

1.10 EFFECTIVE DATE / TRANSITIONAL PROVISIONS

1.10.1 Effective Date

This Ordinance shall be effective upon enactment.

1.10.2 Final Approval

A) **Permits**

Any building, structure, or development for which development approval (planned unit development, traditional neighborhood district, special use permit, or site plan) was issued and had not expired prior to the effective date of this Ordinance may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Ordinance. If a building permit is not obtained according to the requirements of the prior ordinance or the applicable permit terms, the Town Council may, for good cause shown, grant an extension for the development approval for up to one year for the purpose of obtaining a building permit under the terms of the previously applicable ordinance(s). If a building permit is not obtained within the time allowed under the original ordinance or permit or any extension granted, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Ordinance.

B) **Subdivision**

- 1) *General.* Any subdivision for which a master subdivision plan or minor subdivision was approved prior to the effective date of this Ordinance may, at the applicant's option, be completed according to the subdivision approval and other applicable permits and conditions, except when Sec. 1.10.2 (B) (2) applies, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements established by prior ordinance or within any schedule included in the approval of the subdivision approval, the Town Council may grant one extension of not more than one year for the completion of the subdivision under the terms of the previous ordinance(s) for good cause shown. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Ordinance.
- 2) *Expiration.* Any master subdivision plan that was approved prior to the effective date of this Ordinance that does not have an expiration date under the prior ordinance or the specific subdivision approval shall expire two years after the effective date of this Ordinance unless required improvements are built and completed for at least one phase of the subdivision within two years of the effective date of this Ordinance. (For the purposes of this subsection, required improvements are the streets, potable water facilities, wastewater treatment facilities and sidewalks identified in the subdivision approval for the relevant phase.) If such a master subdivision plan expires, then development of the subdivision must comply with this Ordinance.

1.10.3 Complete Applications

All projects for which a complete application for site plan or master subdivision plan was submitted and accepted by the Town on or before May 1, 2000 shall be exempt from complying with all provisions of this Ordinance if the application is approved and

development occurs in conformity with the permit terms and the requirements of the previously applicable ordinance(s). Such site plans are subject to Section 1.10.2 (A) and such master subdivision plans are subject to Section 1.10.2 (B) (2).

1.10.4 Violations Continue

Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

1.10.5 Legal Nonconformities Under Previous Ordinances

Any legal nonconformity under any previous ordinances repealed by this Ordinance is also a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinances continues to exist.

1.10.6 Tree Clearing

The provisions of Section 8.1.3 (B) (4) (a) shall not apply to activities that occurred prior to the effective date of this Ordinance and shall not apply to activities that are in direct fulfillment of obligations incurred under written contracts or deeds entered into prior to the effective date of this Ordinance.