• When lot abuts a different zoning district, extra side setbacks may be required</li> </ul>	<p><b>Article 17, Section 5 &amp; 7</b></p> <ul style="list-style-type: none"> <li>• On major and minor Arterial streets, measure front and street side setbacks from the 'Official Street Line'</li> <li>• When lot abuts an alley, 1/2 of the alley may count as the required rear yard</li> </ul>
<p><b><u>HOME OCCUPATIONS -</u></b>  <b>General Restrictions/ Limitations</b>  <b>Limitations</b></p> <p><b>Types Permitted</b></p>	<p><b>Article 5, Section 12</b></p> <ul style="list-style-type: none"> <li>• No change to character or appearance of residence or accessory building where use located</li> <li>• No more than 25% of Dwelling Unit floor area</li> <li>• All materials and equipment fully contained within a main or accessory structure</li> <li>• Sign: 1 sign; non-illuminated; Max 2 sf; Setbacks</li> <li>• Residents + 1 full-time worker only</li> <li>• Equipment/machinery: No nuisance off property</li> <li>• Parking: Off-street; Max 2 additional vehicles at a time (except drop-off/pick-up of children)</li> <li>• Traffic: No abnormal traffic type/volume</li> <li>• Art/Dancing/Music instruction; max 5 pupils at time</li> <li>• Day care home/nursery</li> <li>• Professional offices</li> <li>• Other offices; no exchange of tangible goods</li> <li>• Home crafts and hobbies</li> <li>• Tailoring/ Alterations/ Seamstress</li> <li>• Beauty/Barber shop and related services</li> <li>• Watch, Clock, Jewelry repair</li> <li>• Small appliance/Electronics repair</li> </ul>	<p><b>Article 18, Section 5</b></p> <ul style="list-style-type: none"> <li>• No change to character or appearance of residence or accessory building where use located</li> <li>• Max 20% DU floor area; Occasional meetings OK</li> <li>• All materials and equipment fully contained within a main or accessory structure</li> <li>• Sign: 1 sign; non-illuminated; Max 2 sf</li> <li>• &lt; 1 Acre District: Family members living on-site</li> <li>• &gt; 1 Acre District: On-site family + 1</li> <li>• Equipment/machinery: No nuisance off property</li> <li>• Parking: Off-street but not in front yard unless on existing driveway; Max 4 vehicles at a time</li> <li>• Traffic: Max 12 two-way trips per day (except day care)</li> <li>• Sales by appointment only--no general sales</li> <li>• Limited to the hours of 6:00 a.m. and 9:00 p.m.</li> <li>• Teach/Instruct: Max 3 students at a time; 12 per day</li> <li>• Preschool/Day Care: Max 6 children/adults per day; License required</li> <li>• Professional offices</li> <li>• Other offices; no exchange of tangible goods</li> <li>• Crafts or Hobbies not sold on premises</li> <li>• Tailoring/ Alterations/ Seamstress</li> <li>• Beauty Shop</li> <li>• Medical office for physician, dentist, chiropractor</li> <li>• Small appliance repair</li> </ul>

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<b>Prohibited Home Businesses</b>	<ul style="list-style-type: none"> <li>• Tool sharpening/filing</li> <li>• Retail Antiques, groceries, second-hand merchandise</li> <li>• Equipment rental</li> <li>• Automobile/motor vehicle repair</li> <li>• Physician/Dentist/Chiropractor</li> <li>• Funeral services</li> </ul>	<ul style="list-style-type: none"> <li>• Retail sales/services</li> <li>• Equipment rental</li> <li>• Automobile/motor vehicle repair</li> <li>• Tourist home/bed &amp; breakfast</li> </ul>
<b><u>ACCESSORY BUILDINGS -</u></b>	<b><i>Article 5, Section 3-7, 13-14</i></b>	<b><i>Article 18, Section 3, 6, 7, 8</i></b>
<b>Setbacks/Yard Area</b>	<ul style="list-style-type: none"> <li>• Not allowed in required OR established front yard or in required side or rear yard up to 10';</li> <li>• Min 10' from main structure; (SUP)</li> <li>• Setbacks increase 5' for every 100 sf &gt; 900 sf</li> </ul>	<ul style="list-style-type: none"> <li>• Not allowed in front yard or street side yard</li> </ul>
<b>Nominal Structures</b>	<ul style="list-style-type: none"> <li>• Not allowed in setbacks</li> <li>• Storage up to 200 sf/ Child's playhouse up to 120 sf</li> <li>• Do not count toward maximum 2 structure limit</li> <li>• Swimming pool/bath house allowed in rear/side setback</li> </ul>	<ul style="list-style-type: none"> <li>• Tool sheds, pool houses up to 200 sf not cumulative; not allowed in front or street side yards</li> </ul>
<b>Size / Height</b>	<ul style="list-style-type: none"> <li>• Max 10% lot area/smaller than main structure footprint</li> <li>• Max 30% of required rear yard</li> <li>• R-0 District: Max 1200 sf or 400 sf/acre up to 2400 s.f gross area; Max 2 structures</li> <li>• Other districts: Larger of 900 sf or 250 sf/acre up to 2400 sf gross area; Max 2 structures</li> <li>• R-0 max 20'; Other districts--12' or height of main structure on lot AND on abutting lots--Max 16'</li> </ul>	<ul style="list-style-type: none"> <li>• Tracts &lt; 1 Acre: Max greater of 2% of lot area or 750 sf; cover no more than 30% of rear yard; Max 3 structures</li> <li>• Tracts 1-10 Acres: Max 750 sf + 250 sf/acre; Maximum 3 structures</li> <li>• Tracts &gt; 10 Acres: No size limits; comply with setbacks</li> </ul>
<b>Plan Review Required Other Accessory Regs</b>	<ul style="list-style-type: none"> <li>• R-0: &gt;1200 sf; Other districts &gt;900 sf</li> <li>• Allowed in setbacks--Statuary, arbor, trellis, flagpole, fence, wall, hedge, signs (per regs), off-street parking/ loading spaces (per regs)</li> <li>• Allowed in side or rear setbacks: swimming pool or bathhouse; fenced</li> <li>• Satellite dish antennas: &gt;Setback equal to structure height; &gt;Allowed in front yard behind setback + height; &gt;If on roof, not visible from road</li> </ul>	<ul style="list-style-type: none"> <li>• 2 stories/25' unless qualify for exemption or are agricultural uses</li> <li>• Additional 300 sf above cumulative total allowed for openwalled structures--carport, picnic shelter, lean-to for equipment</li> <li>• No Pools/tubs in front or street side yards; minimum setbacks 10'; must be fenced</li> <li>• Satellite Antennae on &lt; 10 Acres: &gt;Max 13' height; &gt; Allowed in rear/non-street side yard min 15' from PL; &gt;Cables/wiring underground; Ground mounted or CUP</li> </ul>



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	<ul style="list-style-type: none"> <li>• No pole signs or billboards; No off-site signs</li> <li>• Real Estate signs - 4 sf</li> <li>• Subdivision signs - 32 sf</li> </ul>	<ul style="list-style-type: none"> <li>• Off-premise signs allowed with CUP;</li> <li>• Billboard and Pole signs allowed</li> <li>• Real Estate signs - 4 sf</li> <li>• Real Estate Project - 32 sf</li> </ul>
<b><u>CUP / SUP USES ALLOWED -</u></b>	<p><b><i>Article 10</i></b></p> <ul style="list-style-type: none"> <li>• Accessory buildings in established front yard area</li> <li>• Adult Entertainment</li> <li>• Auto wrecking, junk/salvage yard &amp; scrap processing</li> <li>• Bed and Breakfast</li> <li>• Funeral/mortuary/crematory services</li> <li>• Day Care Center for &gt; six children</li> <li>• Boarding &amp; Breeding Kennels</li> <li>• Telecommunications towers</li> <li>• Mines &amp; Quarries</li> <li>• Travel trailer camp</li> <li>• Wind-powered generating systems</li> </ul>	<p><b><i>Article 23</i></b></p> <ul style="list-style-type: none"> <li>• Oversized Accessory buildings and structures</li> <li>• Airports, air fields and support structures</li> <li>• Athletic fields or complexes for professional or amateur sports</li> <li>• Bed &amp; breakfast establishments</li> <li>• Retreat or conference center</li> <li>• Cemetery, mausoleum, crematory, mortuary</li> <li>• Recreations fields, grounds centers, arenas, etc</li> <li>• Day Care, group home, child or adult care center</li> <li>• Drive-in or outdoor theater</li> <li>• Fire station</li> <li>• Commercial greenhouse, nursery, etc</li> <li>• Hospital, penal/correctional facility, residential institutions for mentally ill, etc.</li> <li>• Keeping of exotic animals</li> <li>• Livestock/Horses on &lt; 2 acres &amp; Poultry on &lt; 10 acres</li> <li>• Kennels</li> <li>• Communication antennas/towers &amp; facilities</li> <li>• Riding stables/arenas; Boarding stable on &lt; 10 acres</li> <li>• Utility substation, treatment plant, pipeline terminal, etc</li> <li>• Thematic uses</li> <li>• Wind-powered generating systems</li> </ul>
<b><u>NON-CONFORMING USES</u></b>	<p align="center"><b><i>Article 9</i></b></p> <ul style="list-style-type: none"> <li>• Created as a separate lot/tract by subdivision plat or recorded deed prior to 1998. Lot/Tract has been in separate ownership since that time.</li> </ul>	<p align="center"><b><i>Article 24</i></b></p> <ul style="list-style-type: none"> <li>• Created as a separate lot/tract by subdivision plat or recorded deed prior to March 17, 1994. Lot/tract has been in separate ownership since that time.</li> </ul>

**Lot/Parcel Size**

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<b>Structure Size/Location</b>	<ul style="list-style-type: none"> <li>• May be used for single family residences and accessory structures if able to meet the setbacks and sewage disposal requirements.</li> <li>• Said structures can be expanded or reconstructed if damaged or destroyed--as long as they continue to meet the setbacks and sewage treatment needs.</li> <li>• Structure located on a lot so that it does not meet the current setback, size, number, etc regulations, but is used for a legal conforming use.</li> <li>• Such a structure can be enlarged, maintained, repaired or remodeled as long as non-conformity not increased;</li> <li>• Structure cannot be moved unless the entire structure at its new location meets the current regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• May be used for single family residences and accessory structures if able to meet the setbacks and lot coverage limitations.</li> <li>• Said structures can be expanded or reconstructed if damaged or destroyed--as long as they continue to meet the setback and lot coverage limitations.</li> <li>• Legal use of a structure that does not meet the regulations (but did meet the previous regulations) may be continued.</li> </ul>
<b>Type of Use</b>	<ul style="list-style-type: none"> <li>• If structure destroyed or damaged by 50%, cannot be restored unless it meets the current regulations</li> <li>• Cannot be expanded, extended, enlarged/increased in intensity or moved either by enlarging a building, changing the use area within a building or moving all or part of the use to another building/area.</li> <li>• A verified, legal, nonconforming use cannot be changed to another less-nonconforming use unless done by a Special Use Permit (see conditions)</li> </ul>	<ul style="list-style-type: none"> <li>• Ordinary repair of non-conforming structures may be made; Alterations/enlargements may be made if the non-conformity is not increased and said alterations or enlargements are according to current regulations.</li> <li>• If structure destroyed or damaged by 50% it cannot be restored unless it meets the current regulations.</li> <li>• Existing nonconforming uses of land shall not be <u>qualitatively</u> extended or enlarged but may be <u>quantitatively</u> extended...</li> </ul>
<b>Discontinuance Intermittent Use</b>	<ul style="list-style-type: none"> <li>• A nonconforming use is considered abandoned when discontinued for 12 consecutive months and cannot be resumed.</li> <li>• Casual, intermittent or temporary use of land does not constitute a legal non-conforming use.</li> </ul>	<ul style="list-style-type: none"> <li>• A nonconforming use may be changed to a less non-conforming use or a conforming use. If so, it cannot be changed back.</li> <li>• A nonconforming use ends when it is discontinued for 180 days (6 months), cannot be used again except in conformance with the current regulations .</li> </ul>
<b>Nonconforming Residential Use</b>	<ul style="list-style-type: none"> <li>• Nonconforming residence in commercial/industrial district may be remodeled, extended, expanded, enlarged; no increase in the # of dwelling units in structure or on land</li> </ul>	<ul style="list-style-type: none"> <li>• Casual, intermittent or temporary use of land does not constitute a legal non-conforming use.</li> </ul>