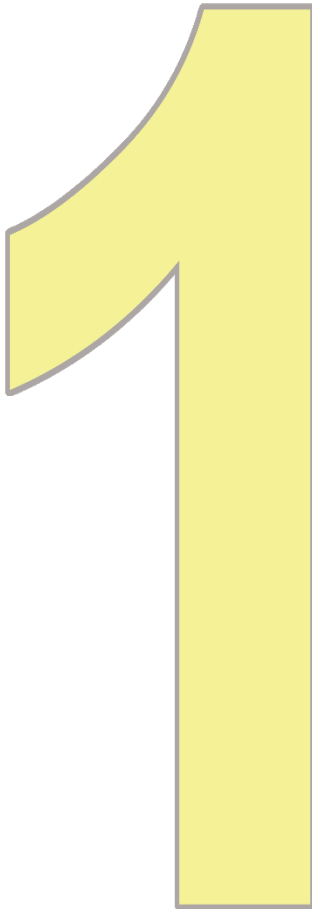


GENERAL PROVISIONS



Key Changes in Article 151.1:

- This article includes the new format and page layout techniques described in the Evaluation Report and Annotated Outline.
- This article recognizes the County's status as a unified government under the General Statutes that allows the County to apply development regulations under the enabling legislation for counties or for municipalities.
- There is a new comprehensive set of purpose statements that include policy direction from the 2035 Comprehensive Plan.
- This draft UDO recognizes all forms of adopted policy guidance, and clarifies that policy guidance is advisory.
- There is a new detailed section describing how conflicts between the standards in this draft UDO and conflicts with other County standards are addressed.
- This article includes a new comprehensive set of rules of language construction.
- There is a new set of transitional standards that address how existing development, approved but incomplete development, and pending applications are addressed upon adoption of these standards. The transitional provisions also provide clarity on how to handle existing development subject to development approvals that are not included in this UDO.
- There is a new zoning district translation table that summarizes how current zoning district names and abbreviations are being translated to new more intuitive district names and abbreviations.
- There is a new section on the various ways in which vested rights may be established.

1.1	Title.....	1-1
1.1.1	Unified Development Ordinance Text	1-1
1.1.2	Official Zoning Map.....	1-1
1.2	Effective Date	1-1
1.3	Authority	1-1
1.3.1	General Assembly	1-1
1.3.2	North Carolina General Statutes	1-1
1.3.3	Other Relevant Laws	1-1
1.3.4	Unified Government.....	1-1
1.4	General Purpose and Intent	1-1
1.5	Applicability and Jurisdiction	1-2
1.5.1	Where Applied.....	1-2
1.5.2	No Development Until Compliance with this Ordinance.....	1-2
1.5.3	Application to Governmental Units	1-2
1.5.4	Exemptions.....	1-3
1.6	Conformance with Adopted Policy Guidance.....	1-3
1.6.1	Components	1-3
1.6.2	Conformance	1-3
1.6.3	Functional Plans and Documents.....	1-4
1.7	Regulatory Codes Adopted by Reference.....	1-4
1.8	Relationship to Other Agreements	1-4
1.8.1	Minimum Requirements	1-4
1.8.2	Review of Private Agreements	1-4
1.8.3	Existing Agreements or Vested Rights.....	1-4
1.9	Conflicting Provisions	1-5
1.9.1	Conflicts with Other Codes or Laws	1-5
1.9.2	Conflicts with State or Federal laws	1-5
1.9.3	Conflicts between Standards in this Ordinance	1-5
1.10	Rules of Language Construction.....	1-5
1.10.1	Meanings and Intent	1-5
1.10.2	Headings, Illustrations, and Text.....	1-5
1.10.3	Lists and Examples	1-5
1.10.4	Computation of Time	1-6
1.10.5	Time-Related Language.....	1-6
1.10.6	References to This Ordinance.....	1-6
1.10.7	References to Other Regulations/Publications	1-6
1.10.8	References to North Carolina General Statutes.....	1-6
1.10.9	Delegation of Authority	1-6
1.10.10	Joint Authority.....	1-6
1.10.11	Technical and Non-Technical Terms.....	1-6

1.10.12	Public Officials and Agencies	1-7
1.10.13	Mandatory and Discretionary Terms	1-7
1.10.14	Conjunctions	1-7
1.10.15	Tenses, Plurals, and Gender of Words	1-7
1.10.16	Oath	1-7
1.10.17	Term Not Defined	1-7
1.11	Transitional Provisions.....	1-7
1.11.1	Violations Continue.....	1-7
1.11.2	Existing Nonconformities.....	1-7
1.11.3	Approved Applications.....	1-8
1.11.4	Pending Applications	1-8
1.11.5	Prior Approved Planned Unit Development (PUD)	1-8
1.11.6	Pre-Existing Conditional Use Permits	1-9
1.11.7	Established Uses Without a Special Use Permit.....	1-9
1.12	Zoning District Translation.....	1-9
1.13	Vested Rights	1-10
1.13.1	Building Permit	1-10
1.13.2	Vested Rights Determination.....	1-10
1.13.3	Development Agreement.....	1-10
1.13.4	Common Law Vesting	1-10
1.13.5	Prior Vesting	1-10
1.14	Severability	1-10

ARTICLE 151.1 GENERAL PROVISIONS

1.1 TITLE¹

1.1.1 UNIFIED DEVELOPMENT ORDINANCE TEXT

This Ordinance is officially titled as the “Camden County Unified Development Ordinance,” and may be referred to as “the Unified Development Ordinance,” “this Ordinance,” and several abbreviated references (“the UDO,” “this UDO,” or “UDO”).

1.1.2 OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the “Camden County Zoning Map,” and may be referred to as “the Official Zoning Map” or the “OZM.” The Official Zoning Map is hereby incorporated by reference and made a part of this Ordinance.

1.2 EFFECTIVE DATE²

This Ordinance shall be in full force and effect on **[insert the effective date of this Ordinance]**, and repeals and replaces the Camden County Unified Development Chapter, as originally adopted on January 1, 1998, and subsequently amended.

1.3 AUTHORITY³

This Ordinance consolidates the County’s zoning, subdivision, water supply watershed, and flood hazard area regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with the following:

1.3.1 GENERAL ASSEMBLY

The authority granted to the Camden County by the General Assembly of the State of North Carolina.

1.3.2 NORTH CAROLINA GENERAL STATUTES

The North Carolina General Statutes, including:

- A. Chapter 113a, Article 4 (Sediment and Pollution Control);
- B. Chapter 143, Article 21 (Water and Air Resources);
- C. Chapter 153A, Article 6 (Delegation and Exercise of the General Police Power);
- D. Chapter 153A, Article 18 (Planning and Regulation of Development);
- E. Chapter 153A, Article 24 (Unified Government); and
- F. Chapter 160A, Article 19 (Planning and the Regulation of Development).

1.3.3 OTHER RELEVANT LAWS

- A. All other relevant laws of the State of North Carolina; and
- B. Any special legislation for Camden County enacted by the General Assembly.

1.3.4 UNIFIED GOVERNMENT

- A. Camden County is designated as a unified government in accordance with Section 153A-471 of the North Carolina General Statutes. A unified government has the same powers, duties, rights, privileges, and immunities of a municipality, and as such may regulate planning and development in accordance with either the provisions in Chapter 153A (for counties) or 160A (for municipalities) of the North Carolina General Statutes.
- B. The County shall identify, in writing, decisions or actions undertaken in the administration of this Ordinance under the authority of Chapter 160A of the North Carolina General Statutes.

1.4 GENERAL PURPOSE AND INTENT⁴

¹ This section carries forward Section 151.002, Title, with new references to the Official Zoning Map.

² This section splits apart the standards in Section 151.006 of the current code. The material pertaining to effective date is carried forward while provisions pertaining to approved applications are relocated to the transitional provisions in new Section 1.10.

³ This is a new section that builds on Section 151.001(A), and expands it to recognize the County’s status as a unified government. The language in Section 151.001(C) is relocated to purpose and intent provisions in new Section 1.4.

⁴ This section replaces the purpose statement in Section 151.001(C) and expands it to include goals from the 2035 Comprehensive Plan in addition to the purposes in view taken from Section 153A-341 of the General Statutes.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.5 Applicability and Jurisdiction^{4F}

1.5.1 Where Applied

The purpose of this Ordinance is to protect the public health, safety, morals, and general welfare of the citizens and landowners of Camden County, and to implement the policies and objectives identified in the County's adopted policy guidance. More specifically, the intent of this Ordinance is to:

- A. Foster convenient, compatible, and efficient relationships among land uses;
- B. Better manage or lessen congestion in the streets;
- C. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- D. Promote the aesthetic quality of development;
- E. Prevent the overcrowding of land and avoid undue concentrations of population;
- F. Produce a land use pattern that is primarily rural, but that includes high-quality, economically productive, mixed-use rural village centers and main roadway corridors in accordance with the County's adopted policy guidance;
- G. Promote a diverse and balanced economy that provides jobs, goods, and services;
- H. Protect property from blighted conditions and depreciation in value;
- I. Coordinate the transportation system with land use patterns;
- J. Preserve and protect natural resources and working lands;
- K. Provide adequate infrastructure and community facilities (including transportation, water, sewage, schools, parks, and other public requirements) in a fiscally-responsible manner;
- L. Protect development and residents from fire, flooding, and other natural hazards; and
- M. Foster stable neighborhoods and sustainable development practices.

1.5 APPLICABILITY AND JURISDICTION⁵

1.5.1 WHERE APPLIED

Except where exempted in accordance with [Section <>, Exemptions](#), the standards in this Ordinance apply to all lands within Camden County and its planning jurisdiction, including submerged lands, as identified on the Official Zoning Map.

1.5.2 NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE⁶

- A. **No Land Developed**
Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, State, and federal regulations.
- B. **No Grading or Excavation**
Unless exempted, no land shall be subjected to substantial clearing, grading, filling, or excavated without compliance with this Ordinance and all other applicable County, State, and federal regulations.
- C. **No Use or Occupancy**
No person shall use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control, except in accordance with this Ordinance.
- D. **No Construction or Alteration**
No building, or portion thereof, shall be erected, used, moved, or altered except in conformity with the regulations specified for the zoning district in which it is located and all other applicable provisions of this Ordinance.
- E. **No Improvement to Subdivided Land**
Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision or a minor subdivision approval for all or the active phase of a minor subdivision.
- F. **No Sale or Transfer**
Except for lots within an exempt subdivision, no lots in a subdivision may be sold or titles to land transferred as part of a transfer plat until all the requirements of this Ordinance have been met, except as authorized by Section 153A-334 of the North Carolina General Statutes.

1.5.3 APPLICATION TO GOVERNMENTAL UNITS

Except where otherwise stated, the provisions of this Ordinance shall apply to:

- A. Development by the County or its agencies or departments;
- B. Development of buildings by the State, public colleges or universities, or other political subdivisions of the State; in accordance with the North Carolina General Statutes; and

⁵ This section consolidates the standards from Sections 151.003, 151.005, 151.009, and 151.0013. It also includes new language pertaining to state and federal governments.

⁶ This section carries forward the provisions in Sections 151.495 and 151.496, but removes the current language related to the paving of streets since this language is inconsistent with the subdivision standards and it is common to pave streets prior to completion of a project.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.6 Conformance with Adopted Policy Guidance^{6F}

1.5.4 Exemptions

- C. Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law.

1.5.4 EXEMPTIONS

A. Bona Fide Farms

1. Farming activities, as defined in Section 153A-340 of the North Carolina General Statutes, as well as farm-related buildings and structures occurring on bona fide farm land shall be exempted from the zoning-related provisions of this Ordinance, but shall be subject to the following standards:
 - a. Article 151.6: Subdivision Requirements;
 - b. Section <>, Special Flood Hazard Area Overlay (SFHA);
 - c. Section <>, Sedimentation and Erosion Control; and
 - d. Section <>, Stormwater Management.
2. In addition to farming-related buildings and structures, the following types of buildings shall be considered part of a bona fide farm that is exempt from these standards:
 - a. The permanent residence of the owner or owner-occupant of the bona fide farm;
 - b. The permanent residence of the son, daughter, mother, father, grandmother, or grandfather of the owner of the bona fide farm; and
 - c. The permanent residence of any individual (including their immediate family) earning at least 75 percent of their annual income from employment on the bona fide farm.
3. In no instance shall non-farm related uses or activities be exempted from this Ordinance even in cases when the non-farm related use or activity takes place on a bona fide farm.

B. Court-Ordered Subdivisions

Court-ordered subdivisions of land that comply with State law shall be exempted from this Ordinance, but subsequent development proposed on a court-ordered subdivision shall comply with the applicable zoning district dimensional standards, the provisions in Table <>, Allowable Encroachment into Setbacks, and the applicable standards in Article 151.5: Development Standards, of this Ordinance, to the maximum extent practicable.

1.6 CONFORMANCE WITH ADOPTED POLICY GUIDANCE⁷

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the County's adopted policy guidance, or the framework of long range land use and transportation planning policy guidance. The adopted policy guidance includes, but is not limited to, the following:

1.6.1 COMPONENTS

The following documents comprise the County's adopted policy guidance:

- A. The 2035 Comprehensive Plan;
- B. The Advanced Core CAMA Land Use Plan;
- C. The Long Range Water and Sewer Comprehensive Master Plan 2012-2030;
- D. The Camden County Stormwater Drainage Design Manual; and
- E. Other documents as identified by the Board of County Commissioners.

1.6.2 CONFORMANCE

A. Advisory Only

1. Except for functional plans and documents, adopted policy guidance is advisory in nature and does not carry the effect of law.
2. Except for consistency with plan guidance related to areas of environmental concern (AEC) in accordance with Section 113A-111 of the North Carolina General Statutes, this Ordinance or any decisions made under this Ordinance may not be challenged on the basis of any alleged nonconformity with adopted policy guidance.

B. Consistency Desired but not Required

This Ordinance seeks to ensure that all development within the County is consistent with the goals, objectives, policies, strategies, and actions contained in the County's adopted policy guidance, but consistency between a decision made under this Ordinance and the adopted policy guidance is not a legal requirement. Decisions on applications for amendments to the text of this Ordinance or the Official Zoning Map shall be accompanied by a

⁷. This section carries forward the provisions of 151.008, but supplements it with a discussion of the different forms of policy guidance included within the County's "adopted policy guidance"

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.7 Regulatory Codes Adopted by Reference^{7F}

1.6.3 Functional Plans and Documents

statement of consistency recognizing if the proposed decision is or is not consistent with the County's adopted policy guidance in accordance with Section 160A-383 and 153A-341 of the North Carolina General Statutes.

C. Amendment upon Inconsistency

1. To the extent this Ordinance or the OZM is or becomes inconsistent with the County's adopted policy guidance, the County may amend this Ordinance or the OZM to better achieve consistency, but such amendment is not legally required.
2. In cases where the County's adopted policy guidance is amended as part of an approval of a zoning map amendment, the approval shall indicate the simultaneous amendment of the applicable adopted policy guidance.
3. In the event the Board of Commissioners indicates it intent for approval of a zoning map amendment to automatically amend the Core CAMA Plan portion of the County's adopted policy guidance as authorized by Section 160A-383 of the North Carolina General Statutes, the amendment to the Core CAMA Plan shall not be effective until certified by the NC Division of Coastal Management.

1.6.3 FUNCTIONAL PLANS AND DOCUMENTS

- A. The County has adopted functional plans and documents relating to the provision of public infrastructure and services (e.g., the most recently- adopted Comprehensive Transportation Plan or the Stormwater Drainage Design Manual), economic development, and tourism.
- B. Compliance with standards in functional plans and documents is mandatory.

1.7 REGULATORY CODES ADOPTED BY REFERENCE⁸

The following portions of the State Building Code (as amended) are hereby adopted and incorporated by reference into this Ordinance:

- A. Volume I: General Construction;
- B. Volume I-A: Administration and Enforcement Requirements;
- C. Volume I-C: Accessibility;
- D. Volume II: Plumbing;
- E. Volume III: Mechanical;
- F. Volume IV: Electrical;
- G. Volume V: Fire Prevention;
- H. Volume VI: Gas;
- I. Volume VII: Residential;
- J. Volume VIII: Modular Construction Regulations;
- K. Volume IX: Existing Buildings;
- L. Volume X: Energy; and
- M. Regulations for Manufactured/Mobile Homes.

1.8 RELATIONSHIP TO OTHER AGREEMENTS⁹

1.8.1 MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

1.8.2 REVIEW OF PRIVATE AGREEMENTS

The County may review and comment on private agreements, such as those related to the establishment and operation of a home owner's or property owner's association; maintenance and operation of shared parking or cross-access agreement; drainage easements in favor of the County; or access easement between landowners in favor of the general public; but the County is not responsible for monitoring or enforcing private agreements, covenants, or deed restrictions.

1.8.3 EXISTING AGREEMENTS OR VESTED RIGHTS

⁸ This section carries forward the standards in Section 151.430 of the current ordinance with no substantive changes.

⁹ This is a new section that clarifies the County's role with respect to review and approval of some documents without requiring the County to enforce private agreements.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.9 Conflicting Provisions^{9F}

1.9.1 Conflicts with Other Codes or Laws

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights, provided such agreements or vested rights are lawfully established and remain in effect.

1.9 CONFLICTING PROVISIONS¹⁰

1.9.1 CONFLICTS WITH OTHER CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.9.2 CONFLICTS WITH STATE OR FEDERAL LAWS¹¹

- A. If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.
- B. Except for minimum riparian buffer width standards, in cases where a State law related to an environmental issue is less restrictive than a comparable County standard, the State environmental standard shall control.
- C. The minimum riparian buffer width standards in this Ordinance are established for purposes of stormwater quantity management, not for purposes of maintaining environmental quality. As a result, the minimum riparian buffer width standards in this Ordinance shall control.

1.9.3 CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

- A. When two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.
- B. In cases where development is configured in accordance with an authorized incentive or other flexibility provision included in this Ordinance (such as an administrative adjustment), the standards related to the approved incentive or flexibility provision shall control.
- C. The text of this Ordinance shall be interpreted in accordance with **Section <>, Interpretation**. Nothing shall limit the UDO Administrator from preparing a written interpretation of how conflicting provisions are interpreted on a case-by-case basis.

1.10 RULES OF LANGUAGE CONSTRUCTION¹²

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

1.10.1 MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in **Section <>, General Purpose and Intent**, and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in **Section <>, Definitions**, the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

1.10.2 HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map other than the OZM, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.10.3 LISTS AND EXAMPLES

¹⁰ This section modifies and builds on the standards in 151.004 along with a new section that addresses conflicts in this Ordinance in a more broad fashion.

¹¹ NOTE: We are suggesting the County take the position that riparian buffer widths exceed state minimums for reasons other than environmental quality. This is an issue that needs to be considered by the County Attorney.

¹² This section consolidates and replaces various provisions in 151.001(B), 151.012, and portions of 151.018. It includes several new provisions address language construction.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.10 Rules of Language Construction11F

1.10.4 Computation of Time

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

1.10.4 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County.

1.10.5 TIME-RELATED LANGUAGE

A. Time Standard

Whenever certain hours are named, they shall mean standard time or daylight saving time, as may be in current use in Camden County.

B. Day

The term “day” means a calendar day, including weekends and holidays.

C. Holiday

The term “holiday” means a legal holiday recognized by the County, State, or federal government.

D. Month

The term “month” means a calendar month.

E. Year

The term “year” means a calendar year.

F. Temporary

The term “temporary” shall mean a condition lasting for only a limited period of time; not permanent.

1.10.6 REFERENCES TO THIS ORDINANCE

A reference to an article, section, subsection, or paragraph means an article, section, subsection, or paragraph of this Ordinance, unless otherwise specified.

1.10.7 REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or amendment of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

1.10.8 REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.10.9 DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the County to do some act or perform some duty, the officer or employee may designate, delegate, and authorize subordinates to perform the act or duty, unless the terms of the provision specifically provide otherwise

1.10.10 JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

1.10.11 TECHNICAL AND NON-TECHNICAL TERMS

A. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

B. In cases where words or phrases in this Ordinance use two or more meanings, all meanings shall be identified in [Article 151.10: Definitions and Measurement](#).

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.11 Transitional Provisions^{12F}

1.10.12 Public Officials and Agencies

1.10.12 PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made in this Ordinance are those of the Camden County, North Carolina, unless otherwise indicated.

1.10.13 MANDATORY AND DISCRETIONARY TERMS

- A. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.
- B. The words "provision," "standard," and "requirement" are used interchangeably and all have the same meaning.
- C. The words "condition of approval" are used interchangeably with the word "stipulations" with regard to conditions or requirements attached to the approval of a proposed development.

1.10.14 CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

1.10.15 TENSES, PLURALS, AND GENDER OF WORDS

- A. **Tense**
Words used in the past or present tense include the future tense as well as the past and present.
- B. **Number**
Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- C. **Gender**
Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

1.10.16 OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

1.10.17 TERM NOT DEFINED

If a term used in this Ordinance is not defined, the UDO Administrator is authorized to provide a definition in accordance with [Section <>, Interpretation](#), based upon the definitions used in professionally accepted sources.

1.11 TRANSITIONAL PROVISIONS¹³

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance is adopted.

1.11.1 VIOLATIONS CONTINUE

- A. Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with [Section <>, Statute of Limitations](#).
- B. Any violation of the previous UDO that is no longer a violation under this Ordinance shall not be considered a violation.
- C. Violations of this Ordinance that have not yet passed any applicable statutes of limitation shall be subject to the penalties set forth in [Article 151.9: Enforcement](#), unless the development complies with the express terms of this Ordinance or other applicable ordinances, laws, or statutes.

1.11.2 EXISTING NONCONFORMITIES

¹³ This section simplifies and replaces 151.006 related to development in process but not yet complete upon the effective date of these provisions. The standards add considerable new guidance in addressing pending applications, or development subject to approvals not being carried forward, like conditional use permits.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.11 Transitional Provisions^{12F}

1.11.3 Approved Applications

If any use, building, structure, lot, sign, or site feature legally existed on *[insert the effective date of this Ordinance]*, but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in *Article 151.8: Nonconformities*.

1.11.3 APPROVED APPLICATIONS

- A. Any development approvals granted before *[insert the effective date of this Ordinance]* shall remain valid until their expiration date.
- B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- C. Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a preliminary plat, site plan, PD master plan, or other plan of development shall comply with the provisions of this Ordinance.
- D. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- E. An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required County, State, or federal permits or approvals.
- F. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.
- G. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of *Article 151.8: Nonconformities*.

1.11.4 PENDING APPLICATIONS¹⁴

- A. **Final Action Pending**
 - 1. Any development application submitted and accepted as complete before *[insert the effective date of this Ordinance]*, but still pending final action as of that date, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.
 - 2. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of *Article 151.8: Nonconformities*.
 - 3. If the development subject to an application approved under the prior UDO fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- B. **Complete Applications**
 - 1. Applications accepted as complete prior to *[insert the effective date of this Ordinance]* may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant.
 - 2. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of *Article 151.8: Nonconformities*.
 - 3. If the development subject to an approved application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
- C. **Submitted, but Not Complete Applications**

Applications that have been submitted prior to *[insert the effective date of this Ordinance]* but not determined to be complete by the UDO Administrator as of that date shall be reviewed and decided in accordance with this Ordinance.

1.11.5 PRIOR APPROVED PLANNED UNIT DEVELOPMENT (PUD)

- A. A planned unit development (PUD) subject to a master plan and conditional use permit approved prior to *[insert the effective date of this Ordinance]* shall retain the PUD classification and continue to be subject to the master plan, the conditional use permit, and all associated conditions of approval.

¹⁴ NOTE: This section has been prepared for consistency with recent “permit choice” laws enacted by the General Assembly that allow an applicant to choose which rules to follow in cases when rule changes take place after application submittal. These standards are careful to distinguish that only applications that have been determined to be complete shall be considered as a submitted application.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.12 Zoning District Translation^{14F}

1.11.6 Pre-Existing Conditional Use Permits

- B. Amendments to a PUD, excluding minor changes as identified in Section <>, Amendments, established prior to [insert the effective date of this Ordinance] shall be in accordance with the standards of this Ordinance or a development agreement, if applicable.
- C. In the event a master plan or conditional use permit associated with a PUD approved prior to [insert the effective date of this Ordinance] is silent on a particular standard or requirement, that standard or requirement shall be in accordance with the development regulations in effect at the time the PUD was approved.

1.11.6 PRE-EXISTING CONDITIONAL USE PERMITS

- A. Development subject to a conditional use permit issued prior to [insert the effective date of this Ordinance] shall continue to be subject to the conditional use permit requirements and all conditions of approval.
- B. Amendments to a conditional use permit established prior to [insert the effective date of this Ordinance] shall be in accordance with the standards in Section <>, Special Use Permit.

1.11.7 ESTABLISHED USES WITHOUT A SPECIAL USE PERMIT

- A. If a use was a lawfully-established permitted “by-right” use before [insert effective date of this ordinance] and is subsequently made a special use in Table <>, Principal Use Table, the lawfully-established pre-existing permitted use shall be considered a nonconforming use in accordance with Section <>, Nonconforming Uses, and may continue in operation.
- B. Any changes to a lawfully-established pre-existing permitted use that now requires a special use permit after [insert effective date of this ordinance] shall require a special use permit in accordance with Section <>, Special Use Permit.

1.12 ZONING DISTRICT TRANSLATION¹⁵

On [insert the effective date of this Ordinance], land zoned with a zoning district classification from the previous UDO shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Article 151.3: Zoning Districts. Table <>, Zoning District Translation, summarizes the translation or reclassification of the zoning districts used in the previous UDO to the zoning districts used in this Ordinance. For example, the table shows that all lands classified as General Use (GU) in the previous ordinance (under the column titled “Districts in the Former UDO”) are now classified Working Lands (WL) in this Ordinance (under the column titled “Districts in This UDO”).

TABLE <>: ZONING DISTRICT TRANSLATION			
DISTRICTS IN THE FORMER UDO		DISTRICTS IN THIS UDO	
SPECIAL DISTRICTS			
CD	Conservation	CP	Conservation & Protection
RESIDENTIAL DISTRICTS			
GU	General Use	WL	Working Lands
R-3-2	Basic Residential	RR	Rural Residential
R-3-1	Basic Residential	SR	Suburban Residential
R-2	Mixed Single-Family Residential	NR	Neighborhood Residential
R-1	Mixed Village Residential	VR	Village Residential
COMMERCIAL DISTRICTS			
NCD	Neighborhood Commercial	CC	Crossroads Commercial
CCD	Community Core Commercial	VC	Village Commercial
HC	Highway Commercial	HC	Highway Commercial
MC	Marine Commercial	MC	Maritime Commercial
		MX	Mixed-Use [NEW]

¹⁵ The provisions in this section are new and are structured as a district translation, not a zoning map amendment. The translation from one zoning district to another may take place as part a text amendment instead of a zoning map amendment. Any new zoning districts identified in the table (like the MX district) are made available to landowners following the adoption of the updated UDO, but the County does not anticipate proactively establishing any new district designations as part of the UDO adoption process

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.13 Vested Rights^{15F}

1.13.1 Building Permit

TABLE <>: ZONING DISTRICT TRANSLATION

DISTRICTS IN THE FORMER UDO		DISTRICTS IN THIS UDO	
I-1	Light Industrial	LI	Light Industrial
I-2	Heavy Industrial	HI	Heavy Industrial
PLANNED DEVELOPMENT			
PUD	Planned Unit Development		[1]
		PD	Planned Development [NEW]
NOTES: [1] Existing planned unit development districts will be carried forward in accordance with their approved master plans and conditional use permits, but shall not be expanded or revised without conforming to the new Planned Development (PD) district standards in this Ordinance.			

1.13 VESTED RIGHTS¹⁶

Vested rights under this Ordinance shall be established only in accordance with the following.

1.13.1 BUILDING PERMIT

The issuance of a building permit (see [Section <>, Building Permit](#)) establishes a vested right to development in accordance with Section 153A-344.1 of the North Carolina General Statutes, as long as the building permit complies with the terms and conditions of its approval.

1.13.2 VESTED RIGHTS DETERMINATION

A vested right for a nonresidential major site plan, preliminary plat, special use permit, or planned development, may be established in accordance with [Section <>, Vested Rights Determination](#).

1.13.3 DEVELOPMENT AGREEMENT

Development subject to a development agreement approved in accordance with [Section <>, Development Agreement](#), shall be subject to vested rights as specified in the agreement.

1.13.4 COMMON LAW VESTING

A common law vested right is established only when the following can be demonstrated by the landowner:

- A. There is an affirmative governmental act by the County in the form of acceptance of applicant-proposed conditions or an approval of a permit or development approval under this Ordinance; and
- B. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
- C. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

1.13.5 PRIOR VESTING

Amendments, supplements, repeals, or other changes in zoning regulations and zoning boundaries shall not be applicable or enforceable without the consent of the landowner with regard to lots for which building permits or vested rights determinations have been issued (pursuant to State law) prior to the enactment of the ordinance making the change(s), so long as the vested rights, building permit, or vested rights determination remain valid and unexpired.

1.14 SEVERABILITY¹⁷

The legislative intent of the Board of Commissioners (BOC) in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the County as established in this Ordinance, and promote

¹⁶ This is a new section that clarifies the ways in which development obtains vested rights, including issuance of a building permit, granting of a Vested Rights Determination (a new procedure proposed under the updated UDO), development subject to a Development Agreement, common law vesting, and development vested prior to the effective date of the updated UDO.

¹⁷ This section replaces 151.011.

ARTICLE 151.1 GENERAL PROVISIONS

Section 1.14 Severability^{16F}

1.13.5 Prior Vesting

the public health, safety, and general welfare of the landowners and residents of Camden County. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the BOC hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.