



# CITY OF CREEDMOOR

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**MAYOR**  
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**COMMISSIONERS**  
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NEENA NOWELL  
HERMAN B. WILKERSON  
ARCHER WILKINS

## ORDINANCE# 2018-O-08

### AN ORDINANCE AMENDING THE CITY OF CREEDMOOR DEVELOPMENT ORDINANCE ARTICLE 22: NONCONFORMITIES

**WHEREAS**, the City of Creedmoor Planning Department has initiated text amendments in Article 22 NON-CONFORMITIES in order to restore timelines relating to discontinuation of non-conformities and non-conformities relating to manufactured homes; and

**WHEREAS**, a public meeting was held by the City of Creedmoor Planning Board on July 12, 2018, to consider this text amendment, and the Planning Board unanimously found ZTA-2018-04 consistent with the goals of the City of Creedmoor's CITY PLAN 2030; and

**WHEREAS**, the Board of Commissioners held a public hearing on September 4, 2018, 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 the following:

**Section 1.** The Creedmoor Development Ordinance Section 22.4, "NON-CONFORMITIES," is amended as follows:

#### **22.4 Nonconforming Uses**

22.4-1 DISCONTINUATION OF NONCONFORMING USES. A nonconforming use is allowed to continue unless the use is discontinued for a period of 180 or more consecutive days, and there are no substantial good faith efforts to re-establish the use during this period. Obtaining permits to maintain the existing use or significant continuous efforts to market the property for sale or lease for the existing use (e.g., MLS listing, realtor contract, etc.) shall be regarded as substantial good faith efforts. Thereafter, the structure or property associated with the use may be used only for conforming use. Where multiple nonconforming uses occupy the same premises, the reallocation of any combination of the nonconforming uses shall be allowable provided there is no net increase in the gross area of the combined nonconforming uses. Conditional uses discontinued for a period of 180-or more consecutive days shall be regarded as nonconforming uses and shall not be re-established without new conditional use permit approval.

**Section 2.** The Creedmoor Development Ordinance Section 22.5, Nonconformities Associated with Manufactured Homes, is amended as follows:

**22.5 Nonconformities Associated with Manufactured Homes.**

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner:

22.5-1 REPLACEMENT OF ONE EXISTING NONCONFORMING MANUFACTURED HOME WITH ANOTHER MANUFACTURED HOME IN A LAWFULLY ESTABLISHED MANUFACTURED HOUSING PARK. Such replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the removal of the original manufactured home.

22.5-2 REPLACEMENT OF ONE MANUFACTURED HOME WITH ANOTHER MANUFACTURED HOME IN AREAS OTHER THAN A LAWFULLY ESTABLISHED MANUFACTURED HOUSING PARK OR AREA COVERED BY A MANUFACTURED HOUSING ZONING DISTRICT. Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.

**Section 3.** All provisions of any City ordinance or resolution in conflict with this ordinance are repealed.

**Section 4.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 4<sup>th</sup> day of September, 2018.

Ayes:   5    
Noes:   0    
Absent or Excused:   0  

  
Robert Wheeler, Mayor

Attest:

  
Kathleen McCorkle, City Clerk

