

## **ARTICLE 2**

### **APPLICABILITY OF ORDINANCE**

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**2.1 Applicability**

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No building, structure, or land shall be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered, nor any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations, especially Section 11.5, Nonconformities, and Section 2.2 below.

.2 Exceptions to Applicability

- a) These regulations shall not apply to bona fide farms, as defined in Article 12.
- b) These regulations shall not apply to horse farms on three or more acres, as defined in Article 12.

**2.2 Vested Development Rights**

.1 Any amendments, modifications, supplements, repeal or other changes in these regulations or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

- a) for which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and the building permit has not been revoked pursuant to G.S. 160A-422; or
- b) for which a vested right has been established pursuant to Section 2.2.2 and such vested right remains valid and unexpired pursuant to Section 2.2.2.

.2 Procedures for Establishing Vested Rights Pursuant to G.S. 160A-385.1. On or after April 3, 1997, a vested right to commence the development and use of property according to a site specific development plan is established upon approval of any one of the plans listed in a) through d) below. The vested right thus established is subject to the terms and *conditions* of the site plan; it shall remain in force for three years from the date of approval (unless otherwise specified).

- a) a parallel condition use district;
- b) a special use permit;
- c) \* any overlay district for which a site specific development plan is required under the provisions of this ordinance; or
- d) a conditional district.

The plans and conditions set out in a) through d) above, as approved by the City Council of Locust, constitute site specific development plans for purposes of G.S. 160A.385.1. Plans legally vested by the Stanly County Board of Commissioners, according to county ordinance standards, shall be honored for the vested period specified by the County Board.

A right which has been vested by the City of Locust shall remain vested for a period of three years from the date approved. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the City Council when it approves the modification or amendment. A vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued. When a vested development plan has been partially, but not wholly built to completion by the end of the vesting period, the project as a whole may be completed in conformance with the development standards in effect at the time of the approval, however individual sites within the development shall individually conform to the sign regulations in effect at the sign permitting.

.3 Voluntary Annexations. A petition for annexation filed with the city under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not a zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

.4 Right to complete residential subdivisions: Previously approved residential subdivisions not subject to a site specific development plan as defined in .2 above, shall be built to completion according to the zoning and subdivision regulations in force at the time and in the jurisdiction of approval unless a revised subdivision plan is subsequently submitted and approved according to the standards of these regulations.

.5 Right to complete nonresidential subdivisions: Previously approved non-residential subdivisions, not subject to a site specific development plan as defined in .2 above, that show the location of streets and lots, shall be vested to the extent that substantial resources (time, labor, money) have been expended in good faith reliance upon having received a valid local government approval to proceed.

### **2.3 Expansion/Redevelopment of Existing Structures and Projects**

.1 Individual structures which become non-conforming as the effective date of these regulations (April 3rd, 1997) may be expanded upon a finding by the City Administrator that:

- a) the proposed expansion meets the requirements of these regulations to the extent practicable, given the shape and topography of the tract and the location of existing buildings and site improvements; and
- b) the proposed expansion does not cause the structure to exceed maximum building size for the district; and
- c) the development site taken as a whole, including parking, screening, landscaping, and signage, will be brought into conformance with these regulations to the extent practicable. -

.2 Existing multi-building development projects, such as shopping centers, apartment complexes, and business parks, which become non-conforming as to building and site layout as of the effective date of these regulations, are eligible for partial redevelopment, which may include expansion, upon a finding by the City Administrator that:

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a) the redevelopment or expansion meets the requirements of these regulations to the extent possible, given the shape and topography of the tract and the location of existing buildings; and

b) the development site taken as a whole, including parking, screening, landscaping and signage, will be brought into conformance with these regulations to the extent practicable.

.3 Appeal of the City Administrator's decision regarding expansion or redevelopment according to .1 or .2, above shall be to the Locust Board of Adjustment following the procedures of Section 11.3.2.