

# Richland UDO

## Chapter 9: Non-Conforming

### A) Non-conforming Lots, Structures, and Uses

1. General Provisions. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: Non-conforming lots; Non-conforming structures and Non-conforming uses of land; which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments. It is the intent of this UDO to permit these non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment. Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon the initial passage of this UDO on 5/18/2015.

### B) Non-conforming Lots of Record.

1. General Provisions. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this UDO notwithstanding limitation imposed by other provisions of this UDO. Such lot must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

### C) Non-conforming Structures.

1. General Provisions. Where a lawful structure exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO by reason of restrictions on area, lot, height, 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.

- a. No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than fifty percent (50%) of the area of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this UDO.
- c. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d. A non-conforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.

**D) Non-conforming Uses of Land.**

1. General Provisions. Where, at the time of adoption of this UDO, lawful uses of land exist which would not be permitted by the regulations imposed by this UDO, the uses may be continued so long as they remain otherwise lawful, provided.
  - e. No such non-conforming uses 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 UDO.
  - f. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this UDO.
  - g. If any such non-conforming uses of land are discontinued or abandoned for any reason for more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this UDO for the district in which such land is located.
  - h. No additional structure not conforming to the requirements of this UDO shall be erected in connection with such non-conforming use of land.