

**ARTICLE XI
NONCONFORMING STRUCTURES AND USES**

Section 11.1 NONCONFORMING USE OF LAND

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- 11.1.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 11.2.1.
- 11.1.2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 11.1.3 If any such nonconforming use of land ceases or is discontinued, or abandoned for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 11.1.4 No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 11.2 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 11.2.1 No such nonconforming structure may be enlarged or altered in any way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a detached nonconforming single-family dwelling, manufactured home or mobile home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use, cause undue density, and is considered an upgrade in living standards.
- 11.2.2 Should such nonconforming structure or nonconforming portion of structure, other than detached dwellings and except as provided in Section 11.2.4, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

- 11.2.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 11.2.4 Nonconforming commercial or business establishments which are not located in a residential district and manufacturing establishments which are not located in a residential or commercial district shall be allowed to reconstruct facilities which involve an actual continuance of the nonconforming use provided that any reconstruction shall not be an expansion of activities or operations, shall be in conformance with the district development criteria for the district within which it is located and shall be completed within one (1) year of the date of damage.