



# CITY OF CREEDMOOR

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**MAYOR**  
 DARRYL D. MOSS

**CITY MANAGER**  
 MICHAEL P. BONFIELD

**COMMISSIONERS**  
 ERNIE ANDERSON  
 THOMAS C. JACKSON  
 DEL MIMS  
 HERMAN B. WILKERSON  
 ARCHER WILKINS

## ORDINANCE# 2017-O-18

### AN ORDINANCE AMENDING THE CITY OF CREEDMOOR DEVELOPMENT ORDINANCE ARTICLES 3, 4, 5, 7, 8, 10 AND 16

**WHEREAS**, the City of Creedmoor Planning Department has initiated text amendments in Article 3 DEFINITIONS, Article 4 BOARDS & COMMISSIONS, Article 5 AMENDMENTS TO DEVELOPMENT ORDINANCE & ZONING, Article 7 PERMITS & PROCEDURES, Article 8 ZONING DISTRICTS, Article 10 USES WITH ADDITIONAL STANDARDS & CONDITIONAL USES, and Article 16 SUBDIVISIONS in response to recent changes in the North Carolina General Statutes and in order to more closely align ordinance language with departmental procedures; and

**WHEREAS**, the Board of Commissioners, on November 6, 2017 adopted RESOLUTION 2017-R-26, an initial scheduling resolution for ZTA-2017-03; and

**WHEREAS**, a public meeting was held by the City of Creedmoor Planning Board on November 9, 2017 to consider this series of text amendments, and the Planning Board unanimously found ZTA-2017-03 consistent with the goals of the City of Creedmoor's CITY PLAN 2030; and

**WHEREAS**, the Board of Commissioners held a public hearing on November 21, 2017, to consider said request, and gave the public an opportunity to be heard; and

**WHEREAS**, the Board of Commissioners concurs with the Planning Board's consistency findings and has approved, by resolution, a statement of consistency and briefly explained why the board considers the action taken to be reasonable and in the public interest.

**NOW, THEREFORE, IT SHALL BE ORDAINED** by the Board of Commissioners of the City of Creedmoor:

- Section 1. That the Creedmoor Development Ordinance be amended as reviewed and approved by the Planning Board (see attached Exhibit A).
- Section 2. The Clerk is hereby authorized to insert such amendments into the official Creedmoor Development Ordinance kept on file in the Office of the Clerk and with the Planning/Zoning/Subdivision Administrator.
- Section 3. This ordinance amendment shall become effective upon adoption.

BE IT IS SO ORDAINED this the 21<sup>st</sup> day of November, 2017.

CITY OF CREEDMOOR BOARD OF COMMISSIONERS



Darryl B. Moss, Mayor

Attest:



Kathleen J. McCorkle, City Clerk



**2017-O-18**  
**EXHIBIT A**

**ARTICLE 3: DEFINITIONS**

*SUBDIVISION, EXPEDITED REVIEW.* A residential subdivision involving five or more acres, establishing no more than three lots that meet applicable lot dimension guidelines set out in Article 8. Resulting lots shall not require a waiver, modification, or variance from any requirement of this Ordinance, and shall comply with applicable zoning regulations. At least ten years shall have passed since the property was subdivided under any expedited review process. The resulting lots shall have a permanent means of ingress/egress designated on the recorded plat. No sketch plan review or preliminary plat review shall apply to this classification of minor subdivision.

**ARTICLE 4: BOARDS AND COMMISSIONS**

**4.5-2 MEMBERSHIP.**

A. **COMPOSITION.** The TRC shall be composed of the following members or their designee/alternate:

1. Planning, Zoning and Subdivision Administrator
2. Public Works Director
3. Stormwater Administrator
4. City Manager
5. Other agencies/individuals as appropriate

B. **OFFICERS.** The Planning, Zoning and Subdivision Administrator shall serve as TRC Chair

**4.5-3 POWERS AND DUTIES.** The Technical Review Committee shall have the following powers and duties:

- A. To review technical aspects of development occurring within the City and the areas within its extraterritorial jurisdiction as specified by this Ordinance;
- B. To compile a summary of their findings and forward to the Planning Board and Board of Commissioners.

**ARTICLE 5: AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP**

**5.1 GENERAL**

Zoning regulations shall be made in accordance with the City's comprehensive land use plan. The Creedmoor City Board of Commissioners may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by NCGS§160A-384. Such amendments shall be evaluated for compliance with the City's Land Use Plan, and may require a land use plan amendment to ensure compatibility between the plan and the amendment. Amendments and modifications shall be acted upon by the City Board of Commissioners, after written recommendation from the Planning Board.

**5.3-3 (D) CONTENT OF RECOMMENDATION AND STATEMENT OF CONSISTENCY.** Prior to consideration by the Board of Commissioners of any proposed zoning amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan adopted by the City. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with any comprehensive plan for the area affected shall not

preclude consideration or approval of the proposed amendment by the City Board of Commissioners. (NCGS§160A-383)

#### 5.3-4 (D) STATEMENTS OF CONSISTENCY.

Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
  - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
  - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - c. Why the action was reasonable and in the public interest. (NCGS§160A-383)

### **ARTICLE 7: PERMITS AND PROCEDURES**

#### 7.11-3 EXPEDITED MINOR SUBDIVISIONS.

A. **PURPOSE.** The Expedited Minor Subdivision review process is allowed for those divisions of land involving a minimum of five acres in single ownership resulting in the creation of a maximum of three lots. The tract or parcel to be divided shall not be exempted under Article 16.1-2(B). No less than ten years shall have passed since the last subdivision of the land via expedited review. Lots resulting from expedited minor subdivision procedures shall meet all applicable zoning regulations and shall conform to all dimensional requirements described in Article 8 of this ordinance. Resulting lots shall have a permanent means of ingress/egress designated on the plat. Review and approval of the Final Plat by the staff permits a speedy review while ensuring that the proposed division of land meets all requirements established by the City of Creedmoor.

B. **PLAT SUBMITTAL.**

1. **PLAT REQUIRED.** Final Plat for Expedited Minor Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this ordinance and applicable state standards.

2. **FILING OF APPLICATION.** Final Plat and a complete application packet containing all information established by the Planning Department for Expedited Minor Subdivision shall be submitted to the Planning, Zoning, and Subdivision Administrator and may be presented at any time.

C. **STAFF REVIEW.** The Plat for a proposed Expedited Minor Subdivision shall be reviewed by the Planning, Zoning, and Subdivision Administrator for compliance with these Subdivision regulations. The review shall also include compliance by the Plat with other Ordinances and regulations of the City of Creedmoor. The Plat shall be prepared in compliance with the requirements set forth in the checklist for Final Expedited Minor Subdivisions provided by the Planning, Zoning, and Subdivision Administrator. Provided the application is complete, the Planning, Zoning, and Subdivision Administrator shall take action on the Plat of the proposed Expedited Minor Subdivision within ten (10) working days of its submittal. Following approval, the applicant shall record the Plat for Expedited Minor Subdivision in accordance with this subsection.

D. PUBLIC NOTIFICATION. No public notification is required for Expedited Minor Subdivision review.

E. FINAL PLATS APPROVAL.

1. RECORDATION AND SIGNATURES.

a. SIGNATURES. Upon approval of a Plat for Expedited Minor Subdivisions, said Plat shall contain all certificates required under Article 16 of this ordinance. The Final Plat shall be signed in the appropriate place by the Planning, Zoning, and Subdivision Administrator and by the owner. Additionally, approval shall be shown by a Certificate of Approval for recording.

b. RECORDATION. A Plat for Expedited Minor Subdivision shall be recorded in the Office of the Register of Deeds for Granville County within 60 days following approval by the Planning, Zoning, and Subdivision Administrator. No Plat shall be considered finally approved until the Plat has been recorded. No lots in an Expedited Minor Subdivision shall be sold prior to approval by the Planning, Zoning, and Subdivision Administrator and recording of the Plat for the Subdivision.

F. VALIDITY. Expedited Minor Subdivision Plats which have been granted approval shall be recorded as set forth in Section 7.11-3(F) above within 60 days following approval; otherwise the approval becomes invalid.

G. APPEALS. Decisions of the Planning, Zoning, and Subdivision Administrator with regard to Expedited Minor Subdivisions may be appealed to the Board of Adjustment. Such an appeal must be filed within 30 days of the receipt of the decision by the property owner. The appeal shall be in writing and delivered to the City Clerk.

H. FEES. For all categories of Subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.

## **ARTICLE 8: ZONING DISTRICTS**

### **8.4-1 AGRICULTURAL DISTRICT (AG)**

(E.) PERMITTED DENSITY

Residential Density: 0.20 units/acre.

### **8.4-2 SINGLE FAMILY RESIDENTIAL (SFR)**

(E.) PERMITTED DENSITY

Residential Density: 4 units/acre.

### **8.4-3 RESIDENTIAL/MAIN STREET TRANSITIONAL DISTRICT (R/MST)**

(E.) PERMITTED DENSITY

1. Residential Density: 8 units/acre; 2. Multifamily Density: See 10.1-24 (B) (2).

### **8.4-5 MAIN STREET PERIPHERY DISTRICT (MSP)**

(E.) RESERVED.

(F.) RESIDENTIAL DENSITY: 8 units/acre

### **8.4-7 MAIN STREET DISTRICT (MS)**

(E.) PERMITTED DENSITY

Residential Density: 8 units/acre

**8.4-9 CIVIC DISTRICT (CIV)**

(E.) PERMITTED DENSITY

Residential Density: 1 unit/acre (Unlimited as Dormitories permitted as part of approved master plan)

**8.4-10 NC 56 COMMERCIAL DISTRICT (C 56)**

(E.) PERMITTED DENSITY

Residential Density: 2 units/acre

**8.4-11 US 15 COMMERCIAL DISTRICT (C 15)**

(E.) PERMITTED DENSITY

Residential Density: 4 units/acre

**8.5-1 TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY (TNDO)**

(E.) PERMITTED DENSITY

The maximum residential density is established by the underlying general use zoning districts as defined in Section 8.4.

**8.5-2 MINI FARM OVERLAY (MFO)**

(F.) DEVELOPMENT STANDARDS. The following development standards shall apply to developments approved in accordance with the provisions of this section:

1. The maximum residential density is established by the underlying general use zoning districts as defined in Section 8.4.

**8.5-3 SCENIC CORRIDOR OVERLAY (SCO)**

4. SCENIC CORRIDOR PROVISIONS. The following provisions shall govern development within a designated scenic corridor:

b. The maximum residential density is established by the underlying general use zoning districts as defined in Section 8.4.

**ARTICLE 10.1-24 MULTI-FAMILY DEVELOPMENT IN SINGLE FAMILY AREA.**

B. Development Standards:

2. The maximum permitted density for the multi-family development shall be twenty-four (24) units per acre.

**ARTICLE 16: SUBDIVISIONS**

**16.1-2 EXEMPT LAND DIVISIONS.**

F. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.