

CHAPTER 1: PURPOSE AND AUTHORITY

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CHAPTER 1: PURPOSE AND AUTHORITY

Section 1.1 Title

This Ordinance shall be known and may be cited as the *Unified Development Ordinance of Angier, North Carolina* and shall be known as the *Unified Development Ordinance (UDO)*. The official map designating the various zoning districts shall be titled, *Town of Angier Zoning Map*, and shall be known as the *Zoning Map*.

Section 1.2 Purpose

The purpose of the Unified Development Ordinance is:

- A. To lessen congestion in the streets;
- B. To secure safety from fire, panic, and other danger;
- C. To promote the health and general welfare of the public;
- D. To prevent the overcrowding of land and avoid undue concentration of population;
- E. To facilitate the adequate provisions of transportation, water supply, sewerage, schools, parks, and other public requirements;
- F. To conserve the value of buildings;
- G. To establish procedures and standards for the orderly growth and development of the Town;
- H. For the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes;
- I. For the coordination of streets and distribution of population and traffic in a manner that will avoid congestion;
- J. To promote and facilitate economic development of the Town

Section 1.3 Authority

The Board of Commissioners of the Town of Angier, in pursuance of the authority granted by NCGS 160A-381 & 160A-371 and the authority vested in the Town of Angier by its charter, does hereby ordain and enact into law this Ordinance.

Section 1.4 Applicability

1.4.1 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Town of Angier and the Town's Extraterritorial Jurisdiction (ETJ) as shown on the Official Zoning Map of the Town of Angier.

1.4.2 Approved Plans

These regulations shall not apply to any land or structure for which, prior to the effective date hereof, there is a properly approved site specific plan as required by the requirements previously adopted. Any preliminary or final subdivision plat approvals required for such approved and

exempted site specific plans shall be conducted in accordance with the requirements of the previous Zoning Ordinance or Subdivision Ordinance.

Section 1.5 Abrogation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul easements, covenants, water supply watershed regulations, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

Section 1.6 Conformance with Adopted Plans & Right-of-Way Dedication

- A. In accordance with the requirement of NCGS 160A-383, the regulations adopted pursuant to this Ordinance shall be consistent with any adopted Land Use Plan and any specific plans adopted by the Board of Commissioners. All new developments shall be designed in conformance with adopted plans including but not limited to adopted comprehensive transportation plans, small area plans, land use plans, parks and recreation plans, and any other adopted plans.
- B. When a proposed development includes any part of a thoroughfare which has been designated as such upon the officially adopted Comprehensive Transportation Plan, such thoroughfare right(s)-of-way shall be dedicated and constructed by the developer(s) as shown on the plan. Where such right-of way does not currently exist, the developer shall be required to dedicate the necessary right(s)-of-way on the development side of the thoroughfare.

Section 1.7 Vested Rights

1.7.1 Establishment of Vested Right

- A. Pursuant to NCGS 160A-385.1 and not withstanding any other provision of this Ordinance or amendment thereto, a vested right shall be deemed established with respect to any property upon the valid approval of a Site Specific Development Plan or a Phased Development Plan.
- B. Such vested right shall confer upon the landowner(s) the right to undertake and complete the development and use of said property under the terms and conditions of the approved plan, including any Town approved amendments thereto.
- C. The approving authority may approve a Site Specific Development Plan or a Phased Development Plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- D. The approving authority shall not require a landowner to waive his vested rights as a

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condition of developmental approval.

1.7.2 Duration of Vested Right

- A. A site specific development plan or a phase development plan shall be deemed approved upon the effective date of the approving authority's action. A right which has been vested shall remain vested for a period of two (2) years, unless otherwise specified by this Ordinance.
- B. Upon request of the applicant, the Town Board of Commissioners may approve an extended vesting period of between two (2) years and five (5) years from the date of approval in accordance with the Vested Rights requirements of Chapter 11, and provided that reasonable explanation is given as to why such extension is necessary.

1.7.3 Revocation, Expiration, or Termination

- A. A vested right, once established and compliant with approved plans, precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved Site Specific Development Plan or Phased Development plan except as provided below. In such cases, vested right shall be terminated:
 - 1. Failure to abide by such terms and conditions established as part of the approved plan.
 - 2. Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the Site Specific Development Plan or the Phased Development Plan.
 - 3. Upon findings that the landowner(s) or his/her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval of the Site Specific Development Plan or Phased Development Plan.
 - 4. Upon the enactment of a State or Federal law or regulation which precludes development as contemplated in the Site Specific Development Plan or Phased Development Plan. In such a case, the Town Board may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, or by Ordinance after notice and public hearing.
 - 5. With written consent of the affected landowner.
 - 6. To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred.
- B. A building permit issued by the Building Inspector pursuant to NCGS 160A-417 may not be revoked because of the running of time on a piece of property for which a Site Specific Development Plan has been approved and the vested right period has not otherwise expired.
- C. The establishment of a vested right on a piece of property for a Site Specific Development Plan or Phased Development Plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and are applicable to all property subject to the regulations of this Ordinance.
- D. A building permit shall be valid for the specific period of time outlined by the NC State Building Code, regardless of the vesting period outlined elsewhere throughout this Ordinance.

Section 1.8 Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 1.9 Effective Date

These regulations shall become effective on September 7, 2010. Upon such date, these regulations shall supersede, repeal, and replace the Town of Angier *Zoning Ordinance* and the Town of Angier *Subdivision Ordinance*.