

# CITY OF CREEDMOOR

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 (919) 528-3332

**MAYOR**  
 ROBERT V. WHEELER

**CITY MANAGER**  
 GERALD C. SMITH, SR.

**COMMISSIONERS**  
 KECHIA BRUSTMEYER-BROWN  
 GEORGANA KICINSKI  
 DEL MIMS  
 ED MIMS  
 NEENA NOWELL

## ORDINANCE 2021-O-10

### AN ORDINANCE AMENDING THE CITY OF CREEDMOOR DEVELOPMENT ORDINANCE ARTICLES 2, 3, 10, 13, 15, 16, 17, 18, 19, 21, 22, AND 23 IN ACCORDANCE WITH ZTA-2021-02

**WHEREAS**, the City of Creedmoor Community Development Department has initiated a zoning text amendment in Articles 2, 3, 10, 13, 15, 16, 17, 18, 19, 21, 22, and 23, in order to comply with the reorganization and updating of State land use law per General Statute Chapter 160D – Local Planning and Development Regulation, and to comply with the Reed Supreme Court decision regarding sign regulations, and assigned the case number ZTA-2021-02; and

**WHEREAS**, a public meeting was held by the City of Creedmoor Planning Board on May 13, 2021 to consider this text amendment, and the Planning Board unanimously found ZTA-2021-02 consistent with the goals of the City of Creedmoor’s CITY PLAN 2030 and recommended for its approval, see attached signed consistency statement; and

**WHEREAS**, the Board of Commissioners held a public hearing on June 1, 2021 to consider said request, and gave the public an opportunity to be heard; and

**WHEREAS**, the public hearing for this matter was conducted during a remote meeting as defined by G.S. 166A-19.24(i)(3). As required by G.S. 166A-19.24(e), the Board of Commissioners shall allow written comments on the subject of the public hearing to be submitted up to twenty-four hours after the hearing. If no written comments are received, this ordinance shall become effective twenty-four hours after being adopted. If written comments are received within the twenty-four hour window, the effective date of the ordinance shall automatically be tolled to the next meeting of the Board of Commissioners, at which time the Board shall vote on whether to allow the ordinance to become effective or to rescind the approval; and

**WHEREAS**, the Board of Commissioners concur with the Planning Board’s consistency findings and have 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 Article 2: GENERAL PROVISIONS be amended as follows:

**Section 2.** The Creedmoor Development Ordinance Article 3: DEFINITIONS be amended as follows:

**Section 3.** The Creedmoor Development Ordinance Article 10: USES WITH ADDITIONAL STANDARDS AND SPECIAL USE PERMITS be amended as follows:

**Section 4.** The Creedmoor Development Ordinance Article 13: STREETS be amended as follows:

**Section 5.** The Creedmoor Development Ordinance Article 15: SPECIAL EVENTS AND TEMPORARY STRUCTURES be amended as follows:

**Section 6.** The Creedmoor Development Ordinance Article 16: SUBDIVISIONS be amended as follows:

**Section 7.** The Creedmoor Development Ordinance Article 17: SIGN REGULATIONS be amended as follows:

**Section 8.** The Creedmoor Development Ordinance Article 18: FLOOD DAMAGE PREVENTION be amended as follows:

**Section 9.** The Creedmoor Development Ordinance Article 19: WATERSHED PROTECTION ORDINANCE be amended as follows:

**Section 10.** The Creedmoor Development Ordinance Article 21: OPEN SPACE be amended as follows:

**Section 11.** The Creedmoor Development Ordinance Article 22: NONCONFORMITIES be amended as follows:

**Section 12.** The Creedmoor Development Ordinance Article 23: ADMINISTRATION AND ENFORCEMENT be amended as follows:

**Section 13.** All provisions of any City ordinance or resolution in conflict with this ordinance are repealed.

**HEREBY ADOPTED** in regular session by the City of Creedmoor Board of Commissioners by motion from **Commissioner Brustmeyer-Brown** this, the **1<sup>st</sup> day of June, 2021.**

Ayes: 5

Noes: 0

Absent or Excused: 0

  
Robert V. Wheeler, Mayor

ATTEST:

  
Terry A. Hobgood, Jr., City Clerk



## ARTICLE 2

### General Provisions

*[Amended Sept. 21, 2015, per Ord. 2015-O-20, ZTA-2015-02]*

#### 2.1 General Requirements

Upon the adoption of this Ordinance, no structure shall be erected nor use established in conflict with:

- A. the district regulations of Article 8;
- B. the building and lot regulations of Article 9;
- C. the street regulations of Article 13;
- D. the off-street parking regulations of Article 12;
- E. the landscape regulations of Article 11;
- F. the open space regulations of Article 21;
- G. the general provisions of Article 2; or
- H. the sign regulations of Article 17.

#### 2.2 Street Frontage Required

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

- A. Any lot for which a residential use has been legally established prior to the effective date of this Ordinance provided the lot is served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement. A driveway accessible by emergency equipment must be located on said easement. Lots created under these provisions shall be known as "easement-access lots."
- B. Any lot for which a non-residential use has been legally established prior to the effective date of this Ordinance, provided the lot is served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed or used in the same manner as a lot abutting a street provided that it is served ~~with~~by a driveway located on said easement, built to appropriate City standards and located on the permanent, recorded easement.
- C. Up to four (4) residential lots may be served by a private street meeting the standards for private streets set forth in the City of Creedmoor Technical Standards and Specifications Manual.
- D. A site specific development plan may be considered for approval in the Main Street (MS) District, Main Street Periphery (MSP) District, Residential Main Street Transitional (R/MST) District, ~~Traditional Neighborhood Development Overlay (TNDO) District~~conditional district, or Mini-Farm Overlay (MFO) District where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 3, where adequate access by emergency vehicles is maintained by way of a street or *alley* and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.
- E. A site-specific development plan may be considered for approval in the Main Street (MS) District, Main Street Periphery (MSP) District, Commercial US Highway 15 (C-15) District, Commercial NC Highway 56 (C-56) District, Civic (CIV) District, conditional district, or Industrial (IND) District to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the development fronting upon a public street or are buffered in accordance with this Ordinance. Non-residential subdivisions should be primarily served by public streets and use of private drives should be minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative. Private drives serving uses in the Main Street (MS) District, Main Street Periphery (MSP) District, Commercial US Highway 15 (C-15) District, Commercial NC Highway 56 (C-56) District, Civic (CIV) District, conditional district, or Industrial (IND) District shall be constructed in accordance with the standards for commercial streets as

found in the City of Creedmoor Standards and Specifications Manual and sidewalks shall be provided on at least one side of the private drive.

- F. To access a lot or lots in the Main Street (MS) District, Main Street Periphery (MSP) District, Commercial US Highway 15 (C-15) District, Commercial NC Highway 56 (C-56) District, Civic (CIV) District, [conditional district](#), or Industrial (IND) District, where factors beyond developer control, such as a “limited access” highway along the divided cross-sections, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

**2.3 One Principal Building on a Lot; Exceptions**

Only one principal building and its customary *accessory building(s)* may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by [the building and lot type standards of this Ordinance](#). Temporary family health care ~~facilities~~[structures](#), as defined in ~~NCGSS 160A-383.5~~[G.S. 160D-915](#) and in Article 3 of this ordinance, are exempt from this standard, as are campuses of educational facilities, medical facilities, and other land uses normally associated with a cluster of related buildings operated as a single facility.

**2.4 Lot Size**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that [the requirements for the applicable zoning district’s minimum lot size cannot be met, or the](#) requirements for building and lot type cannot be met, or the standards for spacing of structures and street frontage cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities and/or street and/or sidewalk right-of-way purposes.

**2.5 Lot Width**

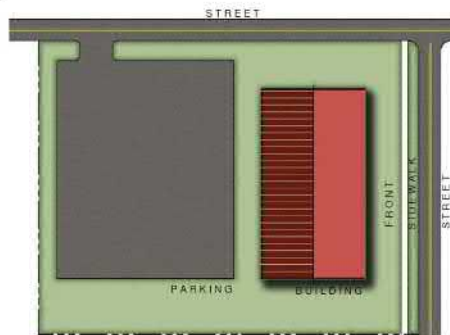
The required width of a lot, as set forth in Article 8 of this Ordinance, shall be measured at the required front setback line.

**2.6 Yard Designation**

- 2.6-1 LOTS ABUTTING MORE THAN ONE STREET. On lots that abut more than one street, the building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.

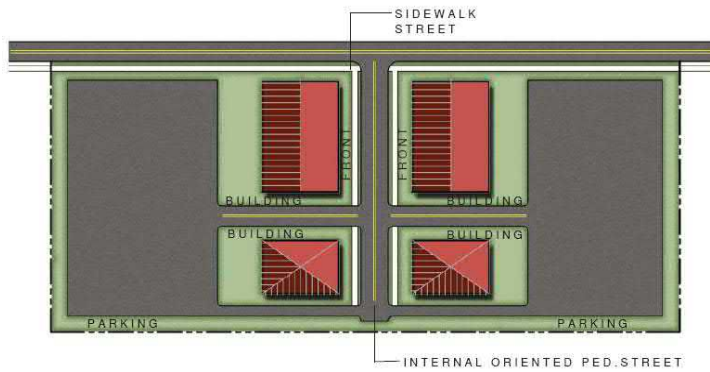
**LOTS ABUTTING MORE THAN ONE STREET**

*One Building Lot*



- 2.6-2 MULTIPLE BUILDINGS ON A LOT. Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

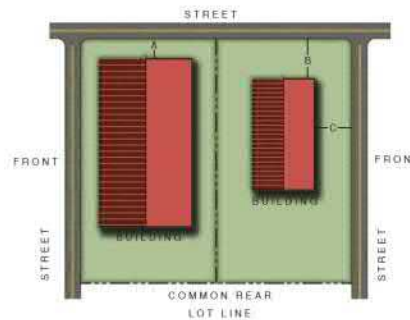
*Multiple Buildings on a Lot*



**2.7 Yard Dimensions for Corner Lots**

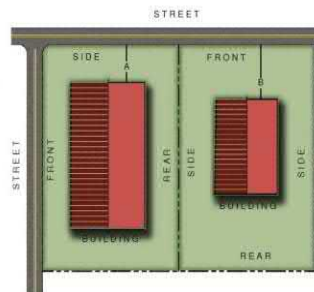
2.7-1 TWO CORNER LOTS ABUTTING AT REAR. If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.

*Two corner lots abutting:  
Common side yards on the street (A & B) must be at least 50% of the greater of the two front setbacks (C)*



2.7-2 SIDE LOT LINE A CONTINUATION OF ADJACENT LOT FRONT LOT LINE. In any district, where the side lot line of a corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.

*Side Lot Line a Continuation of Adjacent Front Lot Line:  
Side-yard setback of a corner lot (A) shall be at least 50% of established setback of adjacent lot (B)*



2.7-3 BUILDINGS ON CORNER LOTS. Buildings on corner lots shall be positioned on the corner as required by the building and lot type standards for the zoning district in which the lot is located and shall adhere to the corner lot side yard setback requirements as stated in Article 8 of this Ordinance.

**2.8 Through Lots**

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

**2.9 Height Limitation**

2.9-1 BUILDING TYPE CONTROLS. The height of habitable buildings and components is controlled by

building type (see Article 9).

- 2.9-2 BUILDING COMPONENTS EXCEEDING HEIGHT LIMITATION. Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (see Article 9). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure that extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground.
- 2.9-3 EXCEPTIONS TO HEIGHT LIMITATION. The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- 2.9-4 HEIGHT OF COMMUNICATION TOWERS. Commercial communication towers, where permitted, may exceed the height limit for structures when the standards for these towers, as set forth in Article 10, are met.

## 2.10 Structures and Uses Limited in Yards

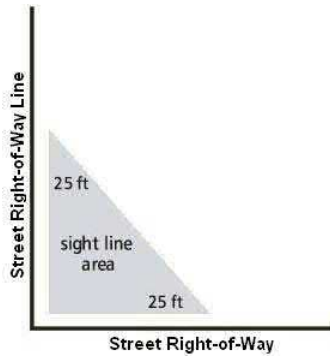
- 2.10-1 NO PRINCIPAL STRUCTURE IN SETBACK. No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a ~~principle-principal~~ structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
- 2.10-2 NO ACCESSORY STRUCTURE IN SETBACK. Except as otherwise provided in this article, no accessory structure shall be located within an established setback or required side yard, nor within five (5) feet of a side or rear lot line. Where permitted, accessory dwellings may be located no closer than four (4) feet to the right-of-way or easement of an abutting mid-block *alley*, nor closer than five (5) feet to an abutting rear property line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance. If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard setback and be at least fifteen (15) feet from the rear lot line.
- 2.10-3 FENCES. Fences may be located in any yard, established or required, according to the standards of section 2.13-2 of this Ordinance, except that fences extending within the minimum required front yard shall be of decorative material, either concealing or in lieu of wire fencing, and shall be limited to four (4) feet in height. ~~(strand or fabric) when located within any residential, Main Street (MS) District, Main Street Periphery (MSP) District, Traditional Neighborhood Development Overlay (TNDO) District, or Mini-Farm Overlay (MFO) District.~~
- 2.10-4 SIGNS. Signs may be located in an established front setback or a side-yard abutting a public street, outside of the public right-of-way and as permitted by the provisions of Article 17, Sign Regulations.
- 2.10-5 TRANSIT SHELTERS. Transit shelters may be located in any setback or yard which abuts a street provided the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance.
- 2.10-6 OFF-STREET PARKING. Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen, except as allowed in Article 12 of this Ordinance. This restriction shall not apply to:
- a driveway which crosses a front yard to provide access from the street to a parking area;
  - an individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling;
  - plazas associated with civic buildings that have been designed and approved for occasional use as secondary parking areas;
  - the frontage along a City street for which a specific streetscape plan and section have been

adopted by the City Board [of Commissioners](#) to include limited parking and access in a series of fronting yards;

- E. maneuvering areas for loading or delivery activities in the established setbacks and yards of buildings in non-residential zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.
- 2.10-7 OUTDOOR STORAGE. Neither outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.
- 2.10-8 ARCHITECTURAL FEATURES. Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, *awnings*, steps, gutters, and fire escapes may project up to three (3) feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 10.
- 2.10-9 SUBORDINATE STRUCTURES. Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to [twenty-five percent \(25%\)](#) of the rear yard's depth, and may consume up to [twenty percent \(20%\)](#) of the rear yard's area. Attached rear loading garages accessed from rear *alleys* may extend into the required rear yard to within eighteen (18) feet of the *alley* right-of-way or easement; however, side loading garages accessed from rear *alleys* may extend into the required rear yard to within ~~three-four~~ [\(43\)](#) feet of the *alley* right-of-way or easement, and may consume up to ~~twenty-five percent (5025%)~~ [fifty percent \(50%\)](#) of the rear yard's area. Such extensions may not exceed [fifty percent \(50%\)](#) of the width of the dwelling at the rear building line except in attached residential structures.
- 2.10-10 BACKFLOW PREVENTERS. Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible according to the standards and requirements of [the South Granville Water & Sewer Authority](#)~~Creedmoor Public Works Department~~. Where there is no reasonable alternative to locating an above ground backflow preventer in the established front yard, the structure housing the device shall be covered in a non-reflective material and shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped opaque screen that matches that architectural style of the primary building.

## **2.11 Clear Sight Triangle at Street Intersection**

- 2.11-1 SIGHT TRIANGLE REQUIRED. Unless provided otherwise, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle". The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed for greater than 35 MPH, the area to be clear of view obstructions at un-signalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for 35 MPH or less, the area to be clear of view obstructions at un-signalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 25 feet from the point of intersection.  
*Site Triangle Illustration for Streets Signed for 35 MPH or less:*



- 2.11-2 NO OBSTRUCTION IN SIGHT TRIANGLE. No planting, structure, sign, fence, wall, manmade berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 96 inches above the level of the center of the street intersection.
- 2.11-3 MODIFICATIONS TO LIMITATIONS. The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
- A. existing natural grades;
  - B. trees trimmed such that no limbs or foliage extend into the area between 30 and 96 inches above the level of the adjacent intersection;
  - C. fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
  - D. buildings located in the Main Street (MS) District, ~~or Main Street Periphery (MSP) District, or the mixed-use center of the Traditional Neighborhood Overlay (TNDO) District;~~
  - E. the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neck-downs, intersection diverters, and curb bulbs.

**2.12 Building Separation and Size**

All detached principal structures in all districts shall preserve a minimum building separation of ten (10) feet, except for Urban Workplace, Shop-front Commercial, and Attached House Lot/Building Types in the Main Street (MS) District, ~~or the Main Street Periphery (MSP) District, or the mixed-use center of the Traditional Neighborhood Overlay (TNDO) District.~~ All detached accessory structures twelve (12) feet or less in any dimension in all zoning districts shall maintain a minimum building separation of five (45) feet, as measured from the overhang. All detached accessory structures greater than twelve (12) feet in any dimension in all zoning districts shall maintain a minimum building separation of ten (10) feet, as measured from the overhang, per the North Carolina Building Code. Per G.S. 160D-703 and S.L. 2019-174, the City of Creedmoor must not set a minimum square footage requirement for structures subject to the One- and Two-Family Residential Building Code.

**2.13 Permitted Accessory Uses and Fixtures in All Districts**

2.13-1 ACCESSORY USES AND STRUCTURES. *Accessory uses* and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.

2.13-2 FENCES AND WALLS.

- A. Permit Required. A zoning permit issued by the *Planning, Zoning and Subdivision Administrator* shall be required for all fences and walls. The process for obtaining a zoning permit is set forth in Article 7 of this Ordinance.
- B. Height. The maximum height of a fence or wall shall be six (6) feet when located in a side or rear yard and behind the front façade of the home or primary building in a downtown or residential district, including (MS, MSP, R/MST, SFR, AG). The maximum height of a fence or wall shall be four (4) feet when located in the front yard and in front of the façade of the primary building in a downtown or residential district, including (MS, MSP, R/MST, SFR, AG). The maximum height of a fence or wall shall be eight (8) feet when located in a commercial, civic, or industrial district,



including (C-15, C-56, IND, CIV). A higher fence or wall may be allowed when associated with a recreational facility, such as a tennis court or ball field, when associated with a utility or electrical substation, or when associated with a government facility. Taller fences may be permitted by the Planning, Zoning and Subdivision Administrator when associated with swimming pools, as stated in Section 2.13-7 of this Ordinance.

C. Construction & Materials. The finished side of all fences shall face off-site. If fence support posts are visible on one side only, that side shall be deemed the unfinished side. Chain link fencing is prohibited in downtown and residential districts, including (MS, MSP, R/MST, SFR). Chain link fencing is allowed, with an opaque screen attached to the outside or a landscaped screen planted outside the fence that will achieve a minimum height of six (6) feet within three (3) years of planting, in commercial, industrial, civic, and agricultural zoning districts, including (C-15, C-56, IND, CIV, AG). Razor wire, concertina wire, barbed wire and similar fencing materials are prohibited in downtown and residential districts, including (MS, MSP, R/MST, SFR) and on sites adjacent to residential uses or residentially zoned properties. Barbed wire is allowed where associated with a utility or government facility.

A.D. Walls. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition. Alternative walls may be permitted with the approval of the Planning, Zoning and Subdivision Administrator, or designee, if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No wall shall be located within any required drainage, utility, or other recorded or dedicated easement. Retaining walls built to support a grade eight (8) feet or more higher than the grade at the interior of the wall may be constructed taller than the limits of this Ordinance, with justification from an engineer and with the approval of the Planning, Zoning and Subdivision Administrator.

~~B. In a residential, mixed use, or commercial district, a fence or wall in the established front yard, side yard, and rear yard of a building abutting a street shall be a maximum of 5 feet in height, unless otherwise regulated by the building or lot type standards (Article 9) of this Ordinance. Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 5 feet in height in front of a line parallel to the front of the principal structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).~~

~~C. In a residential or mixed use district, a fence or wall in an established rear yard that abuts an alley may not exceed 6 feet in height unless placed 15 or more feet inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 3 feet at installation, or if obscured from view by the screening method(s) set out in the paragraph immediately above.~~

~~D. In a residential or mixed use district, a fence or wall in an established rear or side yard that does not abut a street or alley may not exceed 8 feet in height, measured as the average over any 100 linear foot run of said fence or wall.~~

~~E. In a commercial district, a fence or wall located outside the established front yard, side yard, and rear yard of a building abutting a street may have a height of up to 8 feet, measured as the average over any 100 linear foot run of said fence or wall. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on~~

~~the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level and are approved by the Planning, Zoning and Subdivision Administrator.~~

- ~~F. In a commercial or industrial district where the side or rear yard abuts a residential or mixed use district, chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. Additionally, a semi-opaque vegetative screen shall be required on the exterior side of the fence.~~
- ~~G.E. Fences and walls shall not be erected over easements such as, but not limited to, access easements, utility easements, drainage easements, or any other public easement, without the explicit approval of the Public Works Department, and Planning Department, or associated utilities. If fences or other barriers are allowed to cross such easements, the Public Works Engineer easement owner may require the installer or landowner to install gates or other access points per standards and specifications set by the Public Works Engineer easement owner to ensure access to such easements in the future as necessary and to minimize damage to private property.~~
- 2.13-3 PARKING LOTS. For parking lots as principal or accessory uses, the landscape and buffering standards of Article 11 [and the off-street parking requirements of Article 12](#) shall control.
- 2.13-4 ON-SITE LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL.
- A. Any on-site LCID landfill must obtain a permit from and comply with the standards of the City of Creedmoor, Granville County and the State of North Carolina.
  - B. Any such landfill must be closed in an approved fashion within six [\(6\)](#) months of completion of construction or within [twelve \(12\)](#) months of cessation of construction, if the development project has not been completed.
  - C. The location of any such landfill must be indicated on the ~~sketch-preliminary~~ site development plan and the final site development plan. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.
  - D. No portion of any such landfill may be located within [thirty five \(35\)](#) feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.
  - E. A surety bond or irrevocable letter of credit in an amount to be determined by the consulting engineer must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time.
- 2.13-5 PETROLEUM STORAGE. Petroleum storage, accessory to a permitted principal use or building, shall comply with the Fire Prevention Code of the National Board of Fire Underwriters.
- 2.13-6 TEMPORARY CONSTRUCTION-RELATED USES. Temporary buildings and storage of materials, provided the use is in conjunction with the construction of a building on the same lot or on an adjacent lot, [shall be permitted according to the standards of Article 15.](#) ~~;~~ ~~†~~ The temporary uses [and/or structures](#) shall be terminated upon completion of construction.
- 2.13-7 SWIMMING POOLS. Swimming pools located on any site, including single family residential sites, shall be:
- A. Located in a side or rear yard only;
  - B. Located a minimum of fifteen [\(15\)](#) feet from any property line;
  - C. Completely enclosed by a fence or wall no less than four [\(4\)](#) feet but no more than eight [\(8\)](#) feet;

~~in accordance with the provisions of sub-section 2.13-2 FENCES AND WALLS herein,~~ in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device. [Pool fencing requirements and standards are in addition to Section 2.13-2 \(FENCES AND WALLS\) of this Ordinance, and taller fences may be permitted for pool uses.](#)

2.13-8 SOLAR COLLECTORS. *[Amended May 27, 2014 per Ord. 2014-0-03]* Solar energy collection systems for solar photovoltaic systems and solar thermal systems may be roof-mounted on any code-compliant structure; ground-mounted systems may occupy an area of up to [fifty percent \(50%\)](#) of the footprint of the primary structure on the parcel, but not more than [one \(1\)](#) acre; may cover permanent parking lot and other hardscape areas, or be building integrated solar (i.e., shingle, hanging solar, canopy, etc.).

- A. New solar energy collection systems shall apply for a zoning compliance permit from the Planning, Zoning & Subdivision Administrator;
- B. Installation activities must comply with all aspects of North Carolina Building Code, Electric Code and Plumbing Code. Permits shall be applied for through the ~~City of Creedmoor~~ [Granville County](#) Inspections Department;
- C. Nothing in this ordinance modifies already established Granville County Health Department requirements. Ground-mounted solar systems shall not be constructed over onsite water or waste water systems (i.e. wells or septic systems);
- D. Standard erosion and sedimentation control, stormwater phase II, Falls Lake and watershed rules shall apply;
  1. Ground-mounted solar energy collection systems do not count towards the impervious allowance on any lot. Panels, racks, or arrays must be positioned to allow water to run off their surfaces.
  2. Land under, between or below any ground-mounted solar energy collection system must be adequate enough to ensure proper vegetative growth, and maintained consistent with all health and sanitation ordinances, and shall not create a nuisance.
- E. All outdoor system components at ground level must meet setbacks established for the applicable zoning district, and must be located in the rear yard, or attached to the rear of the building;
- F. Maximum height of ground-mounted systems is twenty (20~~2~~) feet. The height of systems will be measured from the highest natural grade to the highest point of any component.

## **2.14 Standards for Construction; Developer Responsibility**

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this Ordinance or other Ordinances of the City of Creedmoor, those standards shall control. Where standards are not specified, construction shall be in conformance with the standards set forth in the City of Creedmoor Technical Standards and Specifications Manual.

## **2.15 Guarantee in Lieu of Construction of Improvements**

2.15-1 PROVISION OF GUARANTEE. In lieu of completion of construction of the required improvements, including but not limited to streets, sidewalks, landscaping, parking, and utilities, prior to issuance of a Certificate of Completion, the property owner or developer may:

- A. Submit to the City a performance bond from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best; or
- B. Provide an irrevocable letter of credit payable to the City of Creedmoor; or
- C. Deposit or place in escrow a certified check or cash in an amount determined by the City. Portions of the security deposit may be released as work progresses; or

D. Enter into an agreement with the City guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the City. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the required improvements.

The performance bond, irrevocable letter of credit, certified check, or cash shall be in an amount equal to a minimum of one hundred twenty five percent (125%) of the project costs and not to exceed one hundred fifty percent (150%) of the estimated cost of the installation of the required improvements, as determined by the City. The performance bond, irrevocable letter of credit, certified check, or cash shall secure the completion of construction of the improvements shown on the approved site development plan. The performance bond, irrevocable letter of credit, certified check, or cash shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the City of Creedmoor. Failure to maintain the performance bond or irrevocable letter of credit in full face value shall result in the revocation of the approval of the site development plan and any permits issued as a result of the site development plan approval. Only upon completion of an infrastructure phase may a partial release of funds be approved by the Planning, Zoning and Subdivision Administrator. The performance bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

2.15-2 CONSTRUCTION EASEMENT. The City of Creedmoor, in its sole discretion, may require a temporary construction easement permitting the City of Creedmoor or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements. Such an instrument shall be provided with the performance bond, irrevocable letter of credit, or other form of guaranty. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the City. The temporary construction easement shall pass to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the City and shall be recorded in the office of the Granville County Register of Deeds with recording fees to be paid by the applicant/landowner.

2.15-3 FAILURE TO PERFORM. Failure to initiate construction of the improvements within one (1) year of the date the performance bond, irrevocable letter of credit, certified check, or cash escrow agreement was accepted by the City of Creedmoor may result in the City constructing the improvements, with the cost to be paid from the performance bond, irrevocable letter of credit, certified check, or cash escrow account. The surety or the financial institution holding the escrow account shall, if requested by the City, pay all or any portion of the performance bond, irrevocable letter of credit, certified check, or cash escrow fund to the City up to the amount needed to complete the improvements based on an estimate by the City, including associated costs to administer and implement the completion of the guaranteed improvements. The City at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the property owner/developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. The City may release a portion or all of any security posted as the improvements are completed and approved by the City. In the event that the amount of the performance bond, irrevocable letter of credit, certified check, or cash escrow account on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the City of Creedmoor the total amount of the insufficiency. If the City is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the City. The provisions of this section shall not invalidate any and all requirements for the guaranteed improvements to be covered by warranty or other form of security against material and workmanship deficiencies.

2.16 [Reserved]

2.17 General Standards for Driveway Permitting

- 2.17-1 DRIVEWAY PERMIT REQUIRED. No driveway or other point of access to a street maintained by either the City of Creedmoor or the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from either the City of Creedmoor or the North Carolina Department of Transportation. The applicant shall comply with the standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the City of Creedmoor prior to construction of the driveway. All driveways shall be paved surfaces within the public right-of-way. [All driveways shall be constructed in accordance with the City of Creedmoor Standards & Specifications Manual and NCDOT driveway standards.](#)
- 2.17-2 PROJECTS COMPOSED OF MULTIPLE BUILDINGS AND LOTS. For development projects composed of multiple buildings and lots, access to the predevelopment existing public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area without first having secured the approval in sub-section 2.17-1 (DRIVEWAY PERMIT REQUIRED) above.
- 2.17-3 ACCESS TO SUBDIVISION LOTS. In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each ~~building-zoning~~ permit is [reviewed and](#) issued.
- 2.17-4 LOCATION AND DESIGN OF ACCESS. Determination of the location and design of access to the public street system shall be made by the *Planning, Zoning and Subdivision Administrator, Public Works Engineer-Director, City engineering consultant,* and other regulatory and professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special polices that might exist for the corridor being accessed, and/or state of the practice principles for access management as promulgated by the Institute of Transportation Engineers and the Transportation Research Board.

**2.18 Special Requirements for Lots along Thoroughfares**

- 2.18-1 AUTHORIZATION. Pursuant to ~~North Carolina General Statutes~~ [G.S.](#) 160A-306 and 153A-326 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by Ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.
- 2.18-2 MINIMUM SETBACKS ALONG THOROUGHFARES. The build-to or set back line for any lot which abuts a thoroughfare classified on the ~~CAMPO 2035~~ Long Range Transportation Plan shall be measured from the right-of-way line outlined in the table below (Table 2.18-2) if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows.

**TABLE 2.18-2**

<u>Thoroughfare Classification</u>	Distance from Thoroughfare Centerline to <u>"Proposed Right-of-Way Line"</u>
Freeway or Expressway (Class I)	125 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	50 feet

Major Arterial (Class III)	37.5 feet
Minor Arterial (Class IV)	30 feet

- 2.18-3 TRANSITIONAL SETBACK FOR LOTS ALONG THOROUGHFARES. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the Proposed Right-of-Way Line established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. At the time that the Proposed Right-of-Way Line is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.
- 2.18-4 EXCEPTIONS. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional zoning district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Main Street (MS) District, or Main Street Periphery (MSP) District, ~~or mixed-use center in a TND Overlay District.~~
- 2.18-5 RIGHT TO APPEAL. An affected property owner shall have the right to appeal transitional yard or setback requirements to the *Board of Adjustment* for variance or modification as they apply to a particular piece of property.

## 2.19 Standards for Parking in Residential Districts

- 2.19-5 PARKING ON RESIDENTIAL STREETS. Parking shall be allowed along all residential streets except along *alleys*, designated bike lanes, within eight (8) feet of a driveway apron, within fifteen (15) linear feet of a fire hydrant, and areas specifically signed for no parking.
- 2.19-6 NO PARKING IN RIGHT-OF-WAY. In no case shall on-site residential parking extend into the public right of way, or into an easement for a public sidewalk on private property.
- 2.19-7 ON-STREET PARKING MEETING RESIDENTIAL PARKING REQUIREMENT. On-street parking at the lot front may be counted toward all or part of the parking requirement of a dwelling unit provided the standards of sub-section 2.19-5 above are satisfied.
- 2.19-8 LOCATION OF DETACHED GARAGES. Detached garages may only be placed in the established rear or side yard. Garages exceeding twenty four (24) feet'-deep x thirty six (36) feet'-wide in gross area must be detached and located in the established rear yard or be attached to the dwelling and side or rear loading. Detached garages in the side yard must be set back at least ten (10) feet behind the front plane of the principal residential ~~use~~structure.
- 2.19-9 STORAGE OF VEHICLES ON STREET. Vehicles shall not be parked on the street for extended periods such that they appear to be stored on the street. The *Planning, Zoning and Subdivision Administrator*, at his/her discretion, may require removal of vehicles that appear to be stored on the street in the interest of protecting the public safety and welfare.
- 2.19-10 PARKING OF COMMERCIAL VEHICLES. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets, in driveways, or on private property in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.
- 2.19.11 PARKING OF UNLICENSED VEHICLES. Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows.
- A. No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the

occupant as the record title of the vehicle.

- B. No unlicensed motor vehicle shall be permitted outside of any premises (i.e., on the street).
- C. Vehicles described in paragraphs (A) and (B) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards as mandated by these regulations or any street right-of-way. If stored in the rear yard, the vehicle(s) must be a minimum of five (5) feet off the rear property line.
- D. Vehicles described in paragraphs (A) and (B) are not permitted on vacant or undeveloped parcels.
- E. Vehicles described in paragraphs (A) and (B) are not permitted on public streets or public right of way.

## **2.20 Sidewalks For New Development and Expansion/Improvement of Existing Development**

- 2.20-1 SIDEWALKS REQUIRED. Sidewalks shall be required along new and existing streets, in accordance with the provisions of Sub-section 13.2-3, fronting the following new development and expansions of and improvements to existing development.
  - A. All new commercial development.
  - B. Expansions to an existing commercial development or use where the gross floor area of the expansion is equal to or greater than [fifty percent \(50%\)](#) of the gross floor area of the pre-expansion development or use.
  - C. Improvements to an existing commercial development or use when the cost of the improvement is equal to or greater than [fifty percent \(50%\)](#) of the value of the existing development (building) or use as determined by the Granville County Tax Office.
  - D. All residential development with two (2) or more residential units, except in accordance with Sub-section 13.2-3.
  - E. One single family home on a single lot when the lot being developed is adjacent to a lot on which an existing sidewalk is located and the construction of a sidewalk on the lot being developed would be a logical extension of the pedestrian network.
- 2.20-2 SIDEWALKS ALONG NEW STREETS. Sidewalks shall be required along both sides of new streets, except streets in the Agriculture (AG) District, where sidewalks are not required on the new street.
- 2.20-3 SIDEWALKS ALONG ALLEYS. Sidewalks shall not be required along *alleys*.
- 2.20-4 STANDARDS FOR SIDEWALKS. Sidewalks shall comply with the design and construction standards set forth in the City of Creedmoor Technical Standards and Specifications Manual.

## **2.21 [Map Requirements](#)**

- [2.21-1 Zoning Maps. Per G.S. 160D-105\(A\), the City of Creedmoor must maintain in paper or digital format current and prior zoning maps for public inspection.](#)
- [2.21-2 Maps Incorporate by Reference. Per G.S. 160D-105\(B\), the City of Creedmoor must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map.](#)

## **2.22 [North Carolina Planning and Development Regulation Requirements](#)**

- [2.22-1 Farm uses on a bona fide farm in the City's ETJ must be exempted from Creedmoor's zoning regulations, per G.S. 160D-903\(c\).](#)
- [2.22-2 The City of Creedmoor must not exclude manufactured homes based on the age of the home, per G.S. 160D-910.](#)
- [2.22-3 The City of Creedmoor must have an adopted comprehensive plan or land-use plan to maintain zoning authority, per G.S. 160D-501\(a\). The City of Creedmoor must reasonable maintain all adopted comprehensive plans and land-use plans. Any new plans or plan updates must be adopted following the procedures used for a legislative decision, per G.S. 160D-501\(a\).](#)

## ARTICLE 3

### Definitions

*[Amended Sep. 21, 2015 per Ord. 2015-O-20, ZTA-2015-02]*

*[Amended June 20, 2017 per Ord. 2017-O-09, ZTA-2017-02]*

*[Amended Nov. 21, 2017 per Ord 2017-O-18, ZTA-2017-03]*

*[Amended Feb. 20, 2018 per Ord 2018-O-02, ZTA-2018-01]*

*[Amended Nov. 4, 2019 per Ord 2019-O-19, ZTA-2019-02]*

#### Word Usage

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- A. The present tense includes the past and future tenses and the future tense includes the present, unless stated otherwise.
- B. The singular number includes the plural number and vice-versa.
- C. The word "shall" and "must" are mandatory. The word "may" is permissive.
- D. The word "building" includes the word "structure".
- E. The word "person" or "applicant" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- F. Any term not herein defined shall be as defined elsewhere in the Creedmoor Development Ordinance, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the governing bodies, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.
- G. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.

Words and terms defined for the purpose of use in this Ordinance appear in italics from time to time to assist with identifying such words and terms with special definitions. Italic fonts are for convenience and do not limit the application of the definition.

*ABANDONED.* Not occupied or in use for sixty (60) or more consecutive days.

*ACCESSORY BUILDING (APPURTENANT STRUCTURE).* A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot or parcel of property. Garages, carports, and storage sheds are common urban accessory structures. ~~Pole barns, hay sheds and the like qualify as accessory buildings on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.~~

*ACCESSORY DWELLING UNIT.* A dwelling that exists either as part of a principal dwelling or as an *accessory building* that is secondary and incidental to the use of the property as single family residential.

*ACCESSORY USE.* A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

*ACTIVE RECREATIONAL ELEMENTS.* Parks, playgrounds, *athletic fields*, basketball or tennis courts, swimming pools, clubhouses, covered decks or pavilions, constructed picnic facilities.

*ADAPTIVE REUSE.* The conversion of an existing building built for one use to another use, typically to address some aspect of physical or functional obsolescence.

*ADDITION (TO AN EXISTING BUILDING).* An extension or increase in the floor area or height of a building or structure.



ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in G.S. Chapter 160D or this Ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

**ADULT ESTABLISHMENT.** The definition of "*adult establishment*" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. *Adult establishments* include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and adult cabarets.

"Adult motel" is defined as a hotel, motel or similar commercial establishment that:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten (10) hours.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

- A. Persons who appear nude or semi-nude, or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

**AGRICULTURAL USE.** The use of land for agricultural purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary *accessory uses* for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land.

**ALLEY.** A roadway which affords only a secondary means of access to abutting property.

**ALLOCATION.** Approval to use a certain amount of water and/or wastewater capacity. Allocations are fulfilled by SGWASA with the concurrence of the City.

**ALONG DRAINAGE.** The area parallel to and within fifty (50) feet of the drainage channel.

**ALTERATION.** Any change, addition, relocation, replacement, or other physical modification to a sign or sign structure other than routine maintenance or change of copy not requiring the replacement of any part of the sign face.

**ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ANIMAL UNIT.** A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare

different types of animal operations.

**APPEAL.** A request for a review of the *Planning, Zoning and Subdivision Administrator's* interpretation of any provision of this Ordinance.

**APPRAISED VALUE.** The value assigned to a structure by the Granville County Tax Assessor or by an MAI-certified real estate appraiser.

**AREA OF SHALLOW FLOODING.** A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD.** See "Special Flood Hazard Area (SFHA).

**ASSEMBLY.** A joining together of completely fabricated parts to create a finished product.

**ATHLETIC FIELD.** Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

**AUTO WRECKING.** An activity that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

**AUTOMOBILE REPAIR SERVICES, MAJOR.** An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair of exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

**AUTOMOTIVE REPAIR SERVICES, MINOR.** An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators and starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

**AWNING.** A cloth, plastic, or other nonstructural covering permanently attached to a building that may be raised or retracted to a position against the building when not in use.

**BALLOON, ACCENT.** A small balloon (or group of small balloons) displayed at heights of less than eight (8) feet.

**BALLOON, TETHERED.** A large balloon (or group of balloons of any size) intended for commercial promotion and tethered at a business location.

**BAR.** An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain a ABC license for on-premise beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premise consumption.

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides.

**BASE FLOOD ELEVATION (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation."

**BASE FLOOD.** The flood having a one (1) percent chance of being equaled or exceeded in any given year (100-year flood).

**BED-AND-BREAKFAST INN.** A private residence that offers bed and breakfast accommodations to lodgers for a period of less than one (1) week, and that:

- A. Does not serve food or drink to the general public for pay;
- B. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- C. Includes the price of breakfast in the room rate; and
- D. Is the permanent residence of the owner or the manager of the business?

[BEDROOM. A room designated as sleeping or bedroom on the plans and permit application.](#)

*BERM, EROSION CONTROL.* A mound of material and/or ditch the purpose of which is to divert the flow of run-off water.

*BEST MANAGEMENT PRACTICES (BMP).* Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of surface water bodies and wetlands; and (c) properly manage use and storage of fertilizers/pesticides. May use a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

*BLOCK.* The land lying within an area bounded on all sides by streets.

*BLOCKFACE.* That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

*BOARD OF ADJUSTMENT.* A quasi-judicial body, appointed by the City Board of Commissioners, to perform duties consistent with ~~NCGSS 160A-388~~G.S. 160D-1-9(d); 302; 403(b); 405; 406; 702; 705; 1405.

*BOARDING HOUSE.* A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

[BONA FIDE FARM PURPOSES. Agricultural activities as set forth in G.S. 160D-903.](#)

*BOOKSTORE, ADULT.* A bookstore: 1) which receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or 2) having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

*BORROW.* Fill material which is required for on-site construction and is obtained from other locations.

*BREAKAWAY WALL.* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*BREW PUB.* A restaurant that prepares handcrafted natural beer as an *accessory use* intended for consumption on the premises.

*BUFFER.* An area of land planted or constructed to separate uses. Also, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured from the normal pool elevation of impounded structures and from the top of bank of each side of streams or river.

*BUFFER EASEMENT.* An easement intended to permanently maintain an area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

*BUFFER ZONE.* The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty five percent (25%) percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

*BUILDABLE OR ZONING LOT.* One or more lots of record with sufficient total area, sufficient area exclusive of easement, flood hazards, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and planting yards.

*BUILDING.* Any structure ~~having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes~~used or intended for supporting or sheltering any use or occupancy. Also see

“Structure”.

**BUILDING LINE.** A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

**BUILDING SEPARATION.** The minimum required horizontal distance between buildings.

**BUILD TO LINE.** An alignment establishing a specific distance from the curb line to where the principal structure shall be built.

**BUILT-UPON AREA.** That portion of a development project that is covered by impervious or partially impervious cover including buildings, walkways, pavement, crushed aggregate material (for pedestrian or vehicular use), recreation facilities (e.g., tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are not considered Built-Upon Area.

**BYPASS.** See definition of Highway.

**CALIPER INCHES.** Quantity in inches of the diameter of trees measured at the height of six (6) inches above the ground for trees four (4) inches in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

**CANOPY.** A permanent, unattached roofed structure that shelters a use or activity from the weather.

**CERTIFICATE OF COMPLIANCE/OCCUPANCY.** A statement, signed by the ~~Enforcement Officer~~ [Zoning Administrator](#), setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

**CHANNEL LETTERING.** A sign design technique involving the installation of three-dimensional lettering against a background, typically a sign face or building façade.



Example of Channel Lettering

**CHANNELIZATION.** Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainage-way or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.

**CHARTER.** [As defined in G.S. 160A-1\(2\).](#)

**CHEMICAL STORAGE FACILITY.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**CHICANE.** An artificial feature creating extra turns in a roadway, used on City streets to slow the speed of traffic, by creating a horizontal deflection causing vehicles to slow as they would for a curve.

**CITY.** [As defined in G.S. 160A-1\(2\).](#)

**CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or preservation of environmentally-sensitive land areas. Buildings are grouped together in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family subdivisions and multi-family

developments that may or may not involve the subdivision of land.

*COLLECTOR STREET PLAN.* A plan, adopted by the local governing body, for streets not shown on the Thoroughfare Plan and showing collector and, if appropriate, lower classification streets in the planning area.

*COMMON AREA(S).* All areas, including private streets, conveyed to an owners' association within a development or owned on a proportional undivided basis in a condominium development.

*COMMON OPEN SPACE.* Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i.e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

*COMPLETED.* Work has progressed to the point that, in the opinion of the Planning, Zoning and Subdivision Administrator, it is sufficiently completed in accordance with all aspects of the approved plans and specifications, and that the work can be utilized for its intended purposes.

*COMPOSTING FACILITY.* A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

[COMPREHENSIVE PLAN.](#) A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to G.S. 160D-501.

[CONDITIONAL ZONING.](#) A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

*CONDOMINIUM.* Real Estate that is developed pursuant to the North Carolina Condominium Act, North Carolina General Statute Chapter 47C.

*CONGREGATE CARE FACILITY.* A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of their age, functional impairment, or infirmity may require meals housekeeping and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

*CONSERVATION EASEMENT.* A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

*CONSERVATION SUBDIVISION.* A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

*CONSISTENCY STATEMENT.* Required under ~~NCSS 160-383~~ [G.S. 160D-604 and G.S. 160D-605](#), the term describes both a statement prepared by the Planning Board and a separate resolution adopted by the City Board of Commissioners describing how action being taken by the governing board is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable to the subject. (The Planning Board's statement advises and comments on plan consistency as well as any commentary deemed appropriate.) The Board of Commissioners' statement, adopted separately during the meeting where the ordinance is amended is required to address plan consistency as well as briefly explain why the Board considers the action taken to be both reasonable and in the public interest.

*COTTAGE DEVELOPMENT.* A cluster of small detached single family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single family residential development.

*COTTAGE HOME.* A small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

*COUNTY.* [Any one of the counties listed in G.S. 153A-10. The Creedmoor Development Ordinance ordinarily r](#)Refers to

Granville County, North Carolina.

**CRITICAL AREA.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**CRITICAL ROOT ZONE.** The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown drip-line.

**CUL-DE-SAC.** A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

**CURB BULB.** An extension of the curb into the street, beyond the standard edge of the curb, which narrows the width of the roadway and is used to slow the speed of traffic on City streets. The curb bulb may be used for landscaping, pedestrian crosswalk, or for a combination of uses. Sometimes referred to as a "bulb out."

**DAY CARE CENTER.** A facility licensed by the State of North Carolina for the care of children or adults for periods of less than 24 hours per day.

[DECISION MAKING BOARD. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. Chapter 160D.](#)

**DENSITY CREDIT.** An increase in the density allowed under a zoning district. The rules governing the issuance of density bonuses vary by zoning district.

**DESIGN FLOOD.** See "Regulatory Flood Protection Elevation".

**DETENTION POND.** A wet or dry stormwater holding area, either natural or manmade, which filters and releases stormwater to nearby or adjoining water bodies in a gradual fashion. Also see definition of Best Management Practices.

[DETERMINATION. A written, final, and binding order, requirement, or determination regarding an administrative decision.](#)

**DEVELOPER.** A person, [including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.](#) ~~engaging in development.~~

**DEVELOPMENT.** ~~Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Any land-disturbing activity that increases or changes the amount of built-upon area.~~ [Any of the following: \(a\) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; \(b\) The excavation, grading, filling, clearing, or alteration of land; \(c\) The subdivision of land as defined in G.S. 160D-802; \(d\) The initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by G.S. Chapter 160D.](#)

**DEVELOPMENT.** (This definition applies to the Watershed Standards in Article 19). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**DEVELOPMENT ACTIVITY.** Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control / stabilization measures.

**DEVELOPMENT AGREEMENT.** An agreement between the City of Creedmoor and a developer pursuant to ~~NCGS~~

~~§160A.400.22~~[G.S. 160D-1001-1012](#) for a development with a reasonable build-out period specified in an ordinance reviewed and approved by the City Board of Commissioners. *[Amended Jan. 19, 2016 per Ord. 2016-O-01, ZTA-2015-05]*

[DEVELOPMENT APPROVAL](#). An administrative or quasi-judicial approval made pursuant to G.S. Chapter 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

*DEVELOPMENT, DENSITY OF*. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks shall be used for density calculations.

[DEVELOPMENT REGULATION](#). A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. Chapter 160D, or a local act or charter that regulates land use or development.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

*DISCHARGING LANDFILL*. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

*DISPOSAL*. As defined in [G.S. NCGS §130A.290\(a\)\(6\)](#), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground-waters.

*DISPOSAL OF HAZARDOUS OR TOXIC SUBSTANCE(S)*. The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

*DISPOSAL FACILITY*. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

*DIVERTER*. A constructed feature designed to prevent left turns or through movements into a residential area, used as method to calm traffic on City streets.

*DOMESTIC WASTEWATER DISCHARGE*. The discharge of sewage, non-process industrial wastewater, other domestic wastewater, or any combination of these items. It includes liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through noncontact cooling water, seafood packing facility discharges, and wastewater from restaurants.

*DRAINAGE, DISPERSED*. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

*DRAINAGE, ENHANCED*. Drainage carried by existing natural drainage-ways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainage-way is achieved with the installation of an engineered measure (i.e., netting, riprap) which will resist soil erosion and allow infiltration within the natural drainage-way.

*DRAINAGEWAY*. Any natural or man-made channel that carries surface runoff from precipitation.

*DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED*. The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and, where approved by the City, for

utilities.

*DRAINAGEWAY, IMPROVED.* Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.

*DRAINAGEWAY, PROTECTED.* Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.

*DRIPLINE.* A vertical line extending from the outermost portion of a tree's canopy to the ground.

*DRY DETENTION BASIN.* A temporary storage basin for incoming stormwater that traps suspended pollutants, and reduces peak discharge from a site. Sometimes referred to as a dry pond or wet weather pond, these basins are typically dry between storm events and are primarily used to attenuate and delay stormwater runoff peaks.

*DRY DETENTION POND.* A pond which collects stormwater runoff, holds the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

*DUPLEX.* A structure having two (2) dwellings units within a single structure.

~~*DWELLING UNIT.* One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not dwelling units.~~ [Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of G.S. Chapter 160D Article 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.](#)

*EASEMENT.* A grant of one or more of the property rights, such as right of access, by the property owner to, or for use by the public, a corporation, or other entity. Storage of debris including, but not limited to, yard waste on public easements shall be unlawful and shall be handled in the same manner as nuisance violations.

*ELECTRONIC GAMING OPERATION.* Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

*ELEVATED BUILDING.* A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*ENCROACHMENT.* The advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

*ENFORCEMENT, COMPLAINT-BASED.* Enforcement action initiated on the basis of information provided by a third-party complainant.

*ENFORCEMENT OFFICER.* The City *Planning, Zoning and Subdivision Administrator* or his/her designee.

*ENFORCEMENT, PROACTIVE.* Enforcement action initiated at the discretion of the *Planning, Zoning and Subdivision Administrator* independent of any third-party complaint.

*EQUESTRIAN USE.* Paddocks, fields, stables, barns, riding ring, and other facilities provided for use by or for horses.

*EROSION.* The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

*EROSION, ACCELERATED.* Any increase over the rate of natural (i.e. undisturbed by human intervention) erosion as a result of land-disturbing activities.

[\*EVIDENTIARY HEARING.\* A hearing to gather competent, material, and substantial evidence in order to make findings for](#)



[a quasi-judicial decision required by a development regulation adopted under G.S. Chapter 160D.](#)

**EXISTING BUILDING AND EXISTING STRUCTURE.** Any building and/or structure for which the “start of construction” commenced before the date the City of Creedmoor entered into the NFIP, which was June 25, 1976.

**EXISTING DEVELOPMENT.** Those projects, other than that associated with floodplain management, agricultural or forest management activities that meet at least one (1) of the following criteria:

- A. Projects that are either built, or have established a vested right based on statutory or common law as interpreted by the courts as of July 12, 2012 (for projects that do not require a state permit); or
- B. Projects having an approved site specific or phased development plan in compliance with ~~NCGS§ 160A-385.1 Regulations~~: [G.S. 160D-108 & G.S. 160D-108.1](#).

**EXISTING LOT (LOT OF RECORD).** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance or a lot described by metes and bounds, the description of which has been so recorded prior to December 31, 1999.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial date the City of Creedmoor adopted floodplain management regulations, which was September 27, 1988..

**FAMILY.** One or more persons occupying a dwelling unit and living as a single household.

**FAMILY CARE HOME.** A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to [G.S. ~~NCGS §~~168.21](#).

**FEDERAL LAW REFERENCE.** Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permits (applies to watershed standards only).

**FENCE.** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

**FIXTURE, FULL CUT-OFF.** An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

**FIXTURE, PARTIAL CUT-OFF.** An outdoor light fixture shielded in such a manner that more than zero (0) but less than ten (10) percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane, as determined by photometric test or certified by the manufacturer.

**FLOOD AND FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM).** An official map of a community, issued by FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

**FLOODPLAIN ADMINISTRATOR.** The individual appointed to administer and enforce the floodplain management regulations.

*FLOODPLAIN DEVELOPMENT PERMIT.* Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

*FLOODPLAIN MANAGEMENT.* The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*FLOODPLAIN MANAGEMENT REGULATIONS.* This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*FLOOD INSURANCE RATE MAP (FIRM).* An official map of the City of Creedmoor and its ETJ, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the City of Creedmoor and its ETJ.

*FLOOD INSURANCE STUDY (FIS).* An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by FEMA. The report contains Flood Insurance Rate Maps (FIRMs) and Flood Boundary Floodway Maps (FBFMs), if published.

*FLOODPLAIN.* The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake, or other body of standing water, which has been or may be covered by flood water and which is susceptible to being inundated by water from any source.

*FLOOD PRONE AREA.* See "FLOOD PLAIN."

*FLOODPROOFING.* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

*FLOOD-RESISTANT MATERIAL.* Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to "Technical Bulletin 2: Flood Damage-Resistant Materials Requirements", available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

*FLOODWAY FRINGE.* The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined in these Definitions.

*FLOODWAY.* The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

*FLOODWAY ENCROACHMENT ANALYSIS.* An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

*FLOOD ZONE.* A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate map that reflects the severity or type of flooding in the area.

*FLOOR AREA, GROSS.* The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces,

loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet. Additionally, gross floor area includes areas covered by canopies and like structures under which an active use is occurring such as drive-through service, gasoline pumping, loading and/or storage of materials, and similar activities.

**FLOOR.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FOREST LAND.** Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit must be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(3), and each tract must be under a sound management program.

**FREEBOARD.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation."

**FULLY SHIELDED LIGHTING FIXTURE.** A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**GATED COMMUNITY.** A subdivision, neighborhood, or residential development to which entry is restricted to residents and their guests. Often includes barriers such as gates, security personnel, fences and/or walls.

**GIFT SHOP.** A retail space which has the primary purpose of selling souvenirs and small items suitable to be given as presents.

**GOVERNING BOARD.** [The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "board of commissioners" and means any governing board without regard to the terminology employed in the charters, local acts, other portions of the North Carolina General Statutes, or local customary usage.](#)

**GRADE.** A reference plane representing the average of finished ground level adjacent to any structure.

**GRADING.** Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity."

**GRADING PLAN.** The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

**GRANDFATHERED.** Not affected by a change in this Ordinance absent physical modification or abandonment. Buildings, land uses, and lots or parcels of property that do not meet the standards of this Ordinance but existed prior to the effective date of this Ordinance, and complied with prior ordinances, regulations, and or standards, shall not be affected by this ordinance absent physical modification or abandonment.

**GRAND OPENING.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within 60 calendar days after initial occupancy, to inform the public of their location and services available to the community.

**GREENWAY.** A linear open space along either a natural corridor such as a riverfront, stream valley or ridge line, or along

a railroad right-of-way converted to recreational use, a canal, scenic road, or other route managed for public use that has been designated on an officially adopted greenway plan. Greenways typically link parks, nature preserves, cultural features or historic sites with each other and/or with neighborhoods, schools, and commercial districts.

*GROUP CARE FACILITY.* A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment.

*HAZARDOUS MATERIAL.* Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

*HAZARDOUS OR TOXIC SUBSTANCE.* Any solid waste as defined in [NCGS §G.S. 130A.290 \(18\)](#), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94.476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*HAZARDOUS WASTE GENERATOR.* Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation provided that, "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

*HAZARDOUS WASTE MANAGEMENT FACILITY.* As defined in [NCGS §G.S. 130A](#), Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

*HAZARDOUS WASTE TREATMENT FACILITY.* A facility established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which includes several of the following equipment or processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digester, anaerobic digester, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate recycling, analytical capabilities, and other similar technologies, and processes as may now exist or be developed in the future.

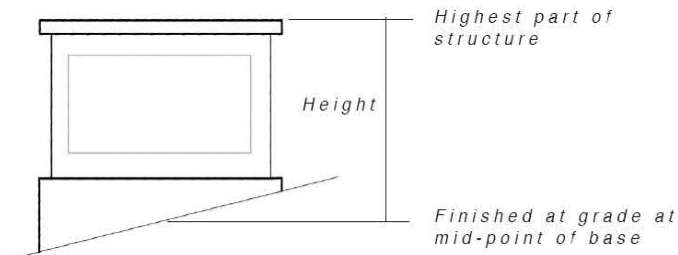
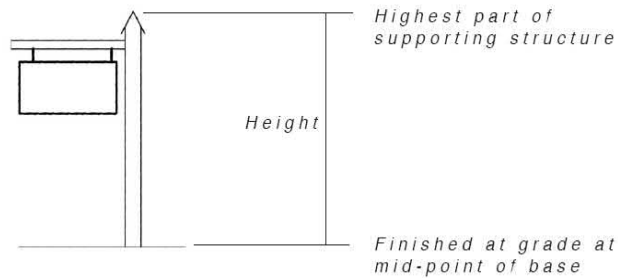
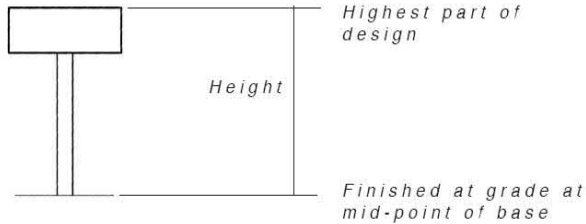
*HIGHEST ADJACENT GRADE (HAG).* The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

*HIGHWAY.* U.S. Highway 15 and/or N.C. Highway 50 and/or 56.

*HEIGHT, BUILDING.* For buildings with flat roofs, the vertical distance from the mean elevation of the finished grade to the highest finished roof surface. For buildings with pitched roofs, the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. (See definition below for freestanding sign height.)

*HEIGHT, FREESTANDING SIGN.* The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and finished grade at the midpoint of the base of the sign.

## HEIGHT / SIGN



(A.)

**HEIGHT, OTHER STRUCTURE.** The vertical distance from the existing grade to the highest point of the structure above such existing grade.

**HOME OCCUPATION.** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood.

**HISTORIC STRUCTURE.** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**ILLICIT CONNECTION.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any

conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*ILLICIT DISCHARGE.* Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the water of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

*IMPACT.* The effect of one land use upon another as measured by traffic or noise generation, site activity, hours of operation, site lighting, vibration, smoke or odor emissions, or similar factors.

*IMPERVIOUS SURFACE.* Improvements including street pavement, driveways, walkways, buildings, rooftops, carports, gazebos, installed crushed aggregate materials, and other structures which cover the soil surface and prevent infiltration of water into the soil.

*IMPERVIOUS SURFACE COVERAGE.* That portion of a lot covered by buildings, structures, paving or other impervious surface materials.

*INDUSTRIAL DEVELOPMENT.* Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

*INDUSTRIAL DISCHARGE.* The discharge of industrial process treated wastewater or wastewater other than sewage and including:

- A. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- B. Wastewater resulting from processes of trade or business, including wastewater from laundry-mats and car washes, but not wastewater from restaurants;
- C. Stormwater contaminated with industrial wastewater; and
- D. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

*INDUSTRY, LIGHT.* Research and development activities, the manufacturing, compounding, processing, packaging, storage, *assembly*, and /or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Light industry typically involves land uses operated in such a manner as to control external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

*INDUSTRY, HEAVY.* A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

*INFILL.* New development that is sited on vacant or undeveloped land within an existing community, and that is enclosed by other types of existing development. The term "urban infill" implies that existing land is mostly built-out and what is being proposed for construction is in effect "filling in" the gaps. The term most commonly refers to building single-family homes in existing neighborhoods but may also be used to describe new development in commercial, office or mixed-use areas.

*INTEGRATED MULTIPLE USE DEVELOPMENT (IMUD).* A development containing three or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such integrated

developments may include outparcels for lease or for sale. Any such integrated development may be organized as a condominium ~~or in a manner analogous to that of a Cityhouse development~~ (with ownership parcels beneath the building units and with parking and driveways being in common elements owned and maintained by an Owners' Association).

*JUNK/SALVAGE YARD.* Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

*JUNKED AUTOMOBILE.* See MOTOR VEHICLE, JUNKED

*LAND-DISTURBING ACTIVITY.* Any use of land in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that causes or contributes to sedimentation.

*LANDFILL.* A facility for the disposal of solid waste on land in a sanitary manner in accordance with [G.S. Chapter 130A Article 9](#) ~~of the N.C. General Statutes~~. For the purpose of these watershed provisions, this term does not include composting facilities.

*LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MAJOR).* A disposal site other than minor demolition and construction debris landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

*LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MINOR).* A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth which is less than three acres in size and is in operation for less than one year.

*LANDFILL, SANITARY/SOLID WASTE.* A site for solid waste disposal from residential, industrial or commercial activities.

[LANDOWNER or OWNER. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.](#)

[LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under G.S. Chapter 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. Chapter 160D Article 10.](#)

[LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.](#)

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or reverses an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in a floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City of Creedmoor's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map

Revision may be issued by FEMA to revise the effective FIRM.

**LIGHT DUTY TRUCK.** Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for the purposes of transportation of property or is a derivation of such a vehicle; or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Is available with special features enabling off-street or off-highway operation and use.

**LIGHTING, ACCENT.** Lighting intended to accentuate an architectural feature such as a window, roofline, or other vertical or horizontal element and consisting of small, non-flashing white lights.

~~**LIVESTOCK.** Animals, poultry or aquatic life bred and/or raised for the purpose of human and/or animal consumption.~~

**LIVESTOCK.** Animals, poultry or aquatic life bred and/or raised for the purpose of human and/or animal consumption.

**LOCAL ACT.** As defined in G.S. 160A-1(5).

**LOCAL GOVERNMENT.** A city or county.

**LOT.** A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "parcel," or "tract."

**LOT, CORNER.** A lot abutting two or more streets at their intersection.

**LOT, DEPTH.** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

**LOT OF RECORD.** A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

**LOT, REVERSE FRONTAGE.** A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**LOT, THROUGH.** A lot abutting two streets that do not intersect at the corner of the lot.

**LOT WIDTH.** The mean width measured at right angles to its depth at the building front setback line.

**LOWEST ADJACENT GRADE (LAG).** The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**MAINTENANCE (OF A SIGN).** Cleaning, painting, repairing, or replacing defective parts in such a manner that does not alter the basic structure of a sign. This definition includes the changing of the copy or listings on a changeable copy, civic event, sandwich board, or directory sign and the replacement of sign copy with other sign copy of the same or smaller size on other permitted signs.

**MAJOR AMENDMENT.** Except as allowed under the administrative minor modification process, all changes to approved large site plans, conditional zoning districts, special use permits, and/or other development approvals are major amendments to the prior-approved development and shall follow the same process for amendment as was required for the original approval.

**MAJOR WATERSHED VARIANCE.** A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other



approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

**MANUFACTURED HOME OR MOBILE HOME.** A structure as defined in G.S. 143-145(7), that is transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Also defined as a residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant designed to be transported to a site on its own chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Within the text of this Ordinance, the term “manufactured home” shall only apply to Class A or B manufactured homes unless explicitly stated to include Class C manufactured homes. Class A and Class B are manufactured homes constructed after July 1, 1976 that meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. Class C manufactured homes are manufactured homes that do not meet the definition of a Class A or Class B manufactured home. The term “manufactured home” does not include “recreational vehicles.”

**MANUFACTURED HOME PARK OR SUBDIVISION.** A site or parcels of land divided into two or more manufactured home lots for rent or sale with required improvements and utilities for the long-term placement of manufactured homes which may include services and facilities for the residents.

**MAP REPOSITORY.** The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed. In North Carolina, FEMA has recognized that the application of digital flood hazard data products carries the same authority as hard copy products. Therefore, the NCEM’s floodplain mapping program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://fris.nc.gov/fris>) is the map repository, and for historical flood hazard data the FloodNC website (<http://floodnc.gov/ncflood>) is the map repository.

**MARKET VALUE.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MINOR MODIFICATION (ADMINISTRATIVE).** Minor amendments to developments with prior-approval, subject to the limitations of Section 7.15 of this Ordinance. The Planning, Zoning and Subdivision Administrator may review and approve administratively a minor modification to an approved large site plan, conditional zoning district, special use permit, and/or other development approval subject to the amendment: (a) Not involving a change in uses permitted or density of development; (b) Not increasing the impacts generated by the development; (c) Meeting all other Ordinance requirements; Being petitioned for through a formal application.

**MIXED DEVELOPMENT.** A mixture of residential and permitted office and/or commercial uses.

**MIXED-USE DEVELOPMENT.** The combination of complementary land uses in an integrated fashion through the development of a tract of land, building or structure.

**MODULAR HOUSING.** A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final *assembly* on a permanent foundation.

**MOTOR VEHICLE, JUNKED.** A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) is more than five years old and appears to be worth less than one hundred dollars (\$500.00).

**MULTI-FAMILY DWELLING.** A building or portion thereof used or designed as a residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and condominiums.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

- A. Is located within the corporate limits of the City of Creedmoor, North Carolina; and
- B. Is owned or operated by the City; and
- C. Discharges to waters of the state, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the state.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.** A permitting system authorized by the Clean Water Act, the program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states.

**NECKDOWN.** Constructed features designed and placed to narrow the width of traffic lanes in order to slow the speed of traffic on City streets. Curb bulbs and chicanes may be used for this purpose.

**NEIGHBORHOOD.** An area of the City with characteristics which distinguish it from others including distinct economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers, or major water bodies.

**NEIGHBORHOOD PLAN.** The plan officially adopted by the Creedmoor City Board of Commissioners for a particular neighborhood or district that provides specific design standards and guidelines regulating the development and use of the property.

**NEW CONSTRUCTION.** Structures for which the “start of construction” commenced on or after the effective date of the initial version of the City of Creedmoor’s floodplain management regulations, which was September 27, 1988, and includes any subsequent improvements to such structures.

**NEW DEVELOPMENT.** Any land-disturbing activity which adds to or changes the amount of built-upon area.

**NON-CONFORMING USE.** Any nonconformity involving the use of the property. This may include, without limitation, nonconformities associated with a use not permitted in the zoning district in which it is located or a use conditionally allowed in the zoning districts in which it is located but for which no conditional use permit has been obtained.

**NONCONFORMITY, DIMENSIONAL.** Any nonconformity involving a dimensional or numerical development requirement except those involving signs which are addressed in Article 17. Dimensional nonconformities may include, without limitation, nonconformities associated with density, landscaping, buffering, lot size, lot width, lot depth, setbacks, height, structure size standards, impervious surface standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts.

**NONCONFORMITY, LAWFUL.** Any nonconformity involving a dimensional or numerical requirement or use of property that affects a structure erected or a lot created in conformity with the then-applicable development requirements of the City, but subsequently made nonconforming by action of the City through a zoning map or unified development code amendment.

**NON-CONVERSION AGREEMENT.** A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the Ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the Clerk’s or Recorder’s stamps and/or notations that the filing has been completed.

**NON-ENCROACHMENT AREA (NEA).** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study

report.

*NONPROCESS DISCHARGE.* Industrial effluent not directly resulting from the manufacturing process. An example is noncontact cooling water from a compressor.

*NURSING HOME.* An establishment which provides full-time convalescent or chronic care, or both, who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

*OCCUPANCY.* A separately leased or owned area within a building having ground level frontage on a right-of-way or parking facility.

*OFF-PREMISES.* Not located on the property to which it pertains.

*OFFICE-WAREHOUSE.* A land use that includes offices that support showroom or warehouse uses.

*ON-PREMISES.* Located on the property to which it pertains.

*OPA.* An Otherwise Protected Area.

*OPEN SPACE.* Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

*PASSIVE RECREATION ELEMENT.* Trails, open space, uncovered picnic areas, and similar facilities provided for recreational use.

*PERENNIAL AND INTERMITTANT STREAMS.* Those streams (and rivers), with associated lakes and ponds as indicated on the following:

- A. On the most recent version of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographical map;
- B. On the most recent version of the Soil Survey of Granville County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service);
- C. By other site-specific evidence that indicates to the North Carolina Department of Environment and Natural Resources, Division of Water Resources (DWR) or their successors the presence of such waters not shown on either of these two (2) maps; or
- D. Upon determination following field inspection by a qualified professional.

*PERSON.* An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

*PLAN, SKETCH.* A rough sketch map of a proposed subdivision or site showing streets, lots, and any other information required by the City of sufficient accuracy used for discussion of the street system and the proposed development pattern. A sketch plan also refers to a plan showing a proposed project for the purposes of applying for a water and/or wastewater allocation.

*PLANNED COMMUNITY.* Real estate with respect to which any person, by virtue of that person's ownership of a lot, is expressly obligated by a declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or other real estate described in the declaration. For purposes of this act, neither a cooperative nor a condominium is a planned community, but real estate comprising a condominium or cooperative may be part of a planned community. "Ownership of a lot" does not include holding a leasehold interest of less than 20 years in a lot, including renewal options.

*PLANNED UNIT DEVELOPMENT.* An area of land under unified ownership or control to be developed and improved as a

single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

[PLANNING AND DEVELOPMENT REGULATION JURISDICTION. The geographic area defined in G.S. Chapter 160D Part 2 within which a city or county may undertake planning and apply the development regulations authorized by G.S. 160D.](#)

[PLANNING BOARD. Any board or commission established pursuant to G.S. 160D-301.](#)

*PLANNING, ZONING AND SUBDIVISION ADMINISTRATOR.* The City of Creedmoor official charged with administering, interpreting, and enforcing the Creedmoor Development Ordinance, including the sign regulations, or his/her designee.

*PLAT.* A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

*PLAT, FINAL.* The final map of all or a portion of a subdivision or site plan, showing the boundaries and location of lots, streets, easements and other requirements of the City, which is presented for approval by the City Board of Commissioners and subsequent recording in the Granville County Register of Deeds Office.

*PLAT, PRELIMINARY.* A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of the City, which is presented for preliminary approval.

*POLLUTION.* Man-made or man induced *alteration* of the chemical, physical, biological, thermal, and/or radiological integrity of water.

*PORTABLE STORAGE UNIT (POD).* A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site of the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

*POST-DEVELOPMENT.* Conditions, in terms of drainage, stormwater runoff and the way in which land reacts from a hydrologic standpoint following land disturbing activities involved in development.

*POST-FIRM.* Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area, which was June 25, 1976.

*PRE-DEVELOPMENT.* The conditions that exist on a building site prior to initiation of land-disturbing activity. Naturally forested or open land surface areas and the associated drainage patterns prior to land disturbing activities involved in development.

*PRE-FIRM.* Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate map for the area, which was June 25, 1976.

*PRINCIPALLY ABOVE GROUND.* At least 51% of the actual cash value of the structure is above ground.

*PRINCIPAL STRUCTURE.* A structure (or structures) in which the principal use of the lot or property is conducted.

*PRINCIPAL USE.* The primary use of any lot or property.

*PROFESSIONAL OFFICE.* The office of a member of a recognized profession maintained for the conduct of that profession, including, but not limited to, the offices of doctors, lawyers, dentists, landscape architects, architects, stockbrokers and financial analysts, chiropractors, engineers, surveyors, or city planners.

[PROPERTY. All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.](#)

*PROTECTED DRAINAGEWAY (CHANNEL).* Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.

*PUBLIC OPEN SPACE.* Open space that is accessible to the general public and maintained by the City.

*PUBLIC SAFETY AND/OR NUISANCE.* Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**RECREATIONAL VEHICLE (RV).** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and is fully licensed and ready for highway use.

**RECREATIONAL VEHICLE PARK.** Any site or tract of land, of contiguous ownership, upon which 15 or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.

**REFERENCE LEVEL.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.

**REGULATORY FLOOD PROTECTION ELEVATION.** The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

**REGULATING PLAN.** A master development plan for a site, parcel, or property, meeting the standards of the City of Creedmoor and identifying building, parking, and landscape locations, open spaces, trails, other amenities, and other features as required by the City. Upon its approval by the Creedmoor City Board of Commissioners, the plan becomes the guide for the development of the property and all development activity on the property must comply with the plan.

**REMEDY A VIOLATION.** To bring the structure or other development into compliance with State and City of Creedmoor floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**RENOVATION.** The repairing or remodeling of a structure in which the exterior walls, foundation and roof are maintained structurally intact.

**REQUIRED DRAINAGE CHANNEL.** The theoretical stream bed section which is required to carry and discharge the runoff from a 100-year storm.

**RESEARCH AND TECHNOLOGY PRODUCTION USES.** Uses such as medical, optical and scientific research facilities, software production and development, clinics and laboratories, pharmaceutical compounding and photographic processing facilities, and facilities for the *assembly* of electronic components, optical equipment, and precision instruments.

**RESIDENTIAL DEVELOPMENT.** Buildings for use as residences such as attached and detached single-family dwellings, apartment complexes, condominiums, city-houses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**RETENTION POND.** A wet or dry stormwater holding area, either natural or manmade, which has a permanent pool and does not release stormwater to nearby or adjoining water bodies. Also see Best Management Practices definition.

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROOF LINE.** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS.** Velocity control of runoff.

*RURAL MARKET.* Place of business serving primarily rural areas and trading in primarily rural products, produce, crafts, and commodities. Does not include convenience stores, gasoline and/or fuel sales.

*SALVAGE YARD.* Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

*SALVAGE YARD, AUTO PARTS.* Any establishment listed in the Standard Industrial Classification manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts thereof.

*SALVAGE YARD, SCRAP PROCESSING.* Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

*SCENIC CORRIDOR.* An area providing scenic vistas visible from a highway or roadway that is designated by the City of Creedmoor as having special importance to the character of the City and meriting special protection and preservation measures as a consequence.

*SEARCHLIGHT.* A device that emits an upwardly-directed beam of light to attract commercial attention.

*SEDIMENT.* Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

*SEDIMENTATION.* The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

*SETBACK.* The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

*SETBACK, REAR.* A setback from an interior property line lying on opposite side of the lot from the front street setback.

*SETBACK, SIDE.* Any interior property line setback other than a rear setback.

*SETBACK, STREET.* Any setback from a street, road or lane.

*SETBACK, ZERO SIDE.* An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero feet from a side property line. This definition does not include townhouses.

*SHOPPING CENTER.* A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property. On-site parking is provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center.

*SHEAR WALL.* Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

*SIGN.* A communications medium, method, device, structure, or fixture that incorporates motion, lighting, graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction to or identification of a neighborhood, premises, event or facility.

*SIGN ALTERATION.* Any change to the size, shape, illumination, position, location, or construction of a sign or the supporting structure of a sign.

*SIGN AREA.* The size of a sign in square feet as computed by the area of not more than two standard geometric shapes (specifically, circles, squares, rectangles, or triangles) that encompass the shape of the sign exclusive of the supporting structure.



**Example Illustrating Measurement of the Area of an Irregularly Shaped Sign**

**SIGN COPY.** Any graphic design, letter, numeral, symbol, figure, device or other media used separately or in combination that is intended to advertise, identify or notify, including the panel or background on which such media is placed.

**SIGN FACE.** The side or sides of a sign on which a message is placed.

**SIGN ILLUMINATION, TYPES OF:**

- A. **AMBIENT.** Illumination of a sign by light from the sign's general surroundings, such as daylight or nearby street lights.
- B. **EXTERNAL.** Illumination of a sign by a source of light located exterior to the sign, such as a floodlight.
- C. **INTERNAL.** Illumination of a sign by a source of light contained within the sign itself

~~(B-)~~ **SIGN, NONCONFORMING.** A sign that does not conform to one or more requirements of Article 17.

**SIGN TYPES:**

- A. **SIGN, AWNING.** A sign incorporated into or attached to an *awning*.
- B. **SIGN, BLADE (OR PROJECTING).** A sign attached to and projecting from the building façade, typically at right angles to the building.
- C. **SIGN, CANOPY.** A sign incorporated into or attached to a canopy.
- D. **SIGN, CHANGEABLE COPY.** A sign or portion thereof designed to accommodate frequent copy changes through manual, mechanical or digital means.
- E. **SIGN, CIVIC EVENT.** A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
- F. **SIGN, DIRECTIONAL.** An on-premises sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians entering, exiting, or on a site, including signs marking entrances and exits, parking areas, loading zones, or circulation patterns.
- G. **SIGN, DIRECTORY.** A sign listing the names, uses, or locations of the discrete uses or activities conducted within a building or group of buildings that is intended to provide on-site directions.
- H. **SIGN, EXEMPT.** A sign identified in Article 17, section 6 that is exempt from the requirements of this ordinance, either conditionally or unconditionally.
- I. **SIGN, FLAT (OR WALL).** A sign attached directly to and generally parallel with the façade of a building.
- J. **SIGN, INCIDENTAL.** A sign, generally informational, whose purpose is secondary to the use of the premises on which it is located, such as the date of building erection, the building address, the hours of operation, the open or closed status of the operation, the credit cards honored, and similar incidental information, and containing no commercial message.
- K. **SIGN, MACHINE.** A sign attached to a machine such as a gasoline pump, a drive-through menu kiosk, a soft

drink dispensing machine, or an ATM.

- L. *SIGN, MODEL HOME*. An on-premises sign advertising a home model of a type that is available for sale in a subdivision.
- M. *SIGN, MONUMENT (OR GROUND)*. A freestanding sign supported by a structure that is at least as wide as the sign to which it is attached.
- N. *SIGN, OPEN HOUSE*. A temporary off-premises or on-premises sign displaying information about a real estate sales event happening at a property offered for sale.
- O. *SIGN, OUTDOOR ADVERTISING (OR BILLBOARD)*. A type of off-premises sign that contains a commercial message.
- P. *SIGN, PERMANENT*. A sign intended or designed for permanent display and permitted as such.
- Q. *SIGN, POLE*. A freestanding sign supported by a structure consisting of not more than two poles.
- R. *SIGN, SANDWICH BOARD (OR A-FRAME)*. A temporary freestanding sign designed and displayed to provide information to pedestrians.
- S. *SIGN, SNIPE*. A temporary sign not otherwise defined in this Article that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, fence, railing, public telephone pole, traffic control device, or tree or to the ground.
- T. *SIGN, TEMPORARY*. A sign not intended or designed for permanent display and permitted as such.
- U. *SIGN, TIME AND TEMPERATURE*. A sign that displays time and temperature information as its primary message.
- V. *SIGN, V-TYPE*. An attached sign consisting of two separate faces arranged in a “V” pattern and having an angle of 120 degrees or less as measured from the side attached to the building.
- W. *SIGN, WINDOW*. A sign attached to a display window or door window that is intended to be viewed from the exterior. This definition shall include signs attached to the interior of a display window or door window.
- X. *SIGN, YARD SALE*. A temporary off-premises or on-premises sign advertising a sales event in a residential zoning district.

*SILTATION*. Sediment resulting from accelerated erosion which is separable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

*SINGLE FAMILY RESIDENTIAL*. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit, except for the permitted accessory dwelling unit.

*SITE PLAN*. ~~A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the regulations, such as lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and the locations of proposed utility lines.~~ A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

*SITE SPECIFIC DEVELOPMENT PLAN*. A plan that has been submitted to the City by a landowner describing with reasonable



certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A subdivision plat, a preliminary or general development plan, a conditional use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the City. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the City for the type of plan or approval requested by the landowner. A variance shall not constitute a site specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site specific development plan. [Vested rights for site specific development plans are controlled by G.S. 160D-108.1.](#)

[SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.](#)

*SLUDGE.* Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the North Carolina Environmental Management Commission.

*SOLAR COLLECTOR.* [Amended May 27, 2014 per Ord. 2014-O-03] Any means by which solar energy is received or absorbed and concentrated for use. Solar collectors are usually arranged in panels, which can be combined or linked to form arrays. Collectors may be roof-mounted, ground-mounted or integrated into building components.

*SOLAR ENERGY COLLECTION SYSTEM.* [Amended May 27, 2014 per Ord. 2014-O-03] A solar photovoltaic or solar thermal system that is accessory to a principal use and converts solar energy into electricity or absorbs solar energy as heat and transfers that heat for common household or commercial purposes.

*SOLAR FARM.* [Amended May 27, 2014 per Ord. 2014-O-03] A utility-scale principal land use that uses many solar arrays or any freestanding solar energy collection system that generates electricity on a site larger than 5 acres, primarily for off-site use.

*SOLID WASTE DISPOSAL FACILITY.* Any facility involved in the disposal of solid waste as defined in [G.S. NCGS §130A.290\(a\)\(35\)](#).

*SOLID WASTE DISPOSAL SITE.* As defined in [NCGS-G.S. 130A.290\(a\)\(36\)](#), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

*SOUTH GRANVILLE WATER AND SEWER AUTHORITY.* Also referred to in this ordinance as “SGWASA,” this agency provides water and sewer service to properties within the corporate limits and the extraterritorial jurisdiction of the City.

*SPECIAL FLOOD HAZARD AREA (SFHA).* The land in the floodplain subject to a one (1%) or greater chance of being flooded in any given year, as determined in Section 18.2-4(B) of this ordinance.

[SPECIAL USE PERMIT. A permit issued to authorize development of land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.](#)

*STABILIZING VEGETATION.* Any vegetation that prevents accelerated soil erosion.

*START OF CONSTRUCTION.* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of *accessory buildings*, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first *alteration* of any wall, ceiling, floor, or other structural part of the building, whether or not that *alteration* affects the external dimensions of the building.

*STORM, 100-YEAR.* The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

*STORM, 10-YEAR.* The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

*STORM DRAINAGE FACILITIES.* The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

*STORMWATER RUNOFF.* The direct runoff of water resulting from precipitation in any form.

*STREAM.* A watercourse that collects surface runoff.

*STREAM BUFFER.* A natural, vegetated, or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers.

*STREET, LOCAL.* A street whose primary function is to provide access to abutting properties.

*STREET, MAJOR THOROUGHFARE.* Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

*STREET, MINOR THOROUGHFARE.* Minor thoroughfares collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

*STREET, PRIVATE.* A vehicular travel-way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

*STREET, PUBLIC.* A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. *Alleys* are specifically excluded from this definition.

*STREET, RIGHT-OF-WAY.* A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

*STREET, SUBCOLLECTOR.* A street whose principal function is to provide access to abutting properties but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

*STORMWATER.* Any flow resulting from, and occurring during or following, any form of natural precipitation.

*STORMWATER CONVEYANCE OR STORMWATER CONVEYANCE SYSTEM.* Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made or natural channels, pipes, culverts, and storm drains and any other natural or man-made feature or

structure designed or used for collecting or conveying stormwater.

**STRUCTURE.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**SUBDIVISION.** ~~The division of land into two or more lots by a plat and recorded with the county clerk and register of deeds.~~ [The division of land for the purpose of sale or development as specified in G.S. 160D-802.](#)

**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.

**SUBDIVISION, MAJOR.** Any non-residential subdivision; or a residential subdivision establishing more than four new lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewage or water line, or requiring a waiver or variance from any requirement of this Ordinance.

**SUBDIVISION, MINOR.** A residential subdivision involving four or fewer lots fronting on an existing approved public street(s), not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line and not requiring a waiver, modification, or variance from any requirement of this Ordinance.

[SUBDIVISION REGULATION. A subdivision regulation authorized by G.S. Chapter 160D Article 8.](#)

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or City of Creedmoor health, sanitary, or safety code specifications which have been identified by the City of Creedmoor code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any *alteration* of a historic structure, provided that the *alteration* will not preclude the structure’s continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 18.11 of this Ordinance.

**SUBSTANTIALLY SIMILAR.** The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety and scale of signage, and other relevant factors.

**SUBURBAN OPEN SPACE AMENITIES.** Land available for active or passive recreation including parks, trails, clubhouses, playgrounds, *athletic fields* and courts, picnic facilities, benches, community gardens, and pools. It can include natural areas including floodplains, water bodies, wetlands, woodlands, land used for stormwater retention, and slopes over 15%.

**SURFACE WATER BUFFER.** A natural, vegetated, or re-vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of

pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection regulations.)

*TAILGATE MARKET.* The permanent or regularly-periodic offering for sale of fresh agricultural products directly to the consumer at an open air market.

*TECHNICAL BULLETIN & TECHNICAL FACT SHEET.* A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact City of Creedmoor officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

*TELECOMMUNICATIONS TOWER.* A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building or other structure.

*TEMPERATURE CONTROLLED.* Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

*TEMPORARY HEALTH CARE STRUCTURES.* The following definitions apply to temporary health care structures as defined in [NCGS §160A-383.5](#) [G.S. 160D-915](#):

- A. *ACTIVITIES OF DAILY LIVING* - Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- B. *CAREGIVER* - An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- C. *FIRST OR SECOND DEGREE RELATIVE* - A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- D. *MENTALLY OR PHYSICALLY IMPAIRED PERSON* - A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- E. *TEMPORARY FAMILY HEALTH CARE STRUCTURE* - A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and NCGS §143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

~~E.~~

*THEATER, ADULT.* An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas.

*THOROUGHFARE PLAN.* A plan adopted by the governing body for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

*TOURIST HOME.* A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

*TOWNHOUSE.* Single occupancy units attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open areas owned in common.

*TOXIC SUBSTANCE.* Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

*TRACT.* All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.

*TREE, CANOPY.* A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown of 30 feet.

*TREE, UNDERSTORY.* A species of tree which normally grows to a mature height of 15 to 35 feet in height.

*TYPICAL REQUIRED DRAINAGE CHANNEL SECTION.* A cross-sectional view of a required drainage channel.

*UNDISTURBED AREA.* That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection score sheet evaluation.

*URBAN OPEN SPACE AMENITIES.* Facilities for active and passive recreational use located in urban areas that include sidewalks widened beyond what is required by code, plazas, street furniture, outdoor eating or gathering areas, fountains, rooftop gardens, areas featuring public art, or other urban-related amenities.

~~*USE, CONDITIONAL.* A use which is generally compatible with other land uses permitted in a zoning district but which, because of its unique characteristics or potential impacts on the surrounding neighborhood and the City of Creedmoor as a whole, requires individual consideration of its location, design, configuration, and/or operation at the particular location proposed.~~

*USE, PERMITTED.* A use allowed within the zoning district provided the basic standards and requirements of the zoning district and the required provisions of this Ordinance are met.

*USE PERMITTED WITH ADDITIONAL STANDARDS.* A use permitted by right, provided that the additional standards intended to ensure that the use fits the intent of the zoning districts within which it is permitted and that the use is compatible with other development permitted within the zoning district, are met.

*VARIANCE.* Official permission from the *Board of Adjustment* to depart from the requirements of this ordinance. A grant of relief from the requirements of this Ordinance.

*VEGETATIVE BUFFER.* An area meeting regulatory buffer requirements consisting entirely of plant materials that form a screen.

*VELOCITY.* The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overland flows are not to be included for the purpose of computing velocity of flow.

*VIOLATION.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 18 is presumed to be in violation until such time as that documentation is provided.

*WATER DEPENDENT STRUCTURES.* Structures for which the use requires access or proximity to or citing within surface

waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

*WATER QUALITY CONSERVATION EASEMENT.* See Easements.

*WATER SURFACE ELEVATION (WSE).* The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

*WATERCOURSE.* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*WATERS OF THE STATE.* Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United State Department of the Interior Geological Survey 7.5 minute series topographic maps. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the state, which are not the result of impoundment of waters of the state, are not waters of the state.

*WATERSHED CRITICAL AREA.* The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).

*WATERSHED, WATER SUPPLY.* The entire area of the City of Creedmoor's jurisdiction is defined by the North Carolina Environmental Management Commission as the water supply watershed for Falls Lake.

*WET DETENTION POND.* A natural or man-made water body that provides for the storage and gradual release of stormwater runoff by means of a permanent pool of water having an outfall to another water body, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates. See Best Management Practices definition.

*WET RETENTION POND.* A natural or man-made water body that provides for the storage of stormwater runoff by means of a permanent pool of water. See Best Management Practices definition.

*WETLANDS.* Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions.

*WIRELESS FACILITY* –Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

- A. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- B. Wireline backhaul facilities.
- C. Coaxial or fiber optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

*WIRELESS FACILITY (MICRO)* – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

*WIRELESS FACILITY (SMALL)* – A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an

antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

- B. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

**WIRELESS FACILITY (SUBSTANTIAL MODIFICATION)** – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- A. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- B. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- C. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

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**YARD SALE (OR GARAGE SALE).** The sale of items outdoors, or from a vehicle, or from a garage or other *accessory building*, belonging to one or more sponsors of the sale.

**ZONING DISTRICT.** An area defined by this Ordinance and delineated on the Official Zoning Maps in which the requirements for the use of land and building and development standards are prescribed.

**ZONING MAP AMENDMENT OR REZONING.** An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes: (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include: (i) the initial adoptions of a zoning map by a local government, (ii) the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by the zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

**ZONING REGULATION.** A zoning regulation authorized by G.S. Chapter 160D Article 7.

**ZONING VESTED RIGHT.** A right pursuant to ~~NCGS §160A-385.1~~ G.S. 160D-108 and G.S. 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

## ARTICLE 10

### Uses with Additional Standards and ~~Conditional Uses~~ Special Use Permits

*[Amended November 15, 2015 per Ord. 2015-O-22, ZTA-2015-04]*

*[Amended July 17, 2018 per Ord. 2018-O-07, ZTA-2018-03]*

*[Amended September 22, 2020 per Ord. 2020-O-16, ZTA-2020-01]*

#### 10.1 Uses with Additional Development Standards

10.1-1 PURPOSE. Certain uses provide services and benefits for residents of and visitors to the City of Creedmoor. The convenient location of these uses is necessary to their success and the function of the community. Due to the potential impacts of these uses, certain additional standards are necessary to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require additional standards and establishes the standards they must meet.

10.1-2 STANDARDS ESTABLISHED. The following Uses with Additional Standards and the standards they must meet are hereby established.

10.1-3 ACCESSORY DWELLING UNIT.

A. Zoning Districts: AG, SFR, R/MST, MSP, MS, and CIV

B. Development Standards.

1. One (1) Accessory Dwelling Unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district. (Temporary Health Care Structures, as defined by ~~NCGSS 160A-383.5~~ G.S. 160D-915, are excluded from the classification Accessory Dwelling Units and are not subject to this set of standards.)
2. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.
3. Home occupations shall not be located within the Accessory Dwelling Unit.
4. The maximum gross floor area for the Accessory Dwelling Unit shall be 900 SF or 40% of the gross floor area of the principal structure, whichever is less. .
5. The Accessory Dwelling Unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the Accessory Dwelling Unit may have a separate entrance. If the Accessory Dwelling Unit is located in a separate structure, the following standards shall apply:
  - a. The accessory structure housing the Accessory Dwelling Unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the Accessory Dwelling Unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
  - b. Vehicular access to the Accessory Dwelling Unit shall be via the same drive that provides access to the principal structure unless the Accessory Dwelling Unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the Accessory Dwelling Unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
6. One (1) parking space shall be provided for the Accessory Dwelling Unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the Accessory Dwelling Unit.



7. The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an Accessory Dwelling Unit is prohibited.
  8. The Accessory Dwelling Unit shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.
- 10.1-4 AUTOMOBILE/BOAT REPAIR SERVICE.
- A. Zoning Districts: MS, C 56, C 15 and IND
  - B. Development Standards.
    1. No outdoor automobile/boat work areas are to be located in front of building.
    2. All outdoor automobile/boat work areas and/or vehicle storage areas shall be screened from adjacent uses with a six (6) foot tall opaque fence and a type D buffer (see Article 11); plantings shall be on the exterior side of the fence.
- 10.1-5 AUTOMOBILE TOWING AND STORAGE SERVICE.
- A. Zoning Districts: IND
  - B. Development standards.
    1. No more than 30 automobiles shall be stored at an automobile towing and storage service at a time.
    2. The automotive storage area must be screened with a six foot tall opaque fence and a type C buffer (see Article 11); plantings shall be on the exterior side of the fence.
    3. No outdoor disassembly or salvaging is permitted.
- 10.1-6 BANK, SAVINGS AND LOAN, CREDIT UNION.
- A. Zoning Districts: MSP, MS, C 56, and C 15 ~~and TND-CD~~
  - B. Development standards.
    1. Drive-through facilities shall be located on a side of a building which does not abut a street.
    2. Drive-through facilities shall be screened from adjacent uses with a type D buffer (see Article 11).
- 10.1-7 BATTING CAGES, OUTDOOR.
- A. Zoning Districts: C 56 and C 15
  - B. Development standards:
    1. Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the area.
    2. Hours of operation 7:00 AM – 10:00 PM, Sunday through Thursday; 7:00 AM – midnight on Friday and Saturday.
- 10.1-8 BED-AND-BREAKFAST INN.
- A. Zoning Districts: AG, MFO, R/MST, MSP, and MS, ~~and TND-CD~~
  - B. Development Standards:
    1. Bed-and-Breakfast Inn establishments shall be located a minimum of 500 feet from other Bed-and-Breakfast Inn establishments. In calculating the 500 foot distance between Bed-and-Breakfast Inn establishments, measurements shall be taken from the closest property line of the existing Bed-and-Breakfast Inn establishment lot to the closest property line of the lot of the proposed Bed-and-Breakfast Inn establishment. Existing, legally established Bed-and-Breakfast Inn establishments that do not meet this separation requirement of 500 feet are permitted to expand within the subject property to the maximum limits allowed under this chapter, as long as all applicable development standards are met.
    2. The owner or manager shall reside on the property full time.
    3. Accessory structures shall not be utilized for guest accommodation purposes as part of a Bed-and-Breakfast Inn establishment
    4. The length of stay of any guest shall not exceed seven (7) consecutive calendar days.

5. Off-street parking shall be provided as required by Article 12 of this Ordinance. Parking shall be located on the same lot on which the Bed-and-Breakfast Inn establishment is located, at the rear of the lot and screened with a type C buffer (see Article 11) from adjacent properties and from the street.
6. Signage shall be limited to a single sign, subject to the regulations of Article 17. The sign shall be located in the front yard and, if lit, shall be indirectly lighted.
7. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
8. Activities and functions at the Bed-and-Breakfast Inn establishment shall be provided for overnight guests only.
9. The construction and operation of the Bed-and-Breakfast Inn establishment shall comply with N.C. State Building Code and other State mandated requirements.

10.1-9 CAR WASH.

A. Zoning Districts: C 56, C 15, and IND

B. Development standards:

1. Building(s) shall be at least 75 feet from any interior side or rear property line which adjoins property zoned for residential or mixed use. A minimum six foot high opaque fence and a type A buffer shall be provided adjacent to all property zoned for residential uses, with the plantings on the exterior side of the fence.
2. All washing operations shall be contained in a building.
3. Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
4. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
5. Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when directly adjoining developed residentially zoned property.
6. Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.

10.1-10 CEMETERY OR MAUSOLEUM.

A. Zoning Districts: AG, MFO, C 56, and C 15, ~~and TND-CD~~

B. Development standards:

1. A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a religious institution.
2. Principal access must be from a collector street or higher capacity street.
3. Tombstones, crypts, monuments, burial plots and mausoleums must be located at least 25 feet from any street right-of-way or 16 feet from abutting property.

10.1-11 RELIGIOUS INSTITUTION.

A. Zoning Districts: AG, MFO, SFR, R/MST, MSP, MS, CIV, C 56, and C 15 ~~and TND-CD~~

B. Development standards:

1. Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.
2. Accessory uses such as institution offices, related dwelling units, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries, mausoleum, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in

their own right and be regulated as such. Tombstones, crypts, monuments, burial plots and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way or 16 feet from abutting property.

3. Religious institution accessory uses which are not permitted as principal uses in a zoning district shall adhere to the following restrictions:
  - a. No merchandise or merchandise display shall be visible from outside the building; and
  - b. Signage shall be limited to a single sign, subject to the regulations of Article 17. The sign shall not be located in the front yard and, if lit, shall be indirectly lighted.
4. Except as noted in subsection 10.1-11(B)4., above, accessory uses not permitted as principal uses (including television stations, radio stations, and/or sports complexes) are prohibited.
5. Application for a zoning permit shall include a comprehensive site plan that addresses the required standards for the main site and all abutting holdings.

10.1-12 CLUB OR LODGE.

- A. Zoning Districts: AG, MSP, MS, CIV, C 56, and C 15-~~and TND-CD~~
- B. Development Standards
  1. Building(s) must conform to a building type permitted in the zoning district.
  2. Activities and events at the club or lodge shall occur between the hours of 8:00 AM and 1:00 AM.
  3. Access shall be from a collector or higher capacity street.

10.1-13 COUNTRY CLUB WITH GOLF COURSE.

- A. Zoning Districts: AG, C 56, and C 15-~~and TND-CD~~
- B. Development standards:
  1. Building(s) must conform to a building type permitted in the zoning district.
  2. Parking shall be screened from residential uses and/or districts with a type C buffer (see Article 11).
  3. Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.

10.1-14 DAY CARE CENTER FOR CHILDREN OR ADULTS (6 OR MORE).

- A. Zoning Districts: AG, MSP, MS, CIV, C 56, C 15, ~~TND-CD~~ and as an Accessory Use in ~~the~~ IND
- B. Development standards:
  1. A Day Care Center must meet a permitted building and lot type for the district in which it is to be located.
  2. Day Care Centers for children must provide play space in accordance with the regulations of North Carolina Health and Human Services. The outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
  3. There is no limit on the hours of operation of a Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

10.1-15 DAY CARE CENTER, HOME OCCUPATION FOR 8 PERSONS OR LESS.

*[AMENDED SEPTEMBER 22, 2020 PER ORD. 2020-O-16, ZTA-2020-01]*

- A. Zoning Districts: AG, MFO, SFR, R/MST, MSP, MS, CIV, C 56, C 15, and IND-~~and TND-CD~~
- B. Development standards:
  1. The Day Care Center, Home Occupation operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to ~~6-8~~ persons not related to the operator.

2. Day Care Center, Home Occupations for children shall provide play space in accordance with the regulations of the North Carolina Department of Health and Human Services.
3. Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
4. No chain link fences shall be permitted in the front yard. Chain link and similar fencing materials located in the side and rear yards shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.
5. A Day Care Center, Home Occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
6. There are no specific limitations on the hours of operation of a Day Care Center, Home Occupation.

10.1-16 DORMITORY.

- A. Zoning Districts: CIV
- B. Development standards:
  1. Must be located on the campus of secondary or post-secondary school.
  2. The dormitories must be administered and/or managed by the secondary or post-secondary school on whose campus they are located.
  3. Buildings shall comply with the building type standards permitted in the Civic District.

10.1-17 DRIVE-THROUGH WINDOW AS ACCESSORY USE.

*[Amended Sept. 15, 2014 per Ord. 2014-O-07]*

- A. Zoning Districts: MS, CIV, C 56, and C 15
- B. Development standards:
  1. Drive-through service window, stacking lane(s), and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.
  2. Drive-through service window, stacking lane(s), and circulation are treated as components of on-site parking for the purposes of buffering.
  3. The length of on-site stacking lane(s), taken together, shall be a maximum of 200 feet if window access is provided directly from a major or minor arterial; a maximum of 100 feet if window access is provided directly from a street of lesser capacity.
  4. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
  5. Buffering is not required for walk-up service accessories such as depositories and ATM's.
  6. One drive-through service window and/or automated service device may be permitted.
  7. (Optional). Drive-through service windows and/or automated devices shall be mitigated by the provision of one (1) electric vehicle charging device per window and/or device to mitigate the air quality impact of a motor vehicle at idle.

10.1-18 GOLF COURSE (SEE COUNTRY CLUB WITH GOLF COURSE).

10.1-19 GOLF DRIVING RANGE.

- A. Zoning Districts: AG, C 56, ~~and C 15~~ ~~and TND-CD~~
- B. Development standards:
  1. Fencing, netting, or other control measures shall be provided around the perimeter of the driving range to prevent balls from leaving the area unless on-site buffering is provided to prevent balls from entering any adjacent and/or occupied and/or improved property.

2. The hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

10.1-20 GO-CART RACEWAY.

A. Zoning Districts: IND

B. Development Standards:

1. A minimum separation of 30 feet, fully vegetated, shall be provided between any use area and any abutting property line. The vegetation shall form a permanent semi-opaque screen between the use area and adjacent property.
2. Any use area shall be located a minimum of 200 feet from any residential or mixed use district.
3. The site shall be screened from view at street(s) within 200 feet of the use area by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.
4. The hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

10.1-21 HOME OCCUPATION.

A. Zoning Districts: AG, MFO, SFR, R/MST, MSP, MS, CIV, C 56, C 15, and IND

B. Development standards:

1. No display of goods, products, or services, or other advertising shall be visible from outside the dwelling, except that home occupations shall be allowed one pole sign in accordance with the provisions of Article 17, and such sign shall not be illuminated.
2. Home occupations shall be principally conducted by residents of the dwelling. However, a maximum of one full-time equivalent non-resident of the dwelling may be employed as part of the home occupation.
3. On premise retail sales shall not be a component of the home occupation.
4. A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed 25 percent of the square footage of the principal structure (home).
5. Only one vehicle principally used in connection with the home occupation shall be parked or stored on premise. Such a vehicle shall not display any signage designed to be visible beyond the property boundaries.
6. No equipment or process shall be used in connection with the home occupation that creates noise, vibrations, glare, fumes, odors, or electrical interference off premises.
7. In addition to required parking as stipulated in Article 12, one additional off street parking space shall be provided for use in conjunction with the home occupation.
8. Instruction in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.
9. The home occupation shall not materially increase the traffic that is found in its vicinity when the use is not in operation.

10.1-22 UNREGISTERED MOTOR VEHICLE STORAGE AS ACCESSORY USE.

A. Zoning Districts: AG, MFO, SFR, C56, C15, IND

B. Development standards:

1. Any vehicle meeting the definition of "motor vehicle, junked" shall be stored or placed in the side or rear yard of the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residential, mixed use, or civic zoned property. Total screening shall be provided by placement of the vehicle behind a building and/or by

plant materials, fences, berms, or a combination thereof with a minimum height of six (6) feet.

2. Open storage of more than one such vehicle shall require classification as a junkyard, salvage yard, auto parts use and shall meet the conditions for such use as set forth elsewhere in this Article.
3. More than one such vehicle may be stored within a completely enclosed building.

10.1-23 KENNEL OR PET GROOMING WITH OUTDOOR PENS OR RUNS.

- A. Zoning Districts: AG and IND
- B. Development standards:
  1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.
  2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer (see Article 11).

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

*[Amended Nov. 21, 2017 per Ord. 2017-O-18, ZTA-2017-03]*

- A. Zoning Districts: R/MST, MSP, ~~and MS, and TND-CD~~
- B. Development standards:
  1. The multi-family development shall not exceed a total of seventy-two (72) dwelling units.
  2. The maximum permitted density for the multi-family development shall be twenty-four (24) units per acre.
  3. The permitted building and lot types for the multi-family development in a single family area shall be the detached house and the attached house building and lot types.
  4. All parking for the multi-family development shall be located behind the building. The parking area shall be screened from adjacent properties and from the street with a minimum of a type C buffer (see Article 11).

10.1-25 NURSING HOME, ASSISTED LIVING.

- A. Zoning Districts: AG, MSP, MS, CIV, C 56, C 15
- B. Development standards:
  1. The facility shall provide centrally located shared food preparation, food service, and dining areas.
  2. Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.
  3. All facilities shall be solely for the use of residents and their guests.
  4. Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.

10.1-26 PARKS AND RECREATION FACILITY, PUBLIC.

- A. Zoning Districts: AG, MFO, SFR, R/MST, MSP, MS, CIV, C 56, ~~and C 15 and TND-CD~~
- B. Development standards:
  1. Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
  2. All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.
  3. Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

10.1-27 BINGO, BEACH BINGO, OR RAFFLE.

- A. Zoning Districts: AG, C 56, C 15 and CIV

- B. Development standards:
1. Any Bingo, Beach Bingo, or Raffle conducted within the City of Creedmoor or inside the city's planning jurisdiction shall be conducted in compliance with NCGS§ 14-309.5 through NCGS§ 14-309.15.
  2. Raffles shall not be conducted in conjunction with Bingo.
  3. Raffles shall be limited to two (2) per non-profit organization per year.
  4. Only charitable, non-profit causes may conduct raffles or operate Bingo games.
  5. No "Beach Bingo" (as defined in NCGS§ 14-309.14) shall be held in conjunction with any other lawful bingo game, with any "promotional bingo game," or with any offering of an opportunity to obtain anything of value, whether for valuable consideration or not.
  6. Any exempt organization operating a Bingo game which is open to persons other than members of the exempt organization, their spouses, and their children, shall make such games open to the general public.
  7. A license to operate shall be obtained from the NC Department of Safety. Forms shall be obtained from the Department and the required two-hundred dollar (\$200.00) fee shall be paid to the state.
  8. A copy of both the application and the issued license shall be furnished to the City of Creedmoor Police Department and shall be on file prior to the event where Bingo is to be conducted.
  9. One member of the organization hosting the games is required to serve as "operator."
  10. The exempt organization shall not contract with any person to conduct Bingo games or to manage any raffle.

10.1-28 SCHOOL, ELEMENTARY OR SECONDARY.

A. Zoning Districts: CIV

B. Development standards:

1. Minimum lot size:
  - a. Kindergarten (only): One acre.
  - b. K-12: Two acres.
2. Minimum setback standards:
  - a. Front: Twice that for permitted uses in the respective zoning district.
  - b. Side: 25 feet.
  - c. Rear: 25 feet.
3. Building type shall be civic building.
4. Parking and active recreation areas shall not be located within the required building setbacks.
5. Primary access shall be provided from arterial streets. Local residential streets shall not be used for primary access.
6. Site lighting shall be full cut-off fixtures.

10.1-29 SWIM AND TENNIS CLUB.

A. Zoning Districts: AG, SFR, MSP, CIV, C 56, [and C 15](#) ~~and TND-CD~~

B. Development standards:

1. The minimum area shall be two (2) acres. The minimum area shall be one (1) acre if located as part of a common area within a development.
2. There shall a minimum fifty (50) foot separation (distance) between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
3. Outdoor swimming pools shall be protected by a fence as required under the North Carolina Building Code.
4. Site lighting shall be full cut-off fixtures.

10.1-30 TEMPORARY STRUCTURE.

- A. Zoning Districts: See Article 15
- B. Development standards: See Article 15

10.1-31 VETERINARY SERVICE WITH OUTDOOR KENNELS.

- A. Zoning Districts: AG, C 56, C 15 and IND
- B. Development standards:
  - 1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.
  - 2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer (see Article 11).

10.1-32 WIRELESS TELECOMMUNICATION FACILITIES, MICRO WIRELESS AND SMALL CELL WIRELESS.

*[Amended August 27, 2013 per NC Session Law 2013-185]*

*[Amended February 20, 2018 per NC Session Law 2017-159]*

- A. Zoning Districts: All zoning districts
- B. Types of Micro and Small Wireless Facilities. The General Statutes provide exceptions to the standards in the UDO for small and micro wireless facilities located in public rights-of-way (PROW). Small and/or micro wireless facilities (i) located outside the PROW or (ii) not meeting the dimensional standards of the definition of “Micro Wireless Facility” and “Small Wireless Facility” in Art. 3 must comply with the general Development Standards for Telecommunications Towers. The types of wireless facilities referred to in the previous sentence are called Microcellular wireless telecommunication facilities (“Micro Cells”) for convenience.
- C. Development Standards for Micro Cells:
  - 1. Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures (other than off-premise signs) which do not require an increase in height to accommodate the facility. Electric distribution poles may be extended in height in the Single Family Residential (SFR), Traditional Neighborhood Development Conditional District (TND-CD) [single family residential portions only] or Residential Main Street Transitional (R/MST) zoning districts to 50 feet including the antenna. Such extensions shall qualify as an existing structure for purposes of this section. In all other zoning districts, electric distribution poles (including antennas) may be extended to 60 feet in height.
  - 2. All antennas associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be flush-mounted against the side of the building or structure and camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted.
  - 3. Antennas associated with a microcellular wireless telecommunication facility mounted on a utility pole must be mounted atop the pole or flush mounted against the sides of the pole, and shall be colored to match or complement the color of the utility pole and shall be mounted in as unobtrusive a manner as possible.
  - 4. Antennas associated with a microcellular wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
  - 5. Equipment enclosures associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be mounted inside the building or structure, attached to an exterior surface, or placed underground or on a concrete pad on the ground outside the building or structure. If mounted on an exterior surface, the enclosures shall be colored or camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted. If placed on a



- concrete pad on the ground, the enclosures shall be screened so as to make them unobtrusive.
6. Equipment enclosures associated with a microcellular wireless telecommunication facility mounted on a utility pole, must be mounted on the utility pole; provided, however, if combiners are used to allow co-location by sharing of an antenna or antenna array and pole-mounting of equipment enclosures cannot be accommodated on the pole, the combiner and additional equipment enclosures may be placed underground or on a concrete pad on the ground. If placed on a concrete pad on the ground, such additional equipment enclosures shall be screened so as to make them unobtrusive.
  7. All cabling and wiring connecting antennas, equipment enclosures, and other components of a microcellular wireless telecommunication facility shall be colored or concealed in a manner as to render them unobtrusive.
  8. Microcellular wireless telecommunication facilities located in a local historic district or on a historic landmark shall require a certificate of appropriateness from the historic resources commission.
  9. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
  10. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the City in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
  11. As part of its application each applicant for a microcellular wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility upon abandonment or cessation of operations. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs it incurs to perform any work required of the applicant by the agreement that the applicant fails to perform. A \$5,000.00 cash bond, or other security acceptable to the City, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
  12. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the City shall give 30 days' written notice of its intention to do so to the permittee at its last known address.
  13. Reserved.
- D. Development Standards for Small Wireless Facilities in the PROW.

1. Small/micro wireless facilities meeting the definitions in Art. 3 are excepted from the Development Standards in sub-sections C. 1., 3., 5., 7., 10., 11., and 12 if the facilities (i) meet the height requirement of Table 1 and are located (ii) in City-owned rights-of-way or (iii) outside of the rights-of-way on property that is not zoned Single Family Residential (SFR), Traditional Neighborhood Development Overly (TND-CD) [single family residential portions only] or Residential Main Street Transitional (R/MST).

*Table 1: Small Wireless Facility Height Requirements*

<i>New, modified or replacement utility pole Town utility pole (Height in Feet)</i>	<i>Height of small wireless facility above utility pole, wireless support structure or Town utility pole</i>	<i>Total Height (in feet)</i>
50 above ground level	10 feet	60

EXCEPTION for properties zoned SFR, TND-CD [single family residential only] or R/MST where utilities are underground: New modified or replacement utility poles, City utility poles and wireless support structures may be no taller than 40 feet.

2. Exceptions to 10.1-32:  
For facilities meeting the requirements of sub-section D.1 above, no application, permit or fee is required under the zoning ordinance for:
  - (i) Routine Maintenance or
  - (ii) The replacement of small wireless facilities with small wireless facilities or
  - (iii) Installation, placement, maintenance or replacement of micro wireless facilities that are suspended between existing utility poles or City utility poles or
  - (iv) Communication services providers authorized to occupy City rights-of-way who are paying taxes under N.C. Gen. Stat. § 105-164.4 (a) (4c) or (6).
3. City may deny an application only on the basis that it does not meet any of the following:
  - (i) the City's applicable codes;
  - (ii) local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment;
  - (iii) public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way;
4. The application must include a sworn, notarized attestation that the small wireless facilities collocated on utility poles, City utility poles, or wireless support structures shall be:
  - (i) Activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, and
  - (ii) Collocation shall commence within six months of the permit issuance date, and
  - (iii) If not, the permit may be revoked.
5. Applicants may file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this Ordinance. City may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations (i) for which incomplete information has been provided or (ii) that are denied. The City may issue a separate permit for each collocation that is approved.
6. a. Wireless services providers are required to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the Town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless

services provider gives the Town reasonable evidence that it is diligently working to place such wireless facility back in service.

b. This section applies to rights-of-way controlled by the N.C. Dept. of Transportation and the City.

#### 10.1-33 WIRELESS TELECOMMUNICATION FACILITY, CONCEALED.

*[Amended August 27, 2013 per NC Session Law 2013-185]*

A. Zoning Districts: All zoning districts.

B. Development standards:

1. Concealed wireless telecommunication facilities are permitted on buildings and alternative structures (other than off-premise signs and telecommunication towers).
2. For purposes of this section, antennas mounted on an electric transmission tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad and screened so as to make them unobtrusive.
3. For purposes of this section, antennas mounted on an electric distribution tower, street lighting pole or traffic light pole shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure, and equipment enclosures associated with the facility occupy less than 60 cubic feet. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground on a concrete pad. Electric distribution poles may be extended in height in R/MST zoning district to the lesser of 20 feet above the vegetative canopy in the vicinity of the site as determined by the Planning, Zoning and Subdivision Administrator or 80 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.
4. Panel antennas associated with concealed wireless telecommunication facilities may not exceed eight feet in height. If flush-mounted on the side of a building or alternative structure, antennas shall be camouflaged to match or complement the color and architectural treatment of the surface. Antennas extending above the roof line of a building shall be concealed behind an RF-transparent parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building or structure. Such parapet walls or facades shall not extend more than ten feet above the roof line. Where a parapet wall is at least eight feet in height, omnidirectional (whip-type) antennas may extend above the parapet wall by a distance equal to the height of the parapet wall.
5. Antennas associated with a concealed wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
6. Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in subsection 10.1-33.B (4) above, equipment enclosures shall be screened so as to make them unobtrusive.

7. All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.
8. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
9. Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the City or Granville County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
10. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the City in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
11. As part of its application, each applicant for a concealed wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City of Creedmoor for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the City, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
12. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the City shall give 30 days' written notice of its intent to do so to the permittee at its last known address.
13. Reserved.

10.1-34 WIRELESS TELECOMMUNICATION FACILITY, CO-LOCATED.

*[Amended August 27, 2013 per NC Session Law 2013-185]*

- A. Zoning Districts: All zoning districts.
- B. Development Standard:
  1. Application fees for a co-located wireless telecommunication facility shall be as established by the City of Creedmoor.

2. Wireless telecommunication facilities may be co-located on any structure which hosts one or more existing permitted and approved wireless telecommunication facilities provided, however, that the proposed co-located wireless facility must meet equipment enclosure and antenna size restrictions for the type of facility and zoning district in which the existing facility was approved (i.e., microcell and concealed wireless telecommunication facilities). The structure on which the wireless telecommunication facilities are to be located may be improved, rehabilitated, or altered structurally to accommodate the proposed co-location, provided that the height of a nonconforming structure is not increased and provided further that the proposed co-location complies with all other requirements of this chapter and other applicable laws and regulations.
3. Where co-location is proposed by use of a combiner (allowing two or more commercial wireless service providers to share a common antenna or antenna array), an equipment enclosure which houses only the combiner and amplifiers may exceed the maximum permitted dimensions for other types of equipment enclosures up to a maximum of 70 cubic feet.
4. Antennas associated with a co-located wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
5. Co-located wireless telecommunication facilities shall be designed to meet the following standards:
  - a. Use of dual-band/multi-band antennas (to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands) or by using combiners (to allow antenna sharing by users of the same frequency band) is encouraged in order to minimize the height of support structures and the visual impact of multiple co-located antennas or antenna arrays.
  - b. Antennas associated with a co-located wireless telecommunication facility shall be mounted so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - i. Compact dual-polarized antennas in a cylindrical unicell arrangement extending less than two feet from the structure, and mounted atop the tower;
    - ii. Panel antennas flush-mounted against the tower; and
    - iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
  - c. No co-located wireless telecommunication facility located on a telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.
  - d. All equipment enclosures and other improvements accessory to a co-located wireless telecommunication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure shall exceed 12 feet in height. Ground mounted equipment shall be screened from view with a row of evergreen trees and/or shrubs planted in a landscape strip with a minimum width of five feet, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

- e. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
  - f. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence may be topped with barbed wire. The Planning, Zoning and Subdivision Administrator may require as a condition of approval that the fencing be screened by appropriate landscaping or other means, or may waive or modify the fencing requirement if he/she determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
  - g. Signage at any ground-based portion of a co-located wireless telecommunication facility site shall conform to the following provisions:
    - i. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
    - ii. Equipment hazard warning and informational signs are permitted.
    - iii. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
6. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the City in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
7. As part of its application, each applicant for a co-located wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the co-located facility within 180 days of the abandonment or cessation of operations of the co-located facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City of Creedmoor for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the City, shall be required in conjunction with the maintenance/removal agreement when a separate equipment shelter is constructed to house the equipment for the co-located wireless telecommunication facility. A \$3,000.00 cash bond, or other security acceptable to the City, shall be required in conjunction with the maintenance/removal agreement when the equipment for the co-located telecommunications facility is housed in an existing equipment shelter. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the co-located facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
8. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless

telecommunication facility pursuant to this provision, the City shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

9. Co-located wireless telecommunication facilities shall not be constructed unless the facility owner has general liability coverage of at least \$1,000,000.00. The owner of a co-located wireless telecommunication facility shall provide the City with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the City 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.
10. Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided they do not exceed any of the following criteria:
  - a. Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.
  - b. Addition of an appurtenance protruding the greater of either: 1) more than twenty (20) feet, or 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless:
    - i. necessary to shelter an antenna, and/or
    - ii. necessary to connect the antenna to the tower via cable
  - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

11. Reserved.

#### 10.1-35 PAWNSHOP OR USED MERCHANDISE STORE.

*[Amended May 28, 2013 per Ordinance 2013-O-08]*

A. Zoning Districts: MS

B. Development standards:

1. The owner shall comply with all applicable portions of NCGS Chapter 66, Article 45, Part 1: Pawnbrokers and Cash Converters.
2. Hours of operation: 8:00 A.M. until 8:00 P.M.
3. No outdoor storage or display of merchandise or goods.
4. No "unsightly window display" of appliances, tools, or housewares.
5. No firearm sales or trades on premises.
6. No window tinting.
7. Five hundred (500) feet of separation between pawnshops, measured in a straight line between front door entrances (inclusive of rights of way).
8. No pornographic or sexually explicit material sales on site.

#### 10.1-36 BOARDING HOUSE.

A. Zoning Districts: R/MST and MSP

B. Development standards:

1. A minimum of four (4) off-street parking spaces shall be provided for the principal dwelling. The Planning Department may approve an exception to this requirement if the property owner provides written verification that the occupants of the sleeping room(s), due to age or disability, will not have vehicles on-site.
2. No more than two (2) vehicles owned by the boarder(s) of each room shall be permitted, and all vehicles on-site shall be parked off-street.
3. All parking provided for a boarding house shall meet the requirements of this Ordinance unless otherwise permitted.

4. Each rental room shall house no more than two (2) persons.

## 10.2 ~~Conditional Uses~~ Uses Requiring a Special Use Permit

10.2-1 PURPOSE. Certain uses may wish to locate in the City of Creedmoor and its area of jurisdiction, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these ~~s~~ uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole and must petition the Creedmoor Board of Commissioners for a special use permit. This section identifies the uses that require conditions and establishes the conditions they must meet. A ~~Conditional~~ Special Use Permit must be granted for these uses in accordance with the procedures set forth in Article 7.

10.2-2 ~~CONDITIONAL~~ USES REQUIRING A SPECIAL USE PERMIT ESTABLISHED. The following ~~Conditional~~ Special Uses and the conditions they must meet are hereby established.

10.2-3 ADULT USE.

A. Zoning Districts: IND

B. Conditions:

1. No lot containing an adult use shall be located within a 1,200 foot radius of any lot containing another adult use.
2. No lot containing an adult use shall be located within a 1,200 foot radius of any residential or mixed use zoning district.
3. No lot containing an adult use shall be located within a 1,200 foot radius of any dwelling unit, church or place of worship, school, library, licensed child care center, public recreation center, or public park, or playground.
4. The required distance shall be measured from the closest edge of the property occupied by an adult use to the closest edge of the property occupied by a protected use, zone, or by another adult use. Provided, however, that an adult use is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such use.
5. No more than one adult establishment may be located within the same structure or on the same lot.
6. In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
7. Except for permitted business identification signage, no printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the adult use.

10.2-4 AGRI-BUSINESS FACILITY.

A. Zoning Districts: AG and MFO

B. Conditions:

1. The facility will not be in conflict with the purpose and objectives of the Mini Farm Overlay District.
2. The facility shall be located on a lot of no less than five (5) acres.
3. Minimum 300 foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.
4. The facility may include accessory research, manufacturing or production operations for fruit and vegetable produce for human consumption. The facility may include an on-site market,



and/or provide space for activities that increase interest in agriculture as a tourist attraction, as well as seasonal activities or events that are designed to generate public interest.

5. The facility shall not include feed lots, slaughtering and/or meat packaging operations.
6. Buildings shall meet the following design standards:
  - a. Maximum footprint: 45,000 SF
  - b. Maximum height: 42 feet (excluding silos and related attachments)
  - c. Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high quality masonry material.

10.2-5 AMUSEMENT/WATER PARK, FAIRGROUND.

A. Zoning Districts: C 56 and C 15

B. Conditions:

1. Outdoor amusement facilities will be separated by a type C buffer (see Article 11) from any abutting property located in a residential or mixed use district
2. No amusement facilities, such as miniature golf courses, water slides, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district.
3. Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.

10.2-6 ASPHALT PLANT.

A. Zoning Districts: RESERVED

B. Conditions:

1. The facility shall be located on a lot of no less than five (5) acres.
2. Access shall be from a collector or higher classification street. No trucks traffic shall be permitted on surrounding residential streets.
3. A minimum of a type A buffer (see Article 11) shall be located around the perimeter of the property on which the asphalt plant is located.
4. All operations other than parking shall be located a minimum of 1,200 feet from any residential or mixed use zoning district.

10.2-7 EQUESTRIAN FACILITY.

A. Zoning Districts: AG, MFO

B. Conditions:

1. The facility will not be in conflict with the purpose and objectives set forth in this ordinance for the zoning district in which the facility is located.
2. The facility shall be located on a lot of no less than five (5) acres.
3. Outdoor riding rings may be provided as part of the facility.
4. Minimum 300 foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
5. Maximum number of horses boarded is 2 per acre.
6. Buildings shall meet the following design standards:
  - a. Maximum footprint: 15,000 SF
  - b. Maximum height: 42 feet (excluding silos and related attachments)

10.2-8 GROUP CARE FACILITY.

A. Zoning Districts: AG, MFO, SFR, R/MST, MSP, CIV, C 56, and C 15 ~~and TND-CD~~

B. Conditions:

1. No such facility shall be located within one-half (1/2) mile of an existing group care facility unless located within the Civic (CIV) district and/or specifically approved within a ~~Traditional Neighborhood Development Conditional District (TND-CD) district~~ conditional zoning district.
2. The facility shall be limited to no more than thirty (30) persons.
3. Buildings shall be of a type permitted in the zoning district.

10.2-9 JUNKYARD AND/OR SALVAGE YARD, AUTO PARTS.

- A. Zoning Districts: IND with HIO
- B. Conditions:
  - 1. The minimum area required to establish a salvage yard shall be five (5) acres.
  - 2. A six-foot tall opaque fence of uniform construction and a type A buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.
  - 3. No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

10.2-10 MANUFACTURED DWELLING PARK.

- A. Zoning Districts: RESERVED
- B. Conditions:
  - 1. A site plan for the Manufactured Dwelling Park may only be approved by the Planning and Zoning Commission.
  - 2. Minimum area: Five (5) acres.
  - 3. The minimum number of spaces shall be 15 and the maximum number of spaces shall be 180.
  - 4. Minimum setback: 70 feet from all public rights-of-ways and property lines.
  - 5. No more than one manufactured dwelling or recreational vehicle, towed or self-propelled, shall be parked or set-up on any one space.
  - 6. Access standards:
    - a. No space shall have direct vehicular access to a public street;
    - b. All spaces shall directly abut a private street in the park;
    - c. Each space shall have adequate access, with a minimum access width of 20 feet.
  - 7. Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:
    - a. A play lot for preschool children (2-5) containing a minimum size of 1,200 square feet within 500 feet of every space; and
    - b. One or more playgrounds for school-age children (5-12), teens and adults, containing a minimum of one acre per 40 spaces;
    - c. Recreation areas shall not be in an area used for septic tank fields.
  - 8. There shall be no sales of manufactured dwelling and recreational vehicles in the park, other than units established and previously occupied for a minimum of 90 consecutive days on-site.
  - 9. Drainage and Grading:
    - a. The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the park.
    - b. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured dwelling or recreational vehicle pad.
    - c. The surface slope of the stand or pad shall not exceed 3%.
    - d. No banks, except along drainage ditches, shall have a slope steeper than three feet to one foot (3:1).
  - 10. Garbage and Refuse Disposal: All refuse shall be stored in conveniently located, leak-proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. The containers, racks, and/or platforms shall be so

designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. All refuse shall be collected at least weekly, or more often if the need is indicated.

11. Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
  - a. Name, address and space number of each occupant;
  - b. The date the manufactured dwelling or recreational vehicle entered the park;
  - c. The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, makes, and type of vehicle.The operator shall keep the register available at all times for inspection by the Code Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
12. Park Manager Residence: A single-family detached dwelling may be provided for the manager of the park.
13. Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided they occupy approved spaces.
14. Design Requirements Applicable to Manufactured Dwelling Parks: The following design requirements apply to Manufactured Dwelling Parks:
  - a. Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of 6,000 square feet and shall have a width of at least 45 feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of 40,000 square feet and shall have a width of least 120 feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.
  - b. Each Manufactured dwelling space shall contain:
    - i. a manufactured dwelling stand consisting of a properly graded and compacted surface no less than 13 feet by 60 feet;
    - ii. a patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of 240 square feet in area;
    - iii. a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road;
  - c. Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained.
  - d. Construction and Design of Private Streets:
    - i. Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum design standards for private streets as set forth in the City of Creedmoor Technical Standards and Specifications Manual;
    - ii. One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 manufactured dwelling stands) shall have a 20 foot minimum right-of-way with 12 foot minimum paved surface;
    - iii. all private streets shall have signage in accordance with City standards for safety and identification;

- iv. Private streets shall be lighted at night with cut-off fixtures meeting the standards of the City for street lights.
- e. Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than 200 feet apart and no closer than 300 feet to a public street intersection.
- f. Parking:
  - i. Two parking spaces, a minimum of 9 feet by 18 feet, shall be provided within each manufactured dwelling space;
  - ii. All parking spaces shall be paved or covered with four inches (4") of crushed stone;
  - iii. No parking shall be allowed on private entrance and collector streets.
- g. Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- h. Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be or removed from the manufactured dwelling park.
- i. Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.
  - i. All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
  - ii. Placement of utilities serving the manufactured dwelling stand shall comply with the NC Building Code for Plumbing.
  - iii. Minimum electrical service of 200 ampere, 120-240 volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
  - iv. Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.
  - v. Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Granville County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.
  - vi. Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Granville County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.
- j. Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.
- k. Manufactured Dwelling Design Standards: Each manufactured dwelling shall have a roof pitch of at least 5 feet of rise for each 12 feet of horizontal run and a minimum width of 12 feet.

10.2-11 PETROLEUM AND PETROLEUM PRODUCTS (INCLUDING BIO-FUEL)

Storage and/or Transfer Facility.

- A. Zoning Districts: IND with HIO

B. Conditions:

1. Minimum lot area shall be five (5) acres.
2. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the City of Creedmoor.
3. The use shall be buffered from adjacent properties and public streets with a type B buffer (see Article 11).

10.2-12 SEWER TREATMENT PLANT.

A. Zoning Districts: IND

B. Conditions:

1. Minimum site area shall be ten (10) acres.
2. All buildings, lagoons, outdoor treatment areas, and other facilities shall be located at least 1,000 feet from residential and mixed use zoned property.
3. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the City of Creedmoor.
4. Use shall be managed and operated by a municipality, county, or other governmental entity.

10.2-13 SHOOTING RANGE, OUTDOOR AND/OR INDOOR.

*[Amended May 27, 2014 per Ord. 2014-O-03]*

*[Amended May 18, 2015 per Ord. 2015-O-04]*

A. Zoning Districts, Outdoor: IND Indoor: MS, C 15, and C 56, ~~TND-CD~~

B. Conditions, Outdoor:

1. Shooting Ranges may only be located in the extra-territorial jurisdiction due to City Code §130.02 Discharge of Firearms and Other Weapons.
2. Minimum separation between an outdoor shooting range and closest exterior property line shall be three hundred (300) feet.
3. Access shall be controlled to prevent unregulated entrance to firing and downrange areas.
4. Security fencing shall be provided along the rear and sides of outdoor ranges to prevent an individual from crossing the property downrange.
5. Dikes or berms shall be provided with an outdoor range and shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the dike or berm.
6. All ranges shall establish a lead management and recycling program that controls and contains lead projectiles and bullet fragments.
7. Outdoor ranges must recover lead projectiles at least annually.
8. Shooting ranges shall use all best management practices available to minimize any unreasonable disruptions due to noise.
9. Outdoor ranges shall only operate during daylight hours.

C. Conditions, Indoor:

1. That the walls, ceiling and floor of the indoor firing range be constructed such that any rounds, ammunition, or projectiles utilized in the firing range cannot penetrate the walls, ceiling or floor of the firing range under any operating circumstances; and
2. All indoor training and shooting facilities must be reviewed, permitted, and constructed in accordance with NC State Building Code, with special attention to soundproofing, ventilation, air filtration, and limiting particle exposure to lead fragments; and
3. The indoor training and shooting facility meet the guidelines and recommendations for design, construction, operation and management for shooting and training facilities provided by the National Rifle Association (NRA) Range Source Book and the National Shooting Sports Foundation (NSSF); and

4. That there be no unreasonably loud or disturbing noise outside the building resulting from the use of firearms inside the building; and
5. That, during all hours of operation, there shall be on the premises, at the range, a range supervisor, who shall have obtained a certificate of completion of the National Rifle Association's Firearms Safety Course or an equivalent course conducted by an appropriate governmental agency, educational institution, or nationally recognized private firearms safety training certification organization; and
6. Any firearms training offered on the premises shall be taught by an instructor with the proper instructor qualification certification for the type of course such instructor is to teach (e.g., for pistol, rifle, shotgun, etc.) by the National Rifle Association or equivalent certification by an appropriate governmental agency, educational institution, or nationally recognized private firearms instructor certification organization.

#### 10.2-14 SOLAR FARM

*[Amended May 27, 2014 per Ord. 2014-O-03]*

A. Zoning Districts: IND

B. Conditions:

1. An applicant for a ~~conditional~~-special use permit to allow a solar farm use must comply with the large site development plan review process as described in Article 7 Permits and Procedures;
2. Solar farms must comply with Article 11 Landscape Requirements and Tree Protection;
3. ~~Conditional~~-Special use permit applications for a solar farms must include a decommissioning plan and financial guarantee, surety or irrevocable letter of credit in favor of the City of Creedmoor for an estimated amount that returns the site to pre-development condition, including reforestation, if applicable;
4. All solar collectors must be setback a minimum of eighty (80') feet from any public right of way;
5. Any component of a solar farm must be separated at least one hundred (100') feet from any residential structure or use;
6. Maximum height of any component of a solar farm is twenty-five (25') feet;
7. All components of a solar farm shall be fenced and enclosed for security purposes, but must include a designated access point for emergency services;
8. Solar farms are exempt from parking requirements;
9. Developers planning a solar farm must provide proof of evaluation of the facility using a glare analysis tool and certified proof of notice of glare analysis to any airports, airstrips, or military posts within a 10 mile radius.

#### 10.2-15 TELECOMMUNICATIONS TOWER.

*[Amended May 27, 2014 per Ord. 2014-O-03]*

*[Amended August 27, 2013 per NC Session Law 2013-185]*

A. Zoning Districts: IND and MS

B. Conditions:

1. The applicant for a ~~conditional~~-special use permit for a telecommunication tower shall bear the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunication tower.
2. Telecommunications transmission towers in the Main Street (MS) district must be a monopole design that does not exceed one-hundred and ninety-nine (199) feet in height from average adjacent grade.

3. The City may elect to retain outside consultants or professional services to review a ~~conditional-special~~ use permit application for a telecommunication tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, conditions of approval, and compliance with state and federal rules and regulations at the applicant's expense.
4. In addition to the notice requirements found elsewhere in this Ordinance, the applicant for a ~~conditional-special~~ use permit for a telecommunication tower shall be required to notify by regular mail all property owners within a one-quarter mile (1,320 feet) radius of the proposed location of any public hearing on the application at least ten days prior to the hearing. The Planning, Zoning and Subdivision Administrator may require the applicant to conduct a crane or balloon test to simulate the height of the proposed tower. Notice of the dates and times of such tests shall be mailed by the applicant to all property owners within a one-quarter mile (1,320 feet) radius of the proposed location at least ten days prior to the primary test date. The notice shall state primary and alternate test dates, as well as a range of dates for testing in the event of extended periods of inclement weather. The Planning, Zoning and Subdivision Administrator shall review and approve the sufficiency of the notice prior to mailing and, as part of its application, the applicant will be required to submit a certificate of mailing and attach a copy of the notice and a list of the addresses to which it was sent. In the event the applicant shall seek to increase the height of a proposed tower, or move its location more than 50 feet laterally, from that stated in the original notices, additional notice shall be required to be given in accordance with the above provisions and all time periods shall run from the date of supplemental notification.
5. Applicants for telecommunication towers are encouraged to consider properties owned by the City of Creedmoor, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
6. Telecommunication towers proposed on properties under the ownership or control of the North Carolina Department of Transportation shall simulate typical highway lighting towers in height and appearance and shall be clustered amongst or near such towers so as to be unobtrusive. If due to topography, existing vegetative canopy, or other local conditions, the City Board determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative to a simulated lighting tower, it may require such camouflage treatment as a condition of approval. If any portion of a telecommunication tower located on such properties is used to mount cameras, instruments, sensors or antennas for governmental use, and the same structure supports or incorporates commercial wireless telecommunication facilities, the governmental use shall be deemed incidental or accessory to the commercial use and the entire facility shall be treated as a commercial use for purposes of this section.
7. It is the policy of the City to encourage co-location and the use of existing structures where appropriate. In furtherance of that policy objective, the following provisions shall apply to an application for a conditional use permit for a telecommunication tower:
  - a. A ~~conditional-special~~ use permit for a telecommunication tower shall not be approved unless the tower is designed structurally, electrically, mechanically and in all respects to accommodate at least five users. An application shall not be deemed complete until the applicant submits:

- i. A letter of intent agreeing to make all of its wireless telecommunication facilities (including existing facilities) within the City available to providers of functionally equivalent services at commercially reasonable fair market value rates; and
  - ii. A copy of an executed lease for the proposed tower site that allows co-location or leasing or subleasing to other providers of functionally equivalent services.
- b. Applicants are encouraged to meet co-location requirements by using dual-band/multi-band antennas to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands or by using combiners to allow antenna sharing by users of the same frequency band.
- c. A ~~conditional~~-special use permit application for a telecommunication tower shall not be approved if an electric transmission tower is located above, or no less than 25 feet below, the ground elevation of and within the search radius and/or ring of a proposed telecommunication tower, unless the applicant can demonstrate one or more of the following:
- i. That sufficient easements or other interests in real property cannot be obtained to accommodate the wireless telecommunication facility;
  - ii. That the electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
  - iii. That the applicant is unable to gain sufficient ingress and egress to the electric transmission tower;
  - iv. That the existing use of the electric transmission tower would interfere with the operations of the applicant as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented;
  - v. That the planned equipment would exceed the structural capacity of the electric transmission tower as documented by a qualified and licensed North Carolina professional engineer, and the electric transmission tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- Electric transmission towers may be increased in height to that allowed for telecommunication towers in the district in which the electric transmission tower is located if the City Board determines such height extension is preferable to placement of a new telecommunication tower in that area.
- d. A ~~conditional~~-special use permit application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved telecommunication towers, buildings or alternative structures more than 30 feet in height (after first considering electric transmission towers) within a one-quarter mile (1,320 foot) radius of the proposed telecommunication tower due to one or more of the following reasons:
- i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the towers, buildings or alternative structures, as documented by a qualified and licensed North Carolina engineer, and the interference cannot be prevented at a reasonable cost.



- iii. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.
    - iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon existing or approved towers, buildings or alternative structures.
  - e. Antennas associated with a wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
  - f. No wireless telecommunication facility shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the FCC.
8. All telecommunication towers must comply with FCC and FAA regulations.
9. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the City in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
10. As part of its application, each applicant for a telecommunication tower shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City of Creedmoor for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the City, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
11. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the City shall give 30 days written notice of its intention to do so to the permittee at its last known address.
12. All telecommunication towers shall comply with FAA lighting requirements. In addition, in a specific instance, the City may impose lighting requirements for a tower that is not required by FAA regulations to be lit.
13. The City Board of Commissioners shall decide the appropriate setbacks required as part of the ~~Conditional~~ Special Use Permit approval and may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.

14. Telecommunication towers shall be buffered from adjacent properties with a buffer which, at a minimum, meets the requirements of a Type B buffer as described in Article 11 of this ordinance, regardless of adjacent zoning district classifications or uses.
15. No telecommunication tower shall be located:
  - a. On top of a building; or
  - b. In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building. Nor shall a telecommunications tower be located such that it adversely impacts the historic integrity of a locally or nationally designated historic area, property, or structure.
16. In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted as part of its application for a conditional use permit. An application for a conditional use permit will not be deemed complete until any required EA or EIS has been submitted to the City.
17. Telecommunication towers shall not be constructed unless the company erecting the tower has general liability coverage of at least \$1,000,000.00. The owner of a telecommunication tower shall provide the City with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the City 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.
18. Telecommunication towers shall be designed to meet the following standards:
  - a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The City Board may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.
  - b. Guyed towers are prohibited. Commercial wireless telecommunication transmission towers shall be of a monopole design unless the City Board of Commissioners determines that an alternative design would better blend in to the surrounding environment.
  - c. Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.
  - d. Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - i. Compact dual-polarized antennas in a cylindrical uni-cell arrangement extending no more than two feet from the sides of the supporting structure and mounted atop the tower;
    - ii. Panel antennas flush-mounted against the tower;
    - iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
  - e. No telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the

base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.

- f. All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view with a minimum "B" buffer (see Article 11), except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
19. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
20. Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The City Board may require as a condition of approval that the fencing be screened by appropriate landscaping or other means. The City Board may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
21. Telecommunication towers shall have a flat gray or galvanized finish unless the City Board determines another color scheme would be a preferable aesthetic alternative.
22. No two telecommunication towers shall be constructed within 1,320 feet of each other unless documentation is provided to the Planning, Zoning and Subdivision Administrator to show that co-location on towers within the 1,320 feet is not technically feasible.
23. No telecommunication tower shall be permitted that exceeds 200 feet in height.
24. Signage at any telecommunication tower site shall conform to the following provisions:
  - a. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
  - b. Equipment hazard warning and informational signs are permitted.
  - c. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
25. The City Board may require any other conditions deemed necessary or desirable to ameliorate the impact of the tower on the adjacent properties and uses. Such conditions shall include, but are not limited to: the height of the tower; the construction or type of tower; lighting; and co-location of the antennas and facilities of different parties on a single tower.
26. Reserved.
27. Reserved.
28. A ~~conditional~~-special use permit approval for a telecommunication tower shall become null and void if the facility is not constructed and placed in service within two-years of the date of approval provided, however, that the conditional use approval may be extended one time for six months if substantial construction has commenced before the end of the initial year.
29. Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided they do not exceed any of the following criteria:
  - a. Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not

more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.

- b. Addition of an appurtenance protruding the greater of either: 1) more than twenty (20) feet, or 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless:
  - i. necessary to shelter an antenna, and/or
  - ii. necessary to connect the antenna to the tower via cable
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

#### 10.2-16 ELECTRONIC GAMING OPERATION.

A. Zoning Districts: IND

B. Conditions:

- 1. Electronic Gaming Operations (whether principal uses, or accessory to another use) shall be located no closer than 500 feet in any direction from any property zoned for residential use.
- 2. No Electronic Gaming Operation shall be located within 1,500 feet in any direction from any other Electronic Gaming Operation, or from any cemetery, Group Living facility, religious institution, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.
- 3. All Electronic Gaming Operations shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile inward from the City limit line. For the purposes of this standard a major gateway is identified as an entry way into the zoning jurisdiction along any of the following transportation corridors:
  - a. US 15
  - b. NC 50
  - c. NC 56
- 4. All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures.
- 5. No Electronic Gaming Operations shall engage in business prior to 10:00 a.m. or after 12:00 midnight. During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All Electronic Gaming Operations terminals, computers, machines, and/or gaming stations shall be open and visible from the exterior front of the establishment.
- 6. No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in Electronic Gaming Operations.
- 7. Signage shall meet all the requirements of Article 17. Sign Regulations and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulated, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the electronic games shall be displayed prominently within the establishment.

8. Parking shall be provided at the rate of one (1) space per full time employee and one (1) space per gaming terminal and/or electronic gaming machine in the establishment and in accordance with Article 12 Off-street Parking, Stacking and Loading Areas.
9. The maximum number of terminals, computers, machines, and/or gaming stations permitted within an Electronic Gaming Operation is twenty (20).
10. The Electronic Gaming Operation shall be subject to any City of Creedmoor ~~privilege~~ license zoning permit fees, and shall be subject to all other standards of the City of Creedmoor and State of North Carolina as applicable

10.2-17 HAZARDOUS INDUSTRY.

A. Zoning Districts: IND with HIO

B. Conditions:

1. Minimum Building/Parking Lot/Storage Area Setbacks:
  - a. The minimum building/parking/storage area setbacks shall be as follows:
    - i. From any arterial or collector street right-of-way – 500 feet
    - ii. From any local street right-of-way – 500 feet
    - iii. From an interior lot line adjacent to a school or day care facility –500 feet
    - iv. From an interior lot line adjacent to a residential zoning district – 500 feet
    - v. From an interior lot line adjacent to a non-residential zoning district – 250 feet.
2. Building Height Requirements:
  - a. The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than 40 feet
  - b. The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.
3. Additional Requirements:
  - a. Any such hazardous industry facility shall be serviced by a public water and wastewater system.
  - b. Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonable prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of 50 feet from the public right-of-way line.
  - c. All structures housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
  - d. There shall be no industry created noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
  - e. There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
  - f. There shall be no industry created air pollution including:
    - i. No noxious odors; no noxious, toxic or corrosive gases or fumes.
    - ii. No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
    - iii. No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Oversight Board.

- iv. There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:
  - (1.) No special controls on a manufacturing unit determined to be Class I other than under [3] below.
  - (2.) Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.
  - (3.) Machinery or equipment shall be treated as necessary to eliminate hazards.
  - (4.) Uses which are customarily incidental and accessory to the principal use shall be permitted including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are permitted in the [C-15 and C-56 Commercial Districts](#).
- v. Businesses that produce, store or use hazardous materials, as defined by the Environmental Protection Agency's (EPA) Hazardous Substances or Prior Pollutants lists shall be allowed only when the items listed in Section 154.111 are met.
- vi. Miscellaneous Prohibitions:
  - (1.) Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
  - (2.) In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure. Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.
- g. Operations and Closure Plans Required:
  - i. An emergency operations plan shall be developed and be on file at the City of Creedmoor and Granville County Emergency Management Offices and reviewed for update annually. An operations plan shall be submitted to include:
    - (1.) The date of commencement of operations and their expected duration;
    - (2.) Proposed hours and days of operation;
    - (3.) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used and disposal of by-products;
    - (4.) Any phasing schedule of operations and relationship among phases,
    - (5.) Operating practices to be followed to ensure compliance with regulations of this ordinance, and;
    - (6.) Complete assessment by the Creedmoor Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.

- ii. A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as part of the application for a zoning map amendment to establish the HIO district.
- h. Hazardous Chemical Notification and Inventory Reporting  
EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.
- i. Emergency Notification and Agriculture  
EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.
- j. Toxic Chemical Release Inventory Reporting:  
EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report, commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

## ARTICLE 13

### Streets

*[Amended September 20, 2016 Ordinance 2016-O-18]*

#### 13.1 General

Streets should be designed to suit their functions. Many streets, especially local ones, have purposes other than vehicular traffic. The following street standards, based on “NC Department of Transportation Standard Specifications For Roads and Structures” and recommendations found in “A Policy on Geometric Design of Highways and Streets” (AASHTO “green book”), are provided for streets within the City of Creedmoor that will be maintained by the City.

Streets in Creedmoor should be inviting public space and integral components of community design. A hierarchical street network should accommodate a variety of uses, including bicycle, pedestrian, motor-vehicle and transit routes. All streets should connect to help create a comprehensive network that enables the free movement of automobiles, bicyclists, and pedestrians. In order for this street network to be safe for motorists and pedestrians, design elements must consistently be applied to calm automobile traffic.

Where discrepancies occur between the text of this Ordinance and the City of Creedmoor Technical Standards and Specifications Manual, the Technical Standards and Specifications Manual shall prevail.

#### 13.2 Street Standards

13.2-1 INTERCONNECTION. Interconnection is required within a commercial development and with adjoining development. Residential cul-de-sacs shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic. Street stubs are strongly recommended on the periphery of developments adjacent to open land to provide for future connections except where environmentally sensitive areas such as wetlands, creeks, steep slopes and conservation areas are vulnerable to harmful impacts by the extension of the street.

13.2-2 PEDESTRIAN SCALED. Streets are designed as the most prevalent public space of the City and, thus, shall be scaled to the pedestrian.

13.2-3 BORDERED BY SIDEWALKS. All streets shall be bordered by sidewalks with a minimum width of five (5) feet on both sides, with the exception of cul-de-sacs, alleys, and the undeveloped edge of neighborhood subdivisions. Cul-de-sacs within residential subdivisions require sidewalks only on one side of the street. Sidewalks shall be located in the street right-of-way, or on public property.

13.2-4 RESERVED.

13.2-5 PUBLIC STREETS. All new subdivision streets shall be public. Alleys will be classified as public or private depending on function, according to the street acceptance policy.

13.2-6 FOCUS FOR BUILDINGS. All principal buildings, except for single family or two family residential structures, shall front on public streets as dictated by the lot and building type standards of Article 9. *[Reference ~~NCGSS 160A-381~~([G.S. 160D-702](#))]*

13.2-7 STREET LIGHTS. Streets shall be illuminated by street lights located on at least one side and at all intersections. Street lights along streets shall be located in a minimum 5’ landscape planting strip adjacent to the sidewalk. Illumination standards are specified in the Technical Standards and Specifications Design Manual. The maximum height of street light fixtures shall be 14 feet in residential areas. Street light fixtures shall not produce direct light into adjacent properties at a height above 6 vertical feet at the building setback line of residential districts. Street lights within mixed use districts shall not produce a direct light into adjacent properties at a height above 16 vertical feet at the building setback line. Street lights within non-residential districts shall not produce a direct light into adjacent residential properties at a height above 6 vertical feet at the property line.



### 13.3 Intersections

Segments of straight streets should be interrupted by intersections designed to:

- 13.3-1 REDUCE SPEED. Disperse traffic flow and reduce speeds.
- 13.3-2 TERMINATE VISTAS. Terminate vistas with a landmark such as a significant natural feature, a building, a small park, or other public space.
- 13.3-3 CALM TRAFFIC. Other traffic calming measures are encouraged, and will be considered on a case by case basis, based on safety and appropriateness in the proposed location.

### 13.4 Blocks

Street blocks defined by public streets are the fundamental design elements of traditional neighborhoods. In urban conditions, any dimension of a block may range from 500 to 1,000 linear feet between cross streets.

### 13.5 Table of Street Classifications

	<b>Collector</b>	<b>Local Street</b>	<b>Alley</b>
Design Volume (ADT)	2,500 +	Under 2,500	N/A
Design Speed	35 MPH	25 MPH	10 MPH
Number of Travel Lanes	2 Typical	2 Typical	1 to 2
On Street Parking	As warranted by traffic volume & safety criteria	As warranted by traffic volume & safety criteria	N/A
Lane width average	12 feet	11 feet	8 feet
Minimum Pavement Width	30 feet	22 feet	16 feet
Right of Way width	60 – 100 feet	60 feet	20 feet

### 13.6 Street Design

Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds, and the number of motor travel lanes should be determined by anticipated traffic volume and primary use in order to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types as shown in Article 9 which have frontage and the relationship of the street to the overall City street network. The following specifications apply to street design:

- 13.6-1 On-street parking is recommended where building type and use will generate regular parking use. Occasional on-street parking can be accommodated without additional pavement width. For streets that serve workplace and storefront buildings, on-street parking lane(s) are required and should be marked as such. An on-street parking lane on at least one side of the street is recommended on streets serving attached houses and detached houses with lots 60' or less in width. Parallel on-street parking width is 7' - 8'. On-street parking should be parallel; angled parking is only permitted as an intentional design element of retail centers.
- 13.6-2 Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD). The developer is responsible for the initial installation of the retroreflective signage or markings and the maintenance thereof until the public accepts the street for maintenance.

**ARTICLE 15**

**Special Events and Temporary Structures**

**SPECIAL EVENTS AND TEMPORARY STRUCTURES**

**15.1 General standards and limitations**

It is the purpose of this section to provide specific guidelines and standards for special events and temporary structures. A special event or temporary structure allowed in a particular zoning district shall be treated as a use with additional standards and shall comply with all listed requirements for such event or structure as set forth in sections 15.2 and 15.3 below. These standards do not regulate events sponsored by the City of Creedmoor.

**15.2 Requirements for Special Event and Temporary Structure Permits**

The Planning, Zoning and Subdivision Administrator shall issue a permit only upon finding that the proposed special event and/or temporary structure(s) satisfies the following requirements:

1. The special event and/or temporary structure is permitted under subsection 15.3 below.
2. The property contains sufficient space to support the special event and/or temporary structure.
3. Parking is deemed adequate to accommodate the proposed special event and/or temporary structure in addition to required parking for any permanent use or uses also located at the site.
4. The special event and/or temporary structure will not create hazardous vehicular or pedestrian traffic conditions and adequate space is provided for access and maneuvering.
5. Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities and services will be available to serve employees, patrons and/or participants.
6. Security personnel and safety precautions are provided.
7. All permits required by applicable construction codes have been made and occupancy approved by the agency charged with enforcing such regulations.
8. Special events are allowed to encroach within required building setbacks, but cannot be located within required buffers, street tree planting strips, or other required landscaped areas. Temporary structures must comply with minimum setback requirements of the zoning districts in which they are located.
9. The special event and/or temporary structure is in compliance with all other applicable requirements.

**15.3 Special Events and Temporary Structures Allowed.**

*[Amended Aug. 4, 2014 per Ord. 2014-O-05]*

The uses and structures in Table 15.1 may be established as special events and/or temporary structures in the zoning districts listed in accordance with the requirements in section 15.2.

TABLE 15.1

Special Event or Temporary Structure	Maximum Duration	Maximum Frequency	Permitted Districts	Permit Required	Additional Standards
Christmas trees, pumpkins or other seasonal material sales/events by: commercial vendors	45 days	2 per calendar year	AG, C 15, C 56, IND, MFO	No	Not permitted within public right-of-way
Christmas trees, pumpkins or other seasonal material sales/events by: institutional and/or registered non-profit organizations 501C(3)			All districts		

NOTES:

1. CONSTRUCTION AND STORAGE CONTAINERS.

Construction and storage containers are not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited. Construction containers shall be allowed as a temporary use while a valid building permit is in effect for the construction project. Storage containers shall be allowed as a temporary use when in compliance with the following standard

a. Each container shall be in compliance with any applicable sign

Construction containers	During active building permit	During active building permit	All districts	No	See note 1 below
Events of public interest	3 days	4 per year	AG, MSP, MS, CIV, IND, C 15, C 56	No	See note 2 below
Farmer market	2 days	30 per year	AG, MSP, MS, CIV, IND, C 15, C 56	No	Sidewalks must have a minimum 5'-0" travel-way clear of obstructions at all times  All products and advertising shall be limited to the area directly in front of the sponsoring vendor
Mobile Food Vendors	1 year	N/A	AG, MS, MSP, CIV, C-56, C-15, IND	Yes	See Code of Ordinances, Chapter 111
Model home or real estate sales office	3 years	N/A	AG, SFR, R/MST, MSP	Yes	See note 3 below
Outdoor bazaars and retail sales, with temporary structure(s)	7 days	2 per year	MSP, MS, CIV, IND, C 15, C 56	Yes	Not permitted within public right-of-way
Outdoor sidewalk and retail sales, without temporary structure(s)	3 days	6 per year	MSP, MS, CIV, IND, C 15, C 56	Yes	Sidewalks must have a minimum 5'-0" travel-way clear of obstructions at all times  All products and advertising shall be limited to the area directly in front of the sponsoring vendor
Temporary portable office	1 year	N/A	All districts	Yes	See note 4 below
<a href="#">Temporary health care structure</a>	<a href="#">1 year, renewable annually</a>	<a href="#">1 per lot</a>	<a href="#">AG, SFR, R/MST, MS, MSP, C-15, c-56</a>	<a href="#">Yes, renewable annually</a>	<a href="#">See note 6 below</a>
Storage container, portable on demand	90 days	2 per year	AG, SFR, R/MST, MSP	No	See note 1 below
Storage container, portable on demand	90 days	2 per year	MSP, MS, CIV, IND, C 15, C 56	No	See note 1 below
Yard sales	Noon Friday to noon Monday	3 per year	AG, SFR, R/MST, MSP	No	See section 17.8-2 of the City of Creedmoor Sign Regulations

regulations.

b. In residential districts, portable on-demand storage units may be located for a period of time not to

- exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, two times per calendar year, provided they are placed in a location where sight visibility is not obstructed. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces.
- c. In all non-residential districts, portable on-demand storage units may be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed on a paved surface and do not obstruct sight visibility. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces. Multiple units may be used at one time.
2. **EVENT OF PUBLIC INTEREST.** An event of public interest is a special event involving the expected congregation of 100 or more persons at any one event. An event of public interest includes, but is not limited to: picnics, dinner dances, fund raisers, haunted houses, outdoor concerts, auctions, carnivals, fairs, tent revival meetings, and supervised public display of fireworks. An event of public interest shall be subject to the following standards:
    - a. All activities and uses shall be limited to the dates and hours of operation specified in the permit.
    - b. Traffic control shall be arranged by the operators of the event in accordance with the requirements of the City of Creedmoor Police Department and/or the Granville County Sheriff's Office, as applicable.
    - c. Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way except as allowed by the temporary use permit.
    - d. The site shall be cleared of all debris within twenty-four (24) hours after the closing of the event and cleared of all temporary structures within seven days after closing of the event.
    - e. An approved public safety plan identifying the means by which public safety will be ensured during the conduct of the special event shall be required for an event of public interest. If the public safety plan is violated or if unforeseen circumstances arise that result in the special event becoming a threat to the public health, safety or welfare, authorized personnel from the City of Creedmoor Police Department and/or Granville County Sheriff's Office shall have the right to order the event to be closed.
  3. **MODEL HOME OR REAL ESTATE SALES OFFICE.** A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to approval by the Planning, Zoning and Subdivision Administrator as a temporary structure, subject to the following:
    - a. There is no more than one temporary real estate sales office in the development.
    - b. Model home sales office may be approved for a period of up to three years or when all units are sold to resident owners, whichever occurs first. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Planning, Zoning and Subdivision Administrator. The request shall be submitted to the Planning, Zoning and Subdivision Administrator at least 30 days prior to the expiration of the special event/temporary use permit.
  4. **TEMPORARY PORTABLE OFFICE.** A temporary portable office may be placed on a property to serve as the following:
    - a. Temporary offices for construction and security personnel during the construction of a development for which the City of Creedmoor has issued either/or a zoning permit and/or approved preliminary plat, and/or a building permit.
    - b. Disaster relief and/or emergency management related uses including medical facilities. Temporary portable offices for emergency relief and/or management may be approved for a period of up to one year. This period may be extended for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Planning, Zoning and Subdivision Administrator.
  5. Additional information regarding requirements for Special Events may be found in the City of Creedmoor General Ordinances under "Chapter 94: Parades and Demonstrations", adopted separately from this

Ordinance by the City Board of Commissioners. Applicants for special events may be held to the standards set forth in both Ordinances concurrently.

6. TEMPORARY HEALTH CARE STRUCTURE. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, a named legal guardian, or the designated caregiver in a doctor's note, (iii) has not more than 300 gross square feet, and (iv) complies with the applicable provisions of the State Building Code and G.S. 143-139.1(b) and G.S. 160D-915. Placing the temporary health care structure on a permanent foundation is not required or permitted.

(a.) Temporary health care structures are only permitted with an approved residential zoning permit from the Planning, Zoning and Subdivision Administrator, which is valid for one (1) year and must be renewed annually.

(b.) The placement of a temporary health care structure on a property must comply with the set-back requirements for that zoning district for accessory structures.

(c.) Temporary health care structures must receive approval from the South Granville Water and Sewer Authority (SGWASA) for new water and wastewater utility connections before a zoning permit will be issued by the City of Creedmoor.

(d.) Temporary health care structures must apply for the appropriate utility hook-up permits with the Granville County Inspections Department, after receiving City zoning permit approval, but before installing the temporary health care structure.

(e.) Temporary health care structures are required to connect to water, sewer, and electric utilities serving the subject property.

(f.) The applicant for a temporary health care structure must provide the Planning, Zoning and Subdivision Administrator with a note or letter from a doctor licensed to practice medicine in the State of North Carolina, stating the medical need for care and/or supervision and the need for a temporary health care structure.

(g.) The Planning, Zoning and Subdivision Administrator may inspect the temporary health care structure annually to ensure compliance with all conditions and additional standards.

(h.) The temporary health care structure must be removed from the subject property within sixty (60) days of the time the impaired person is no longer receiving or is no longer in need of care.

(i.) Only one temporary health care structure is allowed on a single lot or parcel of land.

(j.) The Planning, Zoning and Subdivision Administrator may revoke a temporary health care structure zoning permit if the permit holder violates any provision of this section of the Creedmoor Development Ordinance, or G.S. 160D-915, or G.S. 160A-202. The City of Creedmoor may seek injunctive relief or other appropriate enforcement actions or proceeding to ensure compliance with this section of the Creedmoor Development Ordinance, or G.S. 160D-915, or G.S. 160A-202.

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## ARTICLE 16

### Subdivisions

[Amended July 19, 2016 per Ord. 2016-O-10, ZTA-2016-02]

[Amended Nov. 21, 2017 per Ord. 2017-O-18, ZTA-2017-03]

#### 16.1 Subdivision Regulations

##### 16.1-1 PURPOSE.

The regulations for the subdivision of land set forth below are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets and buried, underground utilities and appropriate building sites; provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets and utility purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

##### 16.1-2 EXEMPT LAND DIVISIONS.

DIVISIONS OF LAND EXEMPT. In accordance with ~~N.C. Gen. Stat. sec. 160A-376~~G.S. 160D-802, the following divisions of land are not included within the definition of "subdivision", and are not subject to the City's subdivision regulations:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City of Creedmoor as shown in the City's subdivision regulations;
- B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the City, as shown in the City's subdivision regulations;

~~E. The subdivision or recombination of land by public utilities.~~

~~F.~~E. 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.

~~G. In case of a conflict between this description of exempt subdivisions and state law (N.C. Gen. Stat. sec. 160A-376, or any successor statute), state law shall control.~~

##### 16.1-3 COORDINATION WITH OTHER REQUIREMENTS.

When applications for other approvals are required for the subdivision, applications for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the Planning, Zoning and Subdivision Administrator.

##### 16.1-4 SUBMITTAL.

Applications for subdivision approval shall be submitted to the Planning, Zoning and Subdivision Administrator and must include plats with all information as required by this Ordinance. Applications for subdivision shall be filed in accordance with Article 7.11 of this Ordinance.

##### 16.1-5 APPROVAL REQUIRED.

- A. DATE OF COMPLIANCE. After the effective date of this Ordinance, as per ~~NCGSS 160A-373~~G.S. 160D-803, no plat for the subdivision of land within the planning and ~~regulation-zoning~~ jurisdiction of the City of Creedmoor shall be filed, accepted for recording, or recorded, nor shall the clerk of superior court order the recording of a plat until it has been submitted to the Planning, Zoning and Subdivision Administrator and approved as set forth herein. Minor

Subdivisions, as defined in Article 3 [of this Ordinance](#), are approved following procedures in Article 7.11-2; Major Subdivisions, as defined in Article 3, are approved following procedures in Article 7.11-1.

- B. NO CONVEYANCE WITHOUT APPROVAL. No real property lying within the planning and ~~regulation-zoning~~ jurisdiction of the City of Creedmoor shall be subdivided until it conforms with all applicable sections of this Article. Violations of this Article shall be subject to the penalties set forth in Article 23. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this ~~chapter~~[Ordinance](#).
- C. PRE-SALE CONTRACTS. The provisions of this section shall not prohibit any owners or its agents from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded [final](#) plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than [fifteen \(15\)](#) days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register or deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the [City of Creedmoor](#) subdivision ordinance and recorded with the register of deeds. (G. S. 160A-375(b))

16.1-6 RESERVED.

16.1-7 VIOLATIONS.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the City's jurisdiction, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not

exempt the transaction from these penalties. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to ~~G.S. 160A-417~~[G.S. 160D-403 and 160D-1110](#) may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct ~~per G.S. 160D-807, (G.S. 160A-375 (a))~~

16.1-8 DEDICATION AND ACCEPTANCE OF PUBLIC AREAS.

- A. RIGHTS-OF-WAY AND EASEMENTS. The approval of a final plat constitutes dedication but does not constitute acceptance by the City of Creedmoor or the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of the City of Creedmoor, such dedications may be accepted only by resolution of the Creedmoor ~~City~~ Board of Commissioners or by their designee following inspection and approval to ensure compliance with specifications established by the City or by the City exercising control over and maintaining these areas. Until the offer of dedication is accepted by the City in either of these manners, the developer shall be responsible for maintenance of those areas.
- B. OPEN SPACE. Land designated as public open space or a park on a plat (as required under Article 21 of the Creedmoor Development Ordinance) shall be considered to be offered for dedication, but not accepted until the Creedmoor ~~City~~ Board of Commissioners, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner ~~or~~ by an association representing owners of lots within the subdivision, or by a nonprofit land conservancy authorized to do so. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Creedmoor ~~City~~ Board of Commissioners.
- C. SITES FOR PUBLIC FACILITIES. Where a school or other public site is shown on an approved plat recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Granville County ~~School Board~~[Board of Education](#) for a period not exceeding eighteen (18) months from the date of approval of the preliminary subdivision plat~~a~~.

16.1-9 REQUIRED IMPROVEMENTS.

Improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Planning, Zoning and Subdivision Administrator and the Creedmoor Board of Commissioners for recording.

A. STREET AND UTILITY CONSTRUCTION.

- 1. PLANS. Construction plans for all street, sidewalk, water, sanitary sewer, lighting, utility poles, underground utilities, and stormwater facilities shall be submitted to the City of Creedmoor either concurrent with or following preliminary plat approval. The street and underground utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets, sidewalks, stormwater facilities, and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved or a Certificate of Zoning Compliance or a Certificate of Occupancy issued until all improvements have been installed and approved or a financial guarantee accepted.
- 2. NO CONSTRUCTION WITHOUT PLAN APPROVAL. No improvement to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities shall be permitted until the street and underground utility construction plans for such improvements/construction have been reviewed and approved by the City of Creedmoor and appropriate governmental agencies. These agencies may include, but shall not be limited to, the South Granville Water



[& Sewer Authority](#), the Division of Water Quality of the North Carolina Department of Environmental Quality, and the North Carolina Department of Transportation, or their successors. [The City of Creedmoor must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside the property to be subdivided, per G.S. 160D-804 and S.L. 2019-174.](#)

3. INSPECTION OF CONSTRUCTION. All construction undertaken pursuant to approved street and utility construction plans shall be inspected and approved by the City of Creedmoor and/or the appropriate governmental agencies.
- B. GUARANTEE IN LIEU OF CONSTRUCTION OF IMPROVEMENTS. In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may.

1. Submit a performance bond from a corporate surety, licensed in North Carolina to execute such bonds; or
2. Provide an irrevocable letter of credit payable to the City of Creedmoor, [by a financial institution licensed to do business in North Carolina](#); or
3. Deposit or place in escrow a certified check or cash in an amount determined by the City. Portions of the security deposit may be released as work progresses; or
4. Enter into an agreement with the City guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the City. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed. The performance bond or irrevocable letter of credit shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the City. The performance bond, letter of credit or surety shall be from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best. The performance bond or the irrevocable letter of credit shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans. The letter of credit or bond shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the City of Creedmoor. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval, [per G.S. 160D-804.1](#).

A temporary construction easement permitting the City of Creedmoor or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements may be required (at the City's discretion) to be provided with the performance bond, irrevocable letter of credit, or other form of guaranty.— The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the City. The temporary construction easement shall pass to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the City. Said temporary construction easement shall be recorded at the office of the Granville County Register of Deeds, with recording fees to be paid by the applicant/landowner.

- C. FAILURE TO PERFORM. Failure to initiate construction of the improvements within one year of the date the bond, letter of credit, or escrow agreement was accepted by the City of Creedmoor shall result in the City, at its sole discretion, constructing the improvements, with the cost to be paid from the letter of credit, bond, or escrow account, [or in the developer extending the bond, letter of credit, or escrow agreement until a time agreed upon with the City of Creedmoor that construction of the required improvements is expected to be completed.](#) The surety or the financial institution holding the escrow account shall, if requested by the City pay all or any

portion of the bond or escrow fund to the City up to the amount needed to complete the improvements based on an estimate by the City. The City at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. The City may release a portion or all of any security posted as the improvements are completed and approved by the City. In the event that the amount of the letter of credit, bond, or escrow account on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the City of Creedmoor the total amount of the insufficiency. If the City is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the City.

16.1-10 MAINTENANCE OF COMMON AREAS.

Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares a document for recordation showing the transfer of the property and the maintenance responsibilities to a successor. A copy of the recorded document must be provided to the Planning, Zoning and Subdivision Administrator. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

16.1-11 ASSOCIATION DOCUMENTS.

Prior to the approval of the final plat for a subdivision, all documents related to the creation and operation of the homeowners association, property owners association, and/or any other association created for and/or by the developer, home owners, or property owners of the proposed subdivision shall be submitted to the City of Creedmoor for review and approval. These documents may include but not be limited to the articles of incorporation for the association, the homeowner association documents, the property owner association documents, and design standards. The purpose of the review is to ensure that the documents do not contain standards, requirements, or other provisions that conflict with ordinances, regulations, and/or standards of the City of Creedmoor. The City shall not be responsible for enforcement of the homeowner association documents.

16.1-12 RECORDATION OF FINAL PLAT.

A final plat must be recorded by the ~~City of Creedmoor~~ developer, and signed by the appropriate City of Creedmoor representatives, in the office of the Register of Deeds for Granville County in accordance with the process outlined in Article 7.11 of this Ordinance. The Creedmoor Board of Commissioners must approve the final plat before recordation can take place.

16.1-13 PHASED DEVELOPMENT.

Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be ~~approved~~ reviewed by the Planning Board and approved by the Creedmoor Board of Commissioners. The plan for phased development shall provide for the provision of adequate public facilities, including public open space and recreation areas, to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the ~~Planning~~ Board of Commissioners may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved by the Creedmoor Board of Commissioners as part of the preliminary plat approval process. If the final plat for any phase of the subdivision is not submitted in accordance with the approved schedule, the revised preliminary plat shall be resubmitted to the Planning, Zoning and Subdivision Administrator ~~Department~~ for review and may be returned to and approval the Board of

[Commissioners for reconsideration](#). Such resubmittal shall be in accordance with the requirements of this ordinance.

16.2 Subdivision Standards.

16.2-1 GENERAL.

All proposed subdivisions shall comply with the standards set forth below.

16.2-2 GENERAL REQUIREMENTS AND COMPLIANCE WITH ADOPTED PLANS.

Land shall be subdivided in accordance with good land planning practices and in general conformance with the City Plan 2030 – Land Use and Comprehensive Master Plan, adopted May 14, 2012, including subsequent amendments [and subsequent city plans](#) adopted by the ~~City-Creedmoor~~ Board of Commissioners ~~of the City of Creedmoor~~, including adequate consideration of the natural topography and drainage features and the type of development proposed. Land shall also be subdivided in compliance with the zoning standards set forth in Article 8 of this Ordinance and with other adopted plans and ordinances.

16.2-3 LOT DIMENSIONS AND STANDARDS. [Amended May 27, 2014 per Ord. 2014-O-03]

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances and shall conform to the following:

- A. CONFORMANCE TO OTHER REGULATIONS. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all City ordinances.
- B. AREA AND DIMENSIONS OF LOTS. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Article 8 and with the lot type standards found in Article 9 of this Ordinance.
- C. RESERVED.
- D. LOT LINES AND DRAINAGE. Lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage ways. Lot boundary lines shall conform to the requirements of Section 19.20-7 [of this Ordinance](#).
- E. DOUBLE AND REVERSE FRONTAGE. Double frontage and reverse frontage lots shall not be approved, except where required in unusual circumstances and specifically approved by the Planning Board [and Board of Commissioners](#).
- F. LOT BOUNDARIES. Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as required by the City of Creedmoor's Technical Standards and Specifications Manual for that section of the street located on or adjacent to the property being subdivided.
- G. SIDE LOT LINES. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- H. BUILDABLE AREA. Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Portions of a lot less than 15 feet wide shall be excluded from the minimum lot area. ~~Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area.~~
- I. BLOCK DIMENSIONS. Blocks shall be laid out taking into consideration traffic circulation patterns, [topography](#), and contemplated use. In urban conditions [and in commercial or mixed-use cores](#), any dimension of a block may range from 250 to ~~500-750~~ linear feet between cross streets, [as measured from the intersection of right-of-way centerlines](#). In major subdivisions the dimension of blocks may not exceed ~~800-2,500~~ linear feet between cross streets. ~~Within large lot subdivisions the blocks may be up to 1500 feet.~~

1. Length. Blocks shall be not less than 250 feet nor more than ~~21~~,500 feet in length as stipulated above.
  2. Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Zoning standards, Article 8, and Lot Type standards, Article 9), except where fronting on major streets is prevented by topographic conditions, in which case a single tier of lots may be approved. Block width standards do not apply to subdivisions proposed as part of a Mini Farm Overlay District (MFO) development.
- J. LOTS ON THOROUGHFARES. Residential lots in major subdivisions shall not be entered from major thoroughfare streets. Residential lots in minor subdivisions and individual residential lots that are adjacent to a major thoroughfare street and have no other means of access may be entered from the major thoroughfare street, with the approval of the Planning, Zoning and Subdivision administrator as part of the driveway permitting process.
- K. ACCESS REQUIREMENTS FOR ALL LOTS. Each lot in a subdivision shall meet the access standards set forth in this Ordinance and in the City of Creedmoor Technical Standards and Specifications Manual.
- L. LOT AREA CALCULATION. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.
- M. FLAG LOTS. Flag lots shall be permitted subject to the following standards:
1. The minimum flagpole width (strip connecting the bulk of the lot to the street) shall be 25 feet or 25% of the minimum required lot width established by the primary general use district, established by Article 8 of this Ordinance, whichever is greater.
  2. The maximum flagpole length (strip connecting the bulk of the lot to the street) shall be 200 feet.
  3. The area of the flagpole (strip connecting the bulk of the lot to the street) shall not be used in calculating minimum lot area, setbacks, or other dimensional requirements for the zoning district in which the lot is located.
  4. Not more than 4% of the total number of lots in a subdivision or development shall be flag lots, except not more than 26% of the total number of lots in subdivisions proposed as part of a Mini Farm Overlay District (MFO) development.
- 16.2-4 LANDSCAPING AND BUFFERING. Landscaping shall be provided in the proposed subdivision as required by Article 11 of this Ordinance. Preservation of existing trees is required in accordance with Article 11.
- 16.2-5 OPEN SPACE. Open space as required by Article 21 of this Ordinance and other applicable ordinances and regulations of the City of Creedmoor shall be provided in the proposed subdivision.
- 16.2-6 STREETS AND UTILITIES. All streets and underground utilities must comply with the requirements of all other applicable plans and manuals adopted by the City of Creedmoor, including, but not limited to, the City of Creedmoor Technical Standards and Specifications Manual.
- 16.2-7 STREET DESIGN. The design of all public streets and roads within the City of Creedmoor shall conform to standards set forth in the City of Creedmoor Technical Standards and Specifications Manual. (The City's standards meet or exceed the standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Roads" published by the N.C. Department of Transportation, Division of Highways.) Where permitted, private streets must also be constructed to the City of Creedmoor design standards. Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.
- A. CUL-DE-SACS. Cul-de-sacs or other dead end streets designed to be permanently closed are strongly discouraged, unless needed due to topography or to avoid environmentally sensitive areas, drainage areas, riparian buffers, and related natural features that pose difficulties to development, and can only be used when it is not feasible to connect to an existing or future street. Cul-de-sacs shall not exceed ~~400~~1,000 linear feet in length, as measured from the intersection of right-of-way centerlines to the end of the centerline in the center of the cul-de-sac right-of-way, and shall be provided at the

closed end with a right-of-way radius and a turnaround radius meeting or exceeding the standards set forth in the City of Creedmoor Technical Standards and Specifications Manual.

- B. CONTINUATION OF ADJOINING STREET SYSTEM. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.
  - C. STUB STREETS. Where the property to be subdivided abuts another property that, in the opinion of the Planning, Zoning and Subdivision Administrator, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the City's standards for width and grade, which connects the streets in the subdivision to the abutting property. This street and public right-of-way shall be preserved for the construction of a future street providing access to the abutting property. The sub-divider shall be responsible for placing a permanent sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the Planning, Zoning and Subdivision Administrator before being placed in said right-of-way.
- 16.2-8 NAMING OF STREETS AND SUBDIVISIONS. All streets shall be named, and signs conforming to City standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Granville County [Addressing & GIS](#) and must be approved by Granville County's ~~emergency~~ [Address Coordinator](#). All subdivisions requiring the development of new public roads within the Single Family Residential District (SFR), [the Residential / Main Street Transitional District](#), and Agriculture District (AG) must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the City of Creedmoor or its area of [planning and zoning](#) jurisdiction and must be approved by Granville County's ~~emergency~~ [Address Coordinator](#). The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. ~~Commercial subdivisions are not required to use identification signage. (See Article 17)~~
- 16.2-9 STREET CONSTRUCTION - PROPERTY OWNERS' PARTICIPATION. The City of Creedmoor will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the City of Creedmoor known as the Official Powell Bill Map, except upon the payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must be actually paid or amply secured (see section 16.1-9(B)) before the City will take any action.
- 16.2-10 UTILITY AND PEDESTRIAN EASEMENTS. All subdivision plats shall identify easements for the installation of utilities and pedestrian use as follows:
- A. MAJOR SUBDIVISIONS. An appropriate easement, of the width required by the utility company/agency, shall be provided for the burial of utilities including, but not limited to, electric service, telephone service, cable television service, [internet service](#), [natural gas lines](#), sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the City of Creedmoor, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements shall also be granted for pedestrian use by the public.
  - B. MINOR SUBDIVISIONS. An appropriate easement, of the width required by the utility company/agency, shall be provided for the burial of utilities including, but not limited to, electric service, telephone service, cable television service, [internet service](#), [natural gas lines](#), sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of

all utilities within the easement shall be approved by the City of Creedmoor, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements shall also be granted for pedestrian use by the public.

16.2-11 WATER SUPPLY FOR FIRE PROTECTION.

- A. Water supply for fire protection shall be provided as required by the North Carolina Fire Prevention Code.
- B. Size, type, and installation of hydrants shall conform to the specifications set forth in the North Carolina Fire Prevention Code.
- C. The maximum distance between fire hydrants shall be 500' measured by right angles along identified travel way(s).

16.2-12 STORMWATER MANAGEMENT.

- A. Design of the stormwater management system shall be consistent with the City of Creedmoor's stormwater regulations, as contained in the Watershed Regulations (Article 19 of this Ordinance).
- B. The stormwater management system design shall comply with the specifications set forth in the stormwater section of City of Creedmoor Technical Standards and Specifications Manual [and the North Carolina Department of Environmental Quality \(NCDEQ\) Stormwater Design Manual](#).

16.2-13 FLOOD STANDARDS.

- A. All subdivision proposals within the City of Creedmoor corporate limits and extraterritorial jurisdiction shall be consistent with the requirements of the City's flood protection regulations set forth in Article 18 of this Ordinance and with the need to minimize flood damage.
- B. All subdivision proposals shall have the public utilities and facilities such as sewerage systems, gas lines, electrical, telecommunications (television, Internet, telephone, etc.), and water systems located and constructed to minimize flood damage.
- C. Adequate drainage shall be provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.
- E. Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood elevation.
- F. If there is a water course or dry branch running through or within 150 feet of the proposed subdivision, the prospective sub-divider shall furnish evidence that residential lots within the subdivision will not be flooded. Lots located in flood plains shall comply with the flood prevention standards set forth in Article 18.

16.2-14 BUFFER STRIPS – STREAMS. ~~Surface water b~~~~Buffers strips~~ shall be provided along streams as required by the Watershed Regulations set forth in ~~Article Section~~ [19.20-7](#) of this Ordinance.

16.2-15 ELECTRICAL, CABLED, WIRED AND FIBER OPTIC UTILITIES. Electrical, Cabled, Wired and Fiber Optic utility lines shall be installed underground unless inconsistent with flood protection requirements. [The City of Creedmoor can not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of the property to be subdivided, per G.S. 160D-804 and S.L. 2019-174.](#)

16.2-16 PLACEMENT OF MONUMENTS. The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

# ARTICLE 17

## Sign Regulations

### SIGN REGULATIONS

#### 17.1 Title

This Article shall be known and may be cited as the "City of Creedmoor Sign Regulations."

#### 17.2 Applicability and Purpose

This Article applies to all signs erected in the City of Creedmoor and its extraterritorial jurisdiction. The purpose of this ordinance is to ensure the installation of safe and effective signage that promotes both business activity and the aesthetic character of the City and its extraterritorial jurisdiction, as well as communicating essential information to the public. The following statements elaborate on this purpose.

- A. To provide opportunities for neighborhoods and commercial endeavors to [communicate and](#) be identified in an effective and equitable fashion.
- B. To promote public safety by reducing hazards associated with distracting or excessive signage.
- C. To establish and promote enhanced community character through signage that is reflective of the historic nature of the City and its scale of development.
- D. To promote the integration of signage with the architectural characteristics and aesthetic quality of the City's development.
- E. To provide for flexibility in amount, type and scale of signage depending on the context of the development and the surrounding area.
- F. To facilitate efficient, thorough, consistent and effective enforcement of the sign regulations.

#### 17.3 Definitions

Please see definitions in Article 3 of this Ordinance.

#### 17.4 Applicability

Except as specifically exempted in this ordinance, no sign shall be erected, altered or displayed without a sign permit issued by the City of Creedmoor [Planning Department](#) confirming compliance with the provisions of this [Ordinance](#). Signs made nonconforming by this Ordinance shall be grandfathered until altered, abandoned, [significantly damaged](#), relocated, or removed with the exception of prohibited signs, which shall be removed within ~~three~~ [ten \(10\)](#) days as required in Section 17.5 of this Article.

#### 17.5 Prohibited Signs

Signs prohibited by the enactment of this Article shall be removed within ten [\(10\)](#) days from the date of notification by the Planning, Zoning and Subdivision Administrator or duly authorized code enforcement agent of the City; however, where deemed dangerous or prejudicial the Planning, Zoning and Subdivision Administrator may act in accordance with Section 23.11 of this Ordinance. The following signs are specifically prohibited by this ordinance.

- A. Snipe signs.
- B. Signs [erected within or](#) attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, ~~public telephone poles~~, or trees.
- C. Windblown signs not specifically permitted in this Article such as pennants, streamers, spinners, balloons, inflatable figures, and similar signs, except as specifically permitted herein.
- D. Signs which prevent free ingress to or egress from any door, window, or fire escape.
- E. Signs erected or displayed in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway.
- F. Any sign which interferes with vehicular or pedestrian traffic as a result of its position, size, shape, movement, color, fashion, manner, or intensity of illumination, including signs with the potential to be confused with any authorized traffic sign, signal, or device.

- G. Signs erected or displayed on or over public rights-of-way or other public property, other than those erected by governmental agencies or for which appropriate encroachment agreements have been executed pursuant to this ordinance. Signs specifically protected by the provisions of NCGS 136-32 are not prohibited, provided the requirements of NCGS 136-32 are met.
- H. Portable signs, except as specifically permitted herein.
- I. Signs that move or flash or have moving or flashing components, except as permitted under Section 17.6 below; signs that are intermittently lighted or have changing colors; signs that revolve; or any other similarly constructed signs.
- J. Signs attached to the roofs of buildings or are otherwise located above the roofs of buildings or are part of roofing finish and/or materials.
- ~~K. Signs carried by or attached to people, including costumes worn for the purpose of attracting commercial attention.~~
- ~~L.K. Off-premises signs, including outdoor advertising and informational signs, except those placed by governmental agencies for public purposes and yard sale and open house signs that are displayed as specifically permitted herein. The exception being that existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon approval by the Planning, Zoning and Subdivision Administrator. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not allow replacement with a digital sign; shall not exceed 30' in height; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Planning, Zoning and Subdivision Administrator, who shall have the authority to deny permits for signs that do not meet the intent of this Ordinance.~~

17.6 Exempt Signs [Amended May 27, 2014 per Ord. 2014-O-03] [Amended Sept. 15, 2014 per Ord. 2014-O-08]

The following signs are exempt from the requirements of this Ordinance although, in some instances, building and/or other permits may be required, such as an electrical permit for a machine sign or a time and temperature sign.

- A. Warning and security signs, including signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying fire department connections, or high voltage equipment, public telephone communications lines, or underground cables, and/or gas pipe lines.
- ~~B. Government signs and signs for non-profit organizations sponsored by governments including insignia, legal notices, informational, directional, way-finding, and traffic signs. This exemption shall not include permanent and temporary signs covered in section 17.8 of this Article but may include signs or flags erected on public property or private property immediately proximate to public property to commemorate public holidays recognized by the City such as the Fourth of July.~~
- ~~C.B. "No Dumping" and "No Trespassing" signs containing less than two square feet in copy area per sign face.~~
- ~~D.C. Signs placed inside ball athletic fields and outdoor amphitheatres that face toward the interior of the field or amphitheater and are primarily intended for viewing by persons attending events and/or performances.~~
- ~~E.D. Accent lighting, as defined herein, provided that lights do not interfere with vehicular traffic and are not a nuisance to neighboring properties not more than two architectural elements are accented per occupancy (e.g., two windows or a window and a roofline, etc.).~~
- ~~F.E. Signs Temporary signs associated with a located on a property hosting a fundraising event of short duration (14 days or less, provided such temporary signs they are removed within seven (7) days thereafter) for a nonprofit or charitable organization such as a student car wash or a service organization broom or bake sale provided such events happen six or less times per calendar year on a particular premises.~~
- F. Incidental signs containing no more than two (2) square feet in copy area provided that not more than a total of six-eight (8) square feet of incidental signage is displayed per occupancy. ~~Incidental signs that~~



~~display solely the word "open" may flash provided they are located inside a building and no more than one such sign is displayed per occupancy.~~

- G. Incidental flags containing no more than two (2) square feet in copy area provided that not more than a total of eight (8) square feet of incidental flags are displayed per property.



Example of Incidental Signs

- H. Machine signs containing no more than six-eight (8) square feet in copy area, except drive-through ~~menu kiosk machine signs (menu boards)~~ may contain up to forty (40) square feet in copy area ~~provided the portion of the signs devoted to a logo or business name contains no more than 25% of the total sign copy area.~~ Two (2) signs per drive-through window are permitted; however, the total combined area may not exceed sixty-four (64) square feet and neither may exceed seven (7) feet in height. Such signs shall not be legible from a public right-of-way or adjacent property, and the color of such signs shall have ties to the main building or other signage for the project on the property.



Example of Machine Signs

- I. Menus-Window or exterior informational wall signs displayed at restaurants provided they contain no more than four-six (6) square feet in copy area.
- J. ~~Model-Temporary or ground signs located on property used to exhibit a model home, signs~~ provided not more than one such sign is displayed per model home and such sign contains no more than six-eight (8) square feet in copy area.
- K. Signs attached to donation bins.
- L. Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, approved development plan, or ordinance, including traffic control signs on private property.
- ~~M.—Address signs no greater than five-six (6) square feet in copy area.—Address signs in excess of three (3) square feet in copy area shall be counted toward the total copy area of signage permitted for attached or freestanding signs depending on placement.~~
- ~~N.M. \_\_\_ Retail store window displays of merchandise.~~
- ~~O.N. \_\_\_ Signs attached to vehicles, provided the vehicles are not parked in such a manner as to create the effect of additional signage, whether on-premises or off-premises (see Section 17.5, Prohibited Signs).~~
- ~~P.O. Political-Temporary signs containing no more than six (6) square feet in copy area in residential districts and no more than twenty-four (24) square feet in copy area in nonresidential or mixed use districts which are erected no more than sixty (60) days prior to the applicable election and removed no more than ten (10) days after the applicable election, provided that no more than one (1) sign per candidate-electable seat or issue on an election ballot is displayed per zone lot frontage ~~and such signs are erected no more than 30 days prior to the applicable election and removed no more than ten (10) days after the applicable election.~~~~

- ~~Q.P.~~ Signs attached to umbrellas provided no more than 25% of the total surface area of the umbrella is devoted to signage.
- ~~R.Q.~~ One ~~real-estate~~temporary sign per property street frontage for any property actively listed or advertised for sale or lease, containing no more than six (6) square feet in copy area in residential districts and no more than thirty-two (32) square feet in copy area in nonresidential or mixed use districts.
- ~~S.R.~~ One ~~construction/financing~~temporary sign per property street frontage for development projects ~~under~~ with active building permits containing no more than six (6) square feet in copy area in residential districts and no more than thirty-two (32) square feet in copy area in nonresidential or mixed use districts provided they are removed after the applicable permit is no longer active due to completion of permitted work or permit expiration. If combined with a ~~real-estate sign~~temporary sign as described in Section 17.6(P), the total exempt sign copy area is thirty-two (32) square feet.



~~Example of a Combined Construction/Financing and Real Estate Sign~~

- ~~T.S.~~ ~~Flags of the United States, the State of North Carolina, Granville County or the City of Creedmoor~~ provided that they do not exceed 50 square feet in area, that they are displayed on flagpoles not exceeding 45 feet in height, that no more than three flags are displayed on a zone lot of less than one acre in size and not more than five flags are displayed on zone lots of one acre or more in size, and that Flags, provided that in residential zoning districts (AG, SFR, R/MST, MSP) they do not exceed thirty (30) square feet in size, that no more than three (3) flags are displayed per property, and that one flagpole be allowed at a height not to exceed thirty (30) feet. Flags, provided that in commercial and civic zoning districts (C-15, C-56, IND, MS, CIV) they do not exceed fifty (50) square feet in size, that no more than six (6) flags are displayed per property, and that three (3) flagpoles be allowed at a height not to exceed fifty (50) feet. No matter the zoning district, all flagpoles are ~~must be~~ setback at least the height of the flagpole from all property lines for public safety purposes, so the fall zone of the flagpole does not overlap with the public right-of-way. These flag regulations do not supersede the Scenic Corridor Overlay (SCO) requirements. If a property has a SCO along its frontage, flags must be placed outside of the designated SCO easement, per Section 8.5-3 of this Ordinance. These flag regulations do not supersede the U.S. Flag Code (4 USC Ch.1), and in case of conflict federal flag regulations override local Ordinance requirements. ~~Flagpoles may be roof or wall mounted provided size, height and setback requirements are met.~~
- ~~U.T.~~ ~~Holiday~~ ~~L~~lights and decorations, ~~with no commercial message~~ provided that such lights are not illuminated and/or decorations are not displayed for longer than a total of ~~60~~ seventy-five (75) days per calendar year in any ~~nonresidential or mixed use~~ zoning district.
- ~~V.U.~~ Signs for "temporary businesses" such as, but not limited to, produce stands, street vendors, and vendors at special events that shall operate for a specified time period, not to exceed seven (7) consecutive days, are exempted. If the business is a recurring operation, such as produce stands that operate on weekends or on select days during the week, then said "temporary business" shall comply with the regulations set forth in this Ordinance; the exception being that the Planning, Zoning and Subdivision Administrator may permit "temporary businesses" to use banners and temporary signage that comply with the standards and intent of this Ordinance to be used as signage, provided that the business puts the sign up at the start of the business day and takes it down at the close of each business day.
- ~~W.~~ ~~Signs replicating historical signs which existed prior to the year 1975 may; exceed copy area allowance with documentation in sufficient detail to determine authenticity; may be established in the MS district only.~~

## 17.7 Requirements for Permanent Signs Requiring a Permit

### 17.7-1 REQUIREMENTS FOR SIGNS EXTENDING OVER PEDESTRIAN AND VEHICULAR TRAVEL AREAS.




Signs extending over pedestrian ~~and vehicular~~ travel areas shall maintain a minimum clear distance between the finished grade surface material and any portion of the sign and its associated support structure of nine ~~(9) and 14 feet respectively~~ feet. Signs extending over vehicular travel areas shall maintain a minimum clear distance between the finished grade surface material and any portion of the sign and its associated support structure of fourteen (14) feet.






### 17.7-2 PERMANENT SIGN REQUIREMENTS. The following tables and text provide the design, construction, and dimensional requirements for permanent signs that require a permit. Requirements include copy area, number, type of illumination, and letter height for both attached and freestanding signs. Setback and height requirements are established for freestanding signs and detailed design requirements are provided for monument and pole signs.






Additionally:

- A. Only one general attached sign (blade, V-type, or flat) is allowed per street or parking frontage.
- B. Only one monument or pole freestanding sign is allowed per street frontage.
- C. Height of freestanding signs shall be measured from the elevation of the ground at the point of contact with the sign provided that the grade of the site is not artificially altered to increase the allowable height of the sign. For sloping sites, the applicable point of contact shall be the point having the highest elevation.
- D. One ~~home occupation~~ general attached sign per approved home occupation, not to exceed four square feet in area, and which must be attached to the building.
- ~~E. The following permanent special purpose signs are allowed in addition to general attached and freestanding signs under the limitations provided in the following tables and elsewhere in this Article.
  1. Window.
  2. Directional.
  3. Directory.
  4. Awning.
  5. Canopy.
  6. Community identification.~~
- ~~F. Time and temperature signs are allowed as either attached or freestanding signs provided they are incorporated into the general or attached signage allowed for a nonresidential property, no more than one such sign is allowed per property, the message is limited to time and temperature information and changes no more frequently than once every five seconds, and the illuminated and/or copy area of the time and temperature sign does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable sign type.~~
- ~~G.~~ E. Changeable copy signs are allowed as either attached or freestanding signs provided they are incorporated into the general or attached signage allowed for a nonresidential property and, not more than one such sign is allowed per occupancy, ~~the sign message changes no more frequently than once every four hours for manually and mechanically changing signs and once every eight seconds for digitally changing signs.~~ Digitally changing signs are allowed only on properties in zoned "C-56" and "C-15", or "IND" zoning districts. ~~Unlike time and temperature signs, no area bonus is allowed for changeable copy signs. Digitally changing signs shall have the light intensity of the display low enough so as not to negatively impact surrounding residents, property owners, or drivers of motor vehicles. Digitally changing signs that incorporate continuous or fluid motion of content on the digital sign shall have the motion reasonable enough so as not to negatively impact surrounding persons, distract the drivers of motor vehicles, or be confused with any authorized traffic sign, signal, or device.~~
- ~~H. All streets shall be named, and signs conforming to City standards shall be posted at intersections~~

showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Granville County Addressing & GIS and must be approved by Granville County's Address Coordinator. All subdivisions requiring the development of new public roads within the Single Family Residential District (SFR), the Residential / Main Street Transitional District, and Agriculture District (AG) must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the City of Creedmoor or its area of planning and zoning jurisdiction and must be approved by Granville County's Address Coordinator. The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. ~~All subdivisions requiring the development of new public roads within the Single Family Residential District (SFR) and Agriculture District (AG) must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the City of Creedmoor or its area of jurisdiction and must be approved by Granville County's emergency address coordinator. The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. Commercial subdivisions are not required to use identification signage. (See Article 16).~~

Sign Type	Sign Copy Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – General					
Blade (or Projecting)					Only one sign (blade, V-type or flat sign) allowed per occupancy per street or parking frontage
V-type					One square foot of signage copy area for each one square foot of occupancy frontage up to the maximum allowed
Flat (or Wall)		32	Ambient External Internal	6"	One per street or parking frontage per occupancy  Internally-illuminated signs –sign face can be illuminated  No attached signage above second story except in monolithic multi-story buildings fronting major thoroughfares.

Sign Type	Sign Copy Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements	
Permanent Attached Signs – Special Purpose						
Window		8	Ambient	N/A	One per each 100 square feet of display or doorway window area or fraction thereof	A maximum allowance of three signs per street or parking frontage per occupancy
Directional		4 12*	Ambient External Internal	4"	N/A	Not more than 25% of sign face shall contain a logo or commercial message  *Only signs placed above a common entrance shared by multiple tenants of the same building, limited to one per entrance.
Outdoor Directory		6	Ambient External	N/A	One per street or parking frontage per building	
Awning		6	Ambient	4"	One per street or parking frontage per awning	Not more than two awning signs per occupancy per street or parking frontage.
Canopy		16	Ambient Internal	6"	One per street frontage	Properties fronting on more than one street may have one canopy sign per street frontage

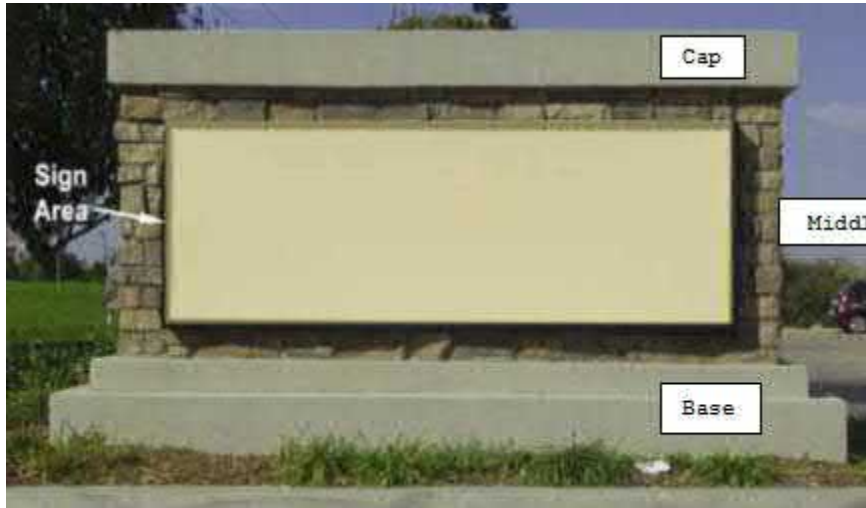
Sign Type		Sign Copy Area (sq ft)	Max. Sign Height (feet)	Sign Illumination	Min. Letter Size	Max. Number	Min. Setback from Property Line(s)	Other Requirements
Permanent Freestanding Signs – General and Special Purpose								
Monument		48	8	Ambient External Internal	6"	One per street frontage having access to the site	5-2 ft	Monument signs shall comply with the design requirements of section 17.7-3
Pole		12	108	Ambient External Internal		One per street frontage providing access to the site	4 ft	Pole signs shall comply with the design requirements of section 17.7-4
Community Identification		32	6	Ambient		One per each gateway or primary entrance	0 ft*	Shall comply with design requirements for monument signs
Directory		24	6	Ambient External Internal	4"	One per street frontage having access to the site	25 ft	Sites with multiple buildings only
Directional		3	2.5	Ambient External Internal	4"	Two per each driveway access to the site	0 ft*	Not more than 25% of sign face shall contain a logo w/no commercial text

\*May encroach into adjoining street right-of-way pursuant to an encroachment agreement.

17.7-3 MONUMENT SIGN DESIGN REQUIREMENTS. Monument signs are intended to serve a wider range of aesthetic and architectural purposes than pole signs. Consequently, the following design requirements are established for monument signs.

- A. General design requirements and sign copy area measurement for monument signs: As in traditional building design, monument signs shall be designed to include a base, middle, and cap. The following illustration shows a monument sign having these architectural characteristics, as well as how sign copy area is to be measured on a monument sign.

#### Monument Sign Design Elements



B. Sign structure materials:- In general, monument sign structures should be constructed of materials that are similar to or complementary to the principal building(s) on the premises where they are located. Only the following materials shall be used in monument sign structure construction, singly or in combination.

1. Brick (painted or unfinished)
2. Wood
3. Concrete or stucco
4. Natural stone or manufactured stone having a natural appearance
5. Metal
6. Glass (not to be used as a primary material for sign structure)

C. Sign copy materials:- Sign copy materials for monument signs shall include the sign structure materials listed above.—~~For internally illuminated monument sign copy, acrylic may be utilized, provided not more than 50% of the sign face is illuminated.~~

17.7-4 POLE SIGN DESIGN REQUIREMENTS. The following design requirements are established for pole signs:

A. General design requirements. Pole signs in Creedmoor have traditionally been supported by two posts (with the sign suspended between the two posts) or suspended from a single post and arm as shown in the following illustrations. In both designs the sign copy area must be below the top of the pole, either attached or hanging / suspended. Pole signs shall use one of these two forms of design.

Examples of Allowable Types of Pole Signs







- B. Materials. In general, pole signs should use materials that complement the principal building(s) on the premises where they are located. The following materials are acceptable for use in pole signs, singly or in combination:
1. Wood
  2. Metal
  - ~~3. Brick (painted or unfinished)~~
  - ~~4. Concrete or stucco~~
  - ~~5. Natural stone or manufactured stone having a natural appearance~~

17.8 Temporary Signs

The following ~~tables~~sections provide the design, dimensional, and time of display requirements for temporary signs. Additionally: Nonconforming temporary signs shall not be grandfathered (see section 17.12 of this Article).

17.8-1 REQUIREMENTS FOR TEMPORARY SIGNS THAT REQUIRE A PERMIT.

The temporary signs listed in ~~the following table~~this section require a permit and shall comply with the indicated zoning location and other requirements. All such signs, with the exception of searchlights, shall be illuminated solely by ambient light sources.

A. Sandwich Board Signs. These signs are allowable in the MS, MSP, CIV, C-15, C-56, IND, and AG zoning districts with a permit. One such sign may be permitted per use or occupancy having direct access onto any public or private sidewalk where the sign is placed. "Direct access" shall mean an occupancy having a public entrance immediately from a sidewalk where the sign is placed. See additional sandwich board sign requirements in Section 17.8-3 of this Ordinance.

B. Banners. These signs are allowable in the MS, MSP, CIV, C-15, C-56, IND, and AG zoning districts with a temporary sign permit. Up to forty-eight (48) square feet of banner material per occupancy may be attached to an occupancy space. Only one (1) banner is permitted per occupancy space at a time. Display time limit for temporary banners is twenty-one (21) consecutive days, and no more than five (5) times per calendar year with at least a thirty (30) day separation between temporary banner display permits. Temporary banners are not meant to be used as permanent signage.

C. Off-Premise Temporary Signs. These signs are allowable in the MS, MSP, CIV, C-15, C-56, IND, and AG zoning districts with a temporary sign permit. One off-premises sign, no larger than twelve (12) square feet, may be located on a single private property with written proof of permission from the owner of the property on which the sign is located. Off-premises temporary signs may be erected / installed beginning fourteen (14) days before the permit holder intends to hold a special event and shall be removed within seven (7) days of the conclusion of the special event.

D. On-Premise Temporary Signs. These signs are allowable in the MS, MSP, CIV, C-15, C-56, IND, and AG zoning districts with a temporary sign permit. Up to forty-eight (48) square feet of temporary signage may be attached to an occupancy space or installed on private property where the occupancy space is located, provided that such additional temporary signage may only be displayed for two periods of up to twenty-one (21) days within a single calendar year. A temporary sign permit for an on-premise temporary sign may not be combined with a temporary banner permit to create the allowance of additional temporary signage above the forty-eight (48) square foot temporary sign copy area limit.

E. Searchlights. Searchlights are allowable in the MS, MSP, CIV, C-15, C-56, IND, and AG districts with a permit. Searchlights must be located on private property owned or occupied by the permit holder, or with written permission from the owner of the property where the searchlight will be located. Searchlights may not be used for more than three (3) consecutive days and only once per calendar year for the property they are located on. Searchlight installations shall conform to all applicable FAA regulations.

<del>Temporary Sign-Type</del>	<del>Allowable Zoning-Districts</del>	<del>Requirements</del>
<del>Sandwich board signs</del>	<del>MS, MSP, CIV, C15, C56, IND, AG</del>	<del>One sign per occupancy having direct access onto any public or private sidewalk where sign is placed. "Direct access" shall mean an occupancy having a public entrance immediately from the sidewalk where the sign is placed. See additional sandwich board sign requirements in section 17.8-3 of this Article.</del>

Banners and flags	MS, MSP, CIV, C15, C56, IND, AG	Up to 60 square feet of banner/sail/feather/flag materials per occupancy may be attached to an occupancy space. Display time limit: 21 days, four times per calendar year with a 60-day separation between permits. Religious institutions and non-profits may display up to 6 times a year, with a minimum separation of one week between permits.
Grand opening or going out of business signs		Up to 60 square feet of banner materials may be attached to an occupancy space. Display time limit: 21 days; one time in the same calendar year when the business opens or closes.
Special event, seasonal and agricultural produce signs		<p>One tethered balloon or searchlight to be located on premises and displayed for not more than three consecutive days once per calendar year. Tethered balloons and searchlights shall conform to all applicable FAA regulations.</p> <p>Joint special event signage for three or more commercial or non-profit occupancies may be approved by the Planning, Zoning and Subdivision Administrator for theme-based special events. Such events shall not exceed seven days in duration or a cumulative total of 60 days per calendar year per occupancy with a 14-day minimum separation between permits. Event participants shall submit an application which outlines the types of signage desired and where such signage is proposed to be located. Signage shall be consistent with the event theme and shall not exceed 60 sq. ft. per occupancy; however, accent balloons may also be displayed, with a maximum number of 12 balloons per occupancy.</p> <p>Agricultural produce and/or event signs may be off-premise on private property with written permission of the property owner.</p>

17.8-2 REQUIREMENTS FOR TEMPORARY SIGNS THAT DO NOT REQUIRE A PERMIT.

The temporary signs listed in the following [table sections](#) do not require a permit and shall comply with the indicated zoning location and other requirements. All such signs shall be illuminated solely by ambient light sources.

[A. The owner of property located in any zoning district may display up to three \(3\) additional temporary signs, without a permit, beginning seven \(7\) days before the property owner is to host an open house event for the purpose of advertising that property for sale, and such additional temporary signs shall be removed not later than three \(3\) days following the conclusion of the open house event. Each additional temporary sign may not exceed six \(6\) square feet in size. Such additional temporary signs may be displayed off-premise on private property with the permission of the property owner, but shall not be erected or installed in a public right-of-way or in any way resembling the prohibited signs listed in Section 17.5 \(A – G\). Such signs shall not exceed three \(3\) feet in height. Such signs shall not be attached to any tree or other vegetation, post, utility pole, wall, fence, or other structure except the building on the property advertised for sale.](#)

[B. The owner of property located in any zoning district may display up to three \(3\) additional temporary signs, without a permit, beginning seven \(7\) days before the property owner hosts a yard sale or similar event, and such additional temporary signs shall be removed no later than three \(3\) days following the conclusion of the yard sale or similar event. Each additional temporary sign may not exceed six \(6\) square feet in size. Such additional temporary signs may be displayed off-premise on private property with the permission of the property owner, but shall not be erected or installed in a public right-of-way or in any way resembling the prohibited signs listed in Section 17.5 \(A – G\). Such signs shall not exceed three \(3\) feet in height. Such signs shall not be attached to any tree or](#)

other vegetation, post, utility pole, wall, fence, or other structure except the building on the property where the yard sale or similar event is taking place.

C. The owner of property located in any zoning district may display up to three (3) additional temporary signs, without a permit, beginning seven (7) days before the property owner is to host a non-profit event, fundraiser, or other similarly related special event, and such additional temporary signs shall be removed no later than three (3) days following the conclusion of the nonprofit event or fundraiser. Each additional temporary sign may not exceed six (6) square feet in size. Such additional temporary signs may be displayed off-premise on private property with the permission of the property owner, but shall not be erected or installed in a public right-of-way or in any way resembling the prohibited signs listed in Section 17.5 (A – G). Such signs shall not exceed three (3) feet in height. Such signs shall not be attached to any tree or other vegetation, post, utility pole, wall, fence, or other structure except the building on the property where the nonprofit event or fundraiser is taking place.

D. The owner of property located in any zoning district may display up to three (3) additional temporary signs, without a permit, with any protected free speech message. The signs may be displayed for any period of time, so long as the signs do not physically deteriorate or become damaged. Each additional free speech temporary sign may not exceed six (6) square feet in size. Such additional temporary signs may not be displayed off-premise and must be displayed by the owner, lessor, or resident of the private property. Such signs shall not be erected or installed in a public right-of-way or in any way resembling the prohibited signs listed in Section 17.5 (A – G). Such signs shall not exceed three (3) feet in height. Such signs shall not be attached to any tree or other vegetation, post, utility pole, wall, fence, or other structure. Hate speech is not a protected form of free speech and shall not be displayed on additional temporary signs for free speech messages.

Temporary Sign Type	Allowable Zoning Districts	Requirements			
		Number	Display Frequency	Size (sq. ft.)	Other Requirements
Open house signs (Real estate sales only)	All districts	Up to three signs per event	May be displayed only between the hours of 12:00 PM (noon) Friday and 12:00 PM the following Monday.	6	May be displayed off-premises on private property with the permission of the property owner. May be freestanding or attached. If freestanding, shall not exceed three feet in height. If attached, shall not be attached to any tree or other vegetation, post, utility pole, wall, or other structure except the building containing the event.
Yard sale signs			May be displayed only between the hours of 12:00 PM (noon) Friday and 12:00 PM the following Monday. No more than three events per zone lot per calendar year.		

17.8-3 ADDITIONAL REQUIREMENTS FOR SANDWICH BOARD SIGNS.

Sandwich board signs offer businesses in pedestrian-oriented zoning districts an effective and creative way to market products or services. However, unless carefully regulated, sandwich board

signs can create hazards for pedestrians and a cluttered and unattractive appearance. The following design standards are established to permit sandwich board signs to be utilized in a fashion which meets community safety and design expectations, as well as the need for businesses to market their products and services.

- A. Sandwich board signs shall not exceed four (4) feet in height and thirty (30) inches in width.
- B. Sandwich board signs shall be located only where parallel to the street oriented sidewalks that serve the occupancy with which they are associated.
- C. Five (5) feet of sidewalk clearance shall be provided along at least one side of the sign to allow for unobstructed pedestrian access in accordance with ADA regulations.
- D. Sandwich board signs ~~are intended to inform and orient pedestrians to business locations and available products and services. Consequently, such signs~~ shall be placed in close proximity to the public entrance to the occupancy with which they are associated and shall be oriented ~~to communicate information primarily to~~ such that the sign faces pedestrian traffic utilizing the sidewalk on which they signs are located as opposed to vehicular traffic utilizing nearby public or private streets or private drives and parking areas.
- E. Sandwich board signs shall be moved to an indoor location for storage during times when the associated businesses are not open for customers.
- F. Standard design for sandwich board signs. Sandwich board signs shall be located in frames constructed of black anodized aluminum, black wrought-iron, or ~~wood which has been painted black~~ painted wood, ~~as illustrated in the following photographs.~~ Plastic, PVC, or other similar materials shall not be used as the frame or support structure of the sandwich board sign. The display area within the frame shall be constructed of durable metal or wood ~~if containing permanent messages; such permanent messages shall be applied to the display area with paint, metal or durable vinyl or shall consist of carved wood or cut metal lettering or images.~~ Sandwich board signs containing changeable message display areas may be constructed of chalk board style materials, durable plastic (such as a “dry erase” board), or similar materials, provided the display area background is either black, ~~dark green~~ or white in color and that the changeable message is applied using erasable chalk or erasable ink in a handwritten application. Unless otherwise specified, a muted color palette shall be used for any background or message, including lettering and images.



~~Example of Standard Sandwich Board Sign Frame~~

- G. Alternative design for sandwich board signs. As an alternative to the standard design described above, the Planning, Zoning and Subdivision Administrator may permit alternative sandwich board sign designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such signs shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the sign using a muted palette of colors. Wooden signs are preferred, but all such signs shall be made of durable materials. ~~An example of an acceptable alternative design is illustrated in the following photograph.~~



Example of Alternative Sandwich Board Sign

~~17.9~~ 17.9 Signs Located in Local Historic Districts

~~Regardless of the other dimensional provisions of this Article, signs that are located in local historic districts shall be governed by the applicable design guidelines and review processes established for the local historic district.~~

~~17.10~~ 17.9 Master Sign Plan

Regardless of the other provisions of this Article, the City Board of Commissioners may, at its sole discretion, approve a master sign plan for specific ~~ed areas of City or for certain~~ development projects listed in this section or for private property meeting master sign plan qualification requirements. The approved master sign plan may include signs of different sizes, types, locations, placement, illumination, and height from those otherwise enumerated in this Article.

~~17.10-1~~ 17.9-1 PURPOSE. The purpose behind this section is to permit creativity in sign design and placement to address site issues and constraints associated with topography, pedestrian-orientation, way-finding and other conditions unique to the subject development or area of City specific property.

~~17.10-2~~ 17.9-2 APPLICATION. Master sign plans may be submitted for the following types of developments:

- A. ~~Traditional Neighborhood Development~~ Conditional district zoning development projects.
- B. Commercial, institutional, industrial, or mixed use developments containing three or more acres in area.
- C. Areas of the City that are governed by a corridor plan or area plan that includes sign guidelines.

~~17.10-3~~ 17.9-3 SUBMITTAL PROCESS. Master sign plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a master sign ~~age~~ plan application and shall be indicated on an application form provided by the Planning, Zoning and Subdivision Administrator.

- A. Property Owner and applicant (if different) contact name, mailing address, telephone number, email, and signature(s), as applicable.
- B. A master sign plan proposal illustrating the proposed signs, their proposed materials and construction, and their proposed location, ~~and their proposed purpose~~, along with a statement as to why the existing sign code cannot or should not be followed in the subject case.
- C. An analysis showing how the proposed sign ~~age~~ plan differs from what could be provided under the existing sign regulations set forth in this Article.

~~G.~~ D. Other relevant information, as required on the City of Creedmoor sign permit application.

~~D.~~ E. Other similar information determined by the ~~planning director~~ Planning, Zoning and Subdivision Administrator to be necessary for understanding the purpose and intent of the proposed master sign plan application.

17.9-4 REVIEW PROCEDURE. ~~The Planning, Zoning and Subdivision Administrator shall schedule the master sign~~

~~plan for Planning Board and City Board of Commissioners consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments. The protest petition provisions of Article 5 shall not apply to master sign plan hearings. In reviewing the proposed master sign plan, the Planning Board and City Board of Commissioners shall take the following matters into consideration.~~ The master sign plan review and approval process is a legislative process.

- A. The Planning, Zoning and Subdivision Administrator shall schedule the master sign plan for Planning Board and Creedmoor Board of Commissioner consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments.
- B. The master sign plan shall first be reviewed by Planning staff for completeness of the application. Once the application materials are deemed complete and satisfying all requirements, the Planning, Zoning and Subdivision Administrator shall schedule the master sign plan for review by the Creedmoor Planning Board. The Planning Board shall make a recommendation to the Board of Commissioners based on the review criteria described in Section 17.10-5 of this Ordinance. The Planning Board shall also recommend any conditions regarding approval, where deemed warranted. If the Planning Board has made neither a positive nor a negative recommendation on a master sign plan application within thirty (30) days of first considering the application, the application shall be forwarded to the Creedmoor Board of Commissioners for consideration. The application packet for the Board of Commissioners' review shall be accompanied by a record of the Planning Board's discussion and comments regarding the master sign plan and the reasons, if any, for their lack of action. No member of the Planning Board shall vote on a master sign plan application where the outcome of the matter being considered poses a conflict of interest as identified in Section 4.7 of this Ordinance.
- C. The Creedmoor Board of Commissioners shall consider the master sign plan application at a legislative public hearing. The Board of Commissioners shall consider the Planning Board's recommendation, but is not bound by it and may substitute its own judgement for that of the Planning Board. Any resident or property owner in the City may submit a written statement regarding a master sign plan application to the City Clerk at least two (2) business days prior to the public hearing and/or the date of the meeting where the Board of Commissioners vote on the master sign plan application. The City Clerk shall deliver such written statements to the Board of Commissioners. The Board of Commissioners may deny or approve the proposed master sign plan in part or in total and may establish conditions regarding approval. Any conditions must be agreed to by the master sign plan applicant and/or property owner in writing to ensure enforceability. The City Clerk shall reduce the Board of Commissioners' final decision to writing.
- D. In the event the master sign plan is denied, the applicant must wait at least one (1) year before reapplying for a new master sign plan substantially similar (as defined in Article 3) to the proposed master sign plan.
- E. The Creedmoor Board of Commissioners may, as part of the master sign plan conditions, include a list of modifications that may be approved by the Planning, Zoning and Subdivision Administrator or other appropriate Planning staff, without further review by the Board of Commissioners, as outlined in the administrative minor modification process in Section 7.15 of this Ordinance.
- F. Failure to comply with the approved master sign plan may result in enforcement action by the City in accordance with Article 23 of this Ordinance. In addition or in the alternative, the City Board of Commissioners may hold a public hearing, in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments, to consider revocation of a previously-approved master sign plan if notified by Planning staff that the applicant has failed to comply with the approved master sign plan, or mutually agreed to conditions of approval, and has failed to remedy the violation within ten (10) days of written notification of such violation.

~~17.10~~ 17.9-5 Review Criteria. In reviewing the proposed master sign plan, the Planning Board and Creedmoor Board of Commissioners shall take the following matters into consideration.

- A. The extent to which the proposed master sign plan deviates from the sign allowances otherwise applicable in this Article.
- B. The rationale provided by the applicant for the deviations.
- C. The extent to which the master sign plan promotes City goals associated with community character, way-finding, pedestrian-orientation, and business identification.
- D. The degree to which the master sign plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

~~The Planning Board shall provide a recommendation to the City Board of Commissioners whether to deny or approve the proposed master sign plan in part or in total and shall further recommend conditions regarding approval where deemed warranted.~~

~~The City Board of Commissioners may deny or approve the proposed master sign plan in part or in total and may establish conditions regarding approval. In the event that the master sign plan is denied, the applicant must wait at least 365 days before reapplying for a new master sign plan substantially similar (as defined in Article 3) to the proposed master sign plan.~~

~~17.11~~ 17.10 Permitting

Applications for sign permits and the associated fee schedule may be obtained from the Planning, Zoning and Subdivision Administrator. Completed applications, including payment of fees, shall be reviewed for compliance with the requirements of this Ordinance and may be approved, approved with conditions, or denied by the Planning, Zoning and Subdivision Administrator.

Signs requiring sign permits under the provisions of this Ordinance may also require additional permits, including building permits and electrical permits. It shall be the responsibility of the applicant to obtain all applicable permits.

~~17.12~~ 17.11 Nonconforming Signs

A permanent sign which does not comply with one or more of the requirements of this Article shall be grandfathered until such sign is removed, physically altered beyond maintenance (as defined), relocated, damaged or destroyed, after which it shall be brought into compliance with all requirements of this Article. Nonconforming temporary signs shall not be grandfathered and shall be brought into compliance with all requirements of this Article within ten (10) days from the date of notification by the Planning, Zoning and Subdivision Administrator or duly authorized code enforcement agent of the City.

~~17.13~~ 17.12 Abandoned Signs

Signs identifying located on property containing an abandoned occupancy or use shall be considered abandoned signs and shall be removed by the owner of the property on which they are located. Failure to remove an abandoned sign such signs shall be considered a violation of this Ordinance. In addition, correction of an abandoned sign violation a violation of this section may include removal of the abandoned violating sign or signs by the City at the owner's expense after proper notice of the violation and failure to act by the owner within the timeframe established in the notice of violation.

~~17.14~~ 17.13 Maintenance

All signs, including exempt signs, shall be maintained in a satisfactory state of repair. This shall include, without limitation, correction of peeling or faded paint, repair or replacement of damaged panels, trimming of vegetation that obscures the sign(s), replacement of defective lighting of illuminated signs, secure attachment to the building for attached signs, and stable vertical alignment of freestanding signs.

~~17.15~~ 17.14 Administration, Enforcement and Interpretation

The Planning, Zoning and Subdivision Administrator shall be responsible for the administration, enforcement



and interpretation of these sign regulations. Decisions and interpretations made by the Planning, Zoning and Subdivision Administrator may be appealed to the Board of Adjustment in accordance with the appeal provisions of the Board. ~~Enforcement action taken by the Planning, Zoning and Subdivision Administrator shall not be appealable to the Board of Adjustment; appeals of enforcement actions are reviewable in Granville County Superior Court.~~

~~Enforcement action taken by the Planning, Zoning and Subdivision Administrator shall be proactive and/or complaint based except for exempt signs and window signs in which case enforcement shall be complaint based. In no case shall violations of this ordinance be considered a criminal offense.~~

~~17.15-1~~ 17.14-1 GENERAL ENFORCEMENT. Except for snipe signs, a violation of the sign regulations shall be enforced as provided below.

- A. Notice of violation. The Planning, Zoning and Subdivision Administrator or appropriate Planning staff shall provide notice of the violation and any required remedies. The notice of violation shall be served by ~~any means authorized under G.S. 1A-1, Rule 4~~ first class mail, general delivery mail, certified or registered mail, or by personal delivery by posting the notice of violation conspicuously on the property, and shall direct the violator to correct the violation within thirty (30) days after receipt of the notice of violation.
- B. Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of ~~two-one~~ two hundred dollars (\$~~200.00~~ 200.00). ~~A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. Further enforcement action and civil penalties shall be according to Section 23.5 and Section 23.7 of this Ordinance.~~ The decision of the Planning, Zoning and Subdivision Administrator to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4.
- C. Appeal to Superior Court. Every decision of the Planning, Zoning and Subdivision Administrator to assess a civil penalty shall be subject to review by the Granville County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within thirty (30) days after the decision of the Planning, Zoning and Subdivision Administrator to assess a civil penalty.
- D. Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of Article 17 shall be recovered by the City in a civil action in the nature of a debt, to be brought in the Granville County Superior Court if the violator fails to give notice of timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.

~~17.15-2~~ 17.14-2 SNIPE SIGN ENFORCEMENT. Snipe signs constitute a particular hazard to public safety due to their tendency to create distracting visual clutter and litter; consequently, for the purposes of this Article, snipe signs are regarded as a nuisance and the illegal placement of snipe signs shall be enforced as provided below.

- A. Confiscation. The Planning, Zoning and Subdivision Administrator or any agent of the ~~Administrator or~~ City is hereby authorized to remove or confiscate, without notice, any snipe sign visible from a public roadway that is located within the ~~required setback of the zone lot on which the sign is located or 30 feet from the edge of a road or street, whichever is less, regardless of whether such sign is situated within the right-of-way or beyond it~~ public right-of-way or is posted in a manner described in Section 17.5 (Prohibited Signs) of this Ordinance. Confiscated signs shall be stored in a secure facility for not less than seven (7) days, after which they may be disposed of. Within the seven (7) day period after confiscation, any responsible party, as described herein, shall have the right to request an administrative hearing before the Planning, Zoning and Subdivision Administrator to present evidence as to why his/her sign(s) may have been erroneously confiscated. The Planning, Zoning and Subdivision Administrator shall postpone disposal of the subject confiscated sign(s) and shall schedule the requested

administrative hearing within thirty (30) days and shall render a decision with regard to erroneous confiscation within ten (10) days after the hearing.

B. Responsible parties. For the purpose of snipe sign enforcement, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of snipe signs:

1. The record owner of the property on which the snipe sign is located.
2. The entity or person identified on the sign.
3. The person placing or affixing the sign.

C. Civil penalties. Civil penalties of one hundred dollars (\$1200) for each snipe sign determined to be in violation of the regulations of this Article may be imposed on any and all responsible parties by the Planning, Zoning and Subdivision Administrator in accordance with the following notice and compliance provisions:

1. First violation. The Planning, Zoning and Subdivision Administrator shall send a warning/education letter to the responsible party or parties explaining City regulations pertaining to snipe signs and providing a list of penalties for violations thereof.

2. Second violation or failure to comply with the warning/education letter. The Planning, Zoning and Subdivision Administrator shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within forty-eight (48) hours after receipt of the notice of violation.

3. Failure to comply with the notice of violation. Any responsible party or parties who fail to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two-one hundred dollars (\$1200.00) for each snipe sign determined to be in violation of the regulations of this Article. ~~A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation.~~ The decision of the Planning, Zoning and Subdivision Administrator to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4. Civil penalties so imposed may be appealed to the Granville County Superior Court in accordance with the provisions of section 17.15-1(C) above. Failure to appeal and/or pay the civil penalty shall be treated as a debt in accordance with the provisions of section 17.15-1(D) above.

~~17.16~~ 17.15 Suggested Design Guidelines

In addition to the mandatory standards provided in Sections 17.7 and 17.8 above, the following design guidelines for signs are provided in order to promote more attractive and functional design and placement of signs.

A. Freestanding signs. Placement of freestanding signs should take into account existing trees and other site landscaping so as to maintain sign visibility. Landscaping around the base of freestanding signs is strongly encouraged to improve the overall appearance and visibility of these sign types ~~as evidenced in the following example.~~



Landscaping Around the Base of a Monument Sign

- B. Display windows are intended to offer opportunities to display merchandise or services available on the premises. Careful placement of signs in display windows will not obscure the visibility of merchandise or services. Additionally, display windows should not be "papered-over," especially in pedestrian areas.
- C. General design guidelines. The following general guidelines are provided to guide overall sign design in the City:
  - 1. Use high quality, durable materials.
  - 2. Minimize the need for sign lighting by placing signs where ambient light sources illuminate the sign. Where separate lighting is necessary, external illumination sources are preferred over internal illumination. All electrical conduit and junction boxes should be concealed.



Externally Illuminated Sign

- 3. Backlit, individual letter signs (aka, halo lighting) are encouraged where illumination is needed—as illustrated below.



Backlit Individual Letters

- 4. Avoid elaborate or confusing styles of text as illustrated in the following example.



Overly Complicated Style of Text

- 5. Attempt to use symbols rather than text; for example, this Norwegian pharmacy sign incorporates a symbol as well as text.



## Use of Symbols

- 6.4. Use sign styles and designs that complement the architecture of the site where the signs are located. Creedmoor is a historic City so using "period" signage is strongly encouraged.



An Example of a "Period" Pole Sign in a New York City Suburb

## ARTICLE 18

### Flood Damage Prevention

*[Amended Nov. 4, 2019 per Ord 2019-O-19, ZTA-2019-02]*

#### FLOOD DAMAGE PREVENTION

##### 18.1 Introduction

- 18.1-1 PURPOSE. It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
  - B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  - C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
  - D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
  - E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- 18.1-2 OBJECTIVES. The objectives of this Ordinance are to:
- A. Protect human life, safety, and health;
  - B. Minimize expenditure of public money for costly flood control projects;
  - C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - D. Minimize prolonged business losses and interruptions;
  - E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;
  - F. Minimize damage to private and public property due to flooding;
  - G. Make flood insurance available to the community through the National Flood Insurance Program;
  - H. Maintain the natural and beneficial functions of floodplains;
  - I. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
  - J. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.
- 18.1-3 DEFINITIONS. Definitions can be found in Article 3 "Definitions". Unless specifically defined in Article 3, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application.

##### 18.2 Flood Damage Prevention

- 18.2-1 STATUTORY AUTHORIZATION.
- A. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3, 5, and 8 of Article 19 of Chapter 160A~~ [Article 7, Article 9, and Article 11 of Chapter 160D](#); and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Board of Commissioners of the City of Creedmoor, North Carolina, has adopted this Article 18, Flood Damage Prevention, as part of the City's Development Ordinance.
- 18.2-2 LEGAL STATUS PROVISIONS.
- A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance: This

Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted on September 27, 1988, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Creedmoor enacted on September 27, 1988, as amended, which are not reenacted herein are repealed.

- B. Effect upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.
- C. Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

18.2-3 FINDINGS OF FACT.

- A. The flood prone areas within the jurisdiction of the City of Creedmoor are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

18.2-4 GENERAL PROVISIONS.

- A. Lands to which this Ordinance Applies: This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) of the City of Creedmoor.
- B. Basis for Establishing the Special Flood Hazard Areas: The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Granville County dated December 6, 2019, and its accompanying Flood Insurance Rate Map panels (0885, 0886, 0887, 0895, 0896, 0897, 1804, and 1806), which are adopted by reference and declared to be a part of this Ordinance [per G.S. 160D-105\(b\)](#), including any digital data developed as part of the Flood Insurance Study (FIS), and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Creedmoor are also adopted by reference and declared part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Granville County Unincorporated Area, dated September 28, 1990 (Initial date); and The City of Creedmoor initial FIRM dated June 25, 1976 (initial date, City incorporated in March 1905).

18.2-5 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT. A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 18.2-4(B) of this Ordinance.

18.2-6 COMPLIANCE. No structure or land shall hereafter be located, extended, converted, altered or

developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

18.2-7 ABROGATION AND GREATER RESTRICTIONS. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.2-8 INTERPRETATION. In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and

### 18.3 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the ~~the~~ Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Creedmoor or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

### 18.4 Flood Plain Development Application, Permit and Certification Requirement

18.4-1 APPLICATION FOR PERMIT. On a property containing area of Special Flood Hazard, application for a Flood Plain Development Permit shall be made in accordance with 18.4-2 (Floodplain Development Permit).

18.4-2 FLOODPLAIN DEVELOPMENT PERMIT

- A. Application Requirements: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:
  - 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
    - a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
    - b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 18.2-4(B), or a statement that the entire lot is within the Special Flood Hazard Area;
    - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 18.2-4(B)
    - d. The boundary of the Floodway(s) or non-encroachment area(s) as determined in Section 18.2-4(B);
    - e. The base flood elevation (BFE) where provided as set forth in Sections 18.2-4(B) or 18.6;
    - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
    - g. Certification of the plot plan by a registered land surveyor or professional engineer.
  - 2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    - a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
    - b. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be flood-proofed; and

- c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
  - 3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
  - 4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
    - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
    - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 18.5-1(B)(4)(3), when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
  - 5. Usage details of any enclosed areas below the lowest floor.
  - 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
  - 7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
  - 8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 18.5-1(B)(6) and (7) of this Ordinance are met.
  - 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- B. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- 1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
  - 2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 18-2.4(B).
  - 3. The Regulatory Flood Protection Elevation required for the Reference Level and all attendant utilities.
  - 4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
  - 5. All certification submittal requirements with timelines.
  - 6. A statement that no fill material or other development shall encroach into the Floodway or non-encroachment area of any watercourse, unless the requirements of Section 18.8 have been met.
  - 7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
  - 8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
  - 9. A statement that all materials below BFE/RFPE must be flood resistant materials.

18.4-3 CERTIFICATION OF FLOOR ELEVATION/FLOODPROOFING.

- A. Certificate of Floor Elevation/Flood proofing. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with Section 18.4-3(B) (Certificate of Floor Elevation/Flood proofing).
- B. Elevation Certificates



1. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the Reference Level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
2. An Elevation Certificate (FEMA Form 086-0-33) is required after the Reference Level is established. Within seven (7) calendar days of establishment of the Reference Level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the Reference Level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.
3. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the Reference Level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including the foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3 inches by 3 inches. Digital photographs are acceptable.

C. Floodproofing Certificate.

1. If non-residential Floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the Floodproofed design elevation of the Reference Level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
2. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an

operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to issuance of a Certificate of Compliance/Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- D. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 18.5-1(B)(3)(2).
- E. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- F. Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/Floodproofing certification requirements specified in items (B) and (C) of this subsection:
  - 1. Recreational Vehicles meeting requirements of Section 18.5-1(B)(6)(a)
  - 2. Temporary Structures meeting requirements of Section 18.5-1(B)(7); and
  - 3. Accessory Structures less than 150 square feet or where the structure cost is less than \$3,000 and meeting requirements of Section 18.5-1(B)(8).

**18.4-4 DETERMINATION FOR EXISTING BUILDINGS AND STRUCTURES.** For applications for zoning and/or building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Planning, Zoning, and Subdivision Administrator, and/or the Building Permit/Inspections Official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.

## **18.5 Provisions for Flood Hazard Reduction**

### **18.5-1 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

- A. General Standards: In all Special Flood Hazard Areas the following provisions are required:
  - 1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
  - a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 18.11-10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified according to Section 18.4-3 of this Ordinance.
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a Special Flood Hazard Area, the entire structure

shall meet the requirements for new construction and substantial improvements.

15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- B. Specific Standards: In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 18.2-4(B), or Section 18.6, the following provisions, in addition to Section 18.5, are required:
1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the Reference Level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 of this Ordinance.
  2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the Reference Level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 of this Ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 18.4-3, along with the operational plan and the inspection and maintenance plan.
  3. Manufactured Homes.
    - a. New and replacement manufactured homes shall be elevated so that the Reference Level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 (Definitions) of this Ordinance.
    - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineer foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
    - c. All enclosures or skirting below the lowest floor shall meet the requirements of 18.5-1(B)(4).
    - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
  4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
    - a. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not

- be finished or partitioned into separate rooms, except to enclose storage areas;
- b. Shall not be temperature-controlled or conditioned;
- c. Shall be constructed entirely of flood resistant materials at least to the Regulatory flood Protection Elevation; and
- d. Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
  - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- e. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space and that the City of Creedmoor will have the right to inspect the enclosed area. This agreement shall be recorded with the Granville County Register of Deeds and shall transfer with the property in perpetuity.
- f. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

#### 5. Additions/Improvements.

- a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
  - ii. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- b. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

- ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
  - (i.) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official/inspector and that are the minimum necessary to assume safe living conditions.
  - (ii.) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 6. Recreational Vehicles. Recreational vehicles shall either:
  - a. Temporary Placement.
    - 1. Be on site for fewer than 180 consecutive days; or
    - 2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
  - b. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- 7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;
  - a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
  - b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
  - c. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  - e. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- 8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
  - a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - b. Accessory structures shall not be temperature-controlled;
  - c. Accessory structures shall be designed to have low flood damage potential;
  - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

- e. Accessory structures shall be firmly anchored in accordance with Section 18.5-1(A)
  - f. All service facilities such as electrical shall be installed in accordance with Section 18.5-1(A)(4).
  - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with Section 18.5-1(B)(4)(c).
  - h. An accessory structure with a footprint less than 150 square feet, or that is a minimal investment of \$3,000 or less, and that satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 18.5-1(B)(2). Elevation or Floodproofing certifications are required for all other accessory structures in accordance with Section 18.4-3.
9. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
  - b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
  - c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 18.5-1(B)(2) of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
  - d. Tank inlets and valves. Tank inlets, fill openings, outlets and vents shall be:
    - (i.) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (ii.) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
10. Other Development.
- a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 18.8 of this Ordinance.
  - b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 18.8 of this Ordinance.
  - c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 18.8 of this Ordinance.

18.5-2 RESERVED

## **18.6 Standards for Floodplains Without Base Flood Elevation**

18.6-1 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATION.

- A. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 18.2-4(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the

following provisions, in addition to Section 18.5-1(A), shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a.) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 18.5-1(A) and (B).
  - (b.) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 18.5-1(B) and Section 18.8.
  - (c.) All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 18.2-4(B) to be utilized in implementing this Ordinance.
  - (d.) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the Reference Level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 3. All other applicable provisions of 18.5-1(B) shall also apply.

**18.7 Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-Encroachment Areas.**

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither Floodway nor Non-Encroachment Areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards outlined in Sections 18.5-1(A) and (B); and
- B. Until a regulatory Floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

**18.8 Floodways and Non-Encroachment Areas**

Areas designated as Floodways or Non-Encroachment Areas are located within the Special Flood Hazard Areas established in Section 18.2-4(B). The Floodways and Non-Encroachment Areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 18.5-1(A) and (B), shall apply to all development within such areas:

- 18.8-1 NO ENCROACHMENT. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
- A. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
  - B. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map



Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- 18.8-2 COMPLIANCE WITH FLOOD HAZARD REDUCTION PROVISIONS. If Section 18.8-1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.
- 18.8-3 REQUIREMENTS FOR MANUFACTURED HOMES. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met.
  - A. The anchoring and the elevation standards of 18.5-1(B)(3); and
  - B. The encroachment standards of Section 18.8-1.

**18.9 Standards for Areas of Shallow Flooding (Zone AO).**

Located within the Special Flood Hazard Areas established in Section 18.2-4(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 18.5-1(A) and (B), all new construction and substantial improvements shall meet the following requirements:

- 18.9-1 The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
- 18.9-2 Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 18.9-1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 18.4-3 and 18.5-1(B)(2).
- 18.9-3 Adequate drainage paths shall be provided around structures and on slopes, to guide floodwaters around and away from proposed structures.

**18.10 Standards for Areas of Shallow Flooding (Zone AH).**

Located within the Special Flood Hazard Areas established in Section 18.2-4(B), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Sections 18.5-1(A) and (B), all new construction and substantial improvements shall meet the following requirements:

- 18.10-1 Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**18.11 Corrective Procedures**

- 18.11-1 VIOLATIONS TO BE CORRECTED. When the Floodplain Administrator finds violations of applicable State and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- 18.11-2 ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - A. That the building or property is in violation of the floodplain management regulations;
  - B. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the

matter; and

- C. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

18.11-3 ORDER TO TAKE CORRECTIVE ACTION. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

18.11-4 APPEAL. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the City Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

FAILURE TO COMPLY WITH ORDER. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC-G.S. § 143-215.58 and shall be punished at the discretion of the court.

## 18.12 Variance Procedures

18.12-1 The Board of Adjustment as established by City of Creedmoor, hereinafter referred to as the “Board of Adjustment”, shall hear and decide requests for variances from the requirements of this Ordinance.

18.12-2 Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

18.12-3 Variances may be issued for:

- A. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Functionally dependent facilities if determined to meet the definition as stated in Article 3 of this Ordinance, provided provisions of 18.11-9(B), 18.11-9(C), and 18.11-9(E) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- C. Any other type of development provided it meets the requirements of this Section.

18.12-4 In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location as defined under Article 3 of this Ordinance as a functionally dependent facility, where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;

- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 18.12-5 A written report addressing each of the above factors shall be submitted with the application for a variance.
- 18.12-6 Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.
- 18.12-7 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- 18.12-8 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- 18.12-9 **CONDITIONS FOR VARIANCES.**
- A. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  - B. Variances shall not be issued within any designated Floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. Variances shall only be issued prior to development permit approval.
  - E. Variances shall only be issued upon:
    - 1. A showing of good and sufficient cause;
    - 2. A determination that failure to grant the variance would result in exceptional hardship; and
    - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 18.12-10 A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- A. The use serves a critical need in the community.
  - B. No feasible location exists for the use outside the Special Flood Hazard Area.
  - C. The Reference Level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - D. The use complies with all other applicable Federal, State and local laws.
  - E. The City of Creedmoor has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

### **18.13 Flood Control Appeals**

- 18.13-1 **AUTHORITY.** The Board of Adjustment shall hear and decide appeals and requests for variances from

the requirements of the flood control provisions of this Ordinance.

- 18.13-2 APPEAL AND VARIANCE CONSIDERATIONS. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and;
- A. the danger that materials may be swept onto other lands to the injury of others;
  - B. the danger to life and property due to flooding or erosion damage;
  - C. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D. the importance of the services provided by the proposed facility to the community;
  - E. the necessity to the facility of a waterfront location, where applicable;
  - F. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - G. the comparability of the proposed use with existing and anticipated development;
  - H. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - I. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - K. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
  - L. the effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

**18.14 Designation of Floodplain Administrator**

The Planning, Zoning and Subdivision Administrator, or his/her designee, hereinafter referred to as the "Floodplain Administrator" is hereby appointed to administer and implement the provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this Ordinance, the Floodplain Administrator shall be responsible for the coordination and the City of Creedmoor's overall compliance with the National Flood Insurance Program and the provisions of this Ordinance.

**18.15 Enforcement Officer**

18.15-1 ESTABLISHMENT OF ENFORCEMENT OFFICER. The Floodplain Administrator shall appoint an Enforcement Officer to enforce the provisions of this Ordinance.

18.15-2 ENFORCEMENT PROCEDURE. When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

**18.16 Notice of Violation**

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

- A. That the land, building, sign, structure, or use is in violation of this Ordinance;
- B. The nature of the violation, and citation of the section of this Ordinance violated; and
- C. The measures necessary to remedy the violation.

- 18.16-1 APPEAL. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.
- 18.16-2 ORDER OF CORRECTIVE ACTION. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.
- 18.16-3 FAILURE TO COMPLY WITH AN ORDER. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 8-4 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.
- 18.16-4 PENALTIES FOR VIOLATION. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Creedmoor from taking such other lawful action as is necessary to prevent or remedy any violation.

**18.17 Floodplain Administrator and/or Enforcement Officer Duties**

(A.) A “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this Ordinance. The Floodplain Administrator shall perform, but not be limited to, the following duties:

- 18.17-2 Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- 18.17-3 Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, State, and Federal permits have been received, and advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- 18.17-4 Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- 18.17-5 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- 18.17-6 Prevent encroachments into Floodways and Non-Encroachment Areas unless the certification and flood hazard reduction provisions of Section 18.8 are met.
- 18.17-7 Obtain actual elevation (in relation to NAVD 1988) of the Reference Level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 18.4-

- 3.
- 18.17-8 Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood-proofed, in accordance with Section 18.4-3.
- 18.17-9 Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 18.4-3.
- 18.17-10 When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sections 18.4-3 and 18.5-1(B)(2).
- 18.17-11 Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- 18.17-12 When Base Flood Elevation (BFE) data has not been provided in accordance with Section 18.2-4(B), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 18.6-1(B), in order to administer the provisions of this Ordinance.
- 18.17-13 When Base Flood Elevation (BFE) data is provided but no Floodway nor non-encroachment area data has been provided in accordance with Section 18.2-4(B), obtain, review, and reasonably utilize any Floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.
- 18.17-14 When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- 18.17-15 Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- 18.17-16 Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the City of Creedmoor and its ETJ at any reasonable hour for the purposes of inspection or other enforcement action.
- 18.17-17 Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.
- 18.17-18 Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- 18.17-19 Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the City

of Creedmoor. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- 18.17-20 Follow through with corrective procedures of Section 18.10.
- 18.17-21 Review, provide input, and make recommendations for variance requests.
- 18.17-22 Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with Section 18.2-4(B) of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- 18.17-23 Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

### **18.18 Flood Plain Development Application, Permit and Certification Requirement**

18.18-1 Application for Permit. On a property containing area of Special Flood Hazard, application for a Flood Plain Development Permit shall be made in accordance with 18.4-2 (Floodplain Development Permit).

18.18-2 Floodplain Development Permit

- A. Application Requirements: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:
- B. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  - 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - 2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 18.2-4(B), or a statement that the entire lot is within the Special Flood Hazard Area;
  - 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 18.2-4(B)
  - 4. The boundary of the Floodway(s) or non-encroachment area(s) as determined in Section 18.2-4(B);
  - 5. The base flood elevation (BFE) where provided as set forth in Sections 18.2-4(B) or 18.6;
  - 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - 7. Certification of the plot plan by a registered land surveyor or professional engineer.

18.18-3 Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- A. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
- B. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be flood-proofed; and
- C. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;

18.18-4 If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but is not limited to,

installation, exercise, and maintenance of floodproofing measures.

- A. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
- B. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
- C. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 18.5-1(B)(4)(3), when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- D. Usage details of any enclosed areas below the lowest floor.
- E. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- F. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- G. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 18.5-1(B)(6) and (7) of this Ordinance are met.
- H. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

18.18-5 Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

- A. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 18-2.4(B).
- C. The Regulatory Flood Protection Elevation required for the Reference Level and all attendant utilities.
- D. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the Floodway or non-encroachment area of any watercourse, unless the requirements of Section 18.8 have been met.
- G. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
- H. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- I. A statement that all materials below BFE/RFPE must be flood resistant materials.
- J. Certification of Floor Elevation/Floodproofing.

18.18-6 Certificate of Floor Elevation/Flood proofing. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with Section 18.4-3(B) (Certificate of Floor Elevation/Flood proofing).

18.18-7 Elevation Certificates

- A. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the Reference Level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review



shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- B. An Elevation Certificate (FEMA Form 086-0-33) is required after the Reference Level is established. Within seven (7) calendar days of establishment of the Reference Level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the Reference Level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.
- C. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the Reference Level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including the foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3 inches by 3 inches. Digital photographs are acceptable.

18.18-8 Floodproofing Certificate.

- A. If non-residential Floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the Floodproofed design elevation of the Reference Level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- B. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities,

in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to issuance of a Certificate of Compliance/Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

18.18-9 If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 18.5-1(B)(3)(2).

18.18-10 If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

18.18-11 Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/Floodproofing certification requirements specified in items (B) and (C) of this subsection:

- A. Recreational Vehicles meeting requirements of Section 18.5-1(B)(6)(a)
- B. Temporary Structures meeting requirements of Section 18.5-1(B)(7); and
- C. Accessory Structures less than 150 square feet or where the structure cost is less than \$3,000 and meeting requirements of Section 18.5-1(B)

18.18-12 DETERMINATION FOR EXISTING BUILDINGS AND STRUCTURES. For applications for zoning and/or building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Planning, Zoning, and Subdivision Administrator, and/or the Building Permit/Inspections Official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.

## **18.19 Provisions for Flood Hazard Reduction**

18.19-1 PROVISIONS FOR FLOOD HAZARD REDUCTION.

18.19-2 General Standards: In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
  - B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
  - C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
  - D. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
    - 1. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
    - 2. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
  - E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
  - G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 18.19-3 Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- 18.19-4 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 18.11-10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified according to Section 18.4-3 of this Ordinance.
- 18.19-5 All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- 18.19-6 All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 18.19-7 All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 18.19-8 All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or

State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- 18.19-9 When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- 18.19-10 When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- 18.19-11 Specific Standards: In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 18.2-4(B), or Section 18.6, the following provisions, in addition to Section 18.5, are required:
- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the Reference Level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 of this Ordinance.
  - B. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the Reference Level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 of this Ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 18.4-3, along with the operational plan and the inspection and maintenance plan.
  - C. Manufactured Homes.
    - 1. New and replacement manufactured homes shall be elevated so that the Reference Level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 3 (Definitions) of this Ordinance.
    - 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineer foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
    - 3. All enclosures or skirting below the lowest floor shall meet the requirements of 18.5-1(B)(4).
    - 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
  - D. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
    - 1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in

connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall not be temperature-controlled or conditioned;
3. Shall be constructed entirely of flood resistant materials at least to the Regulatory flood Protection Elevation; and
4. Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
5. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - i. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - ii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - iii. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
  - iv. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - v. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

18.19-12 Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space and that the City of Creedmoor will have the right to inspect the enclosed area. This agreement shall be recorded with the Granville County Register of Deeds and shall transfer with the property in perpetuity.

18.19-13 Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

18.19-14 Additions/Improvements.

- A. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
- B. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
- C. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- D. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to

comply with the standards for new construction.

- E. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
- F. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
- G. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- H. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
  - 1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official/inspector and that are the minimum necessary to assume safe living conditions.
  - 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

18.19-15 Recreational Vehicles. Recreational vehicles shall either:

- A. Temporary Placement.
  - 1. Be on site for fewer than 180 consecutive days; or
  - 2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
- B. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

18.19-16 Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;

- A. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- B. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- C. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

- D. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- E. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

18.19-17 Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- A. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- B. Accessory structures shall not be temperature-controlled;
- C. Accessory structures shall be designed to have low flood damage potential;
- D. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- E. Accessory structures shall be firmly anchored in accordance with Section 18.5-1(A)
- F. All service facilities such as electrical shall be installed in accordance with Section 18.5-1(A)(4).
- G. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with Section 18.5-1(B)(4)(c).
- H. An accessory structure with a footprint less than 150 square feet, or that is a minimal investment of \$3,000 or less, and that satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 18.5-1(B)(2). Elevation or Floodproofing certifications are required for all other accessory structures in accordance with Section 18.4-3.

18.19-18 Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- B. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- C. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 18.5-1(B)(2) of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- D. Tank inlets and valves. Tank inlets, fill openings, outlets and vents shall be:
  - 1. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

18.19-19 Other Development.

- A. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 18.8 of this Ordinance.
- B. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 18.8 of this Ordinance.
- C. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 18.8 of this Ordinance.

**18.20 Standards for Floodplains Without Base Flood Elevation**

**18.20-1 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATION.**

- A. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 18.2-4(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 18.5-1(A), shall apply:
  - 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 18.5-1(A) and (B).
- C. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 18.5-1(B) and Section 18.8.
- D. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 18.2-4(B) to be utilized in implementing this Ordinance.
- E. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the Reference Level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 3. All other applicable provisions of 18.5-1(B) shall also apply.

**18.21 Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-Encroachment Areas.**

- 18.21-1 Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither Floodway nor Non-Encroachment Areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
- A. Standards outlined in Sections 18.5-1(A) and (B); and
  - B. Until a regulatory Floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be



permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

### **18.22 Floodways and Non-Encroachment Areas**

18.22-1 Areas designated as Floodways or Non-Encroachment Areas are located within the Special Flood Hazard Areas established in Section 18.2-4(B). The Floodways and Non-Encroachment Areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 18.5-1(A) and (B), shall apply to all development within such areas:

18.22-2 NO ENCROACHMENT. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

- A. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
- B. Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

18.22-3 COMPLIANCE WITH FLOOD HAZARD REDUCTION PROVISIONS. If Section 18.8-1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.

18.22-4 REQUIREMENTS FOR MANUFACTURED HOMES. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met.

- A. The anchoring and the elevation standards of 18.5-1(B)(3); and
- B. The encroachment standards of Section 18.8-1.

### **18.23 Standards for Areas of Shallow Flooding (Zone AO).**

18.23-1 Located within the Special Flood Hazard Areas established in Section 18.2-4(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 18.5-1(A) and (B), all new construction and substantial improvements shall meet the following requirements:

- A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

18.23-2 Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 18.9-1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 18.4-3 and 18.5-1(B)(2).

18.23-3 Adequate drainage paths shall be provided around structures and on slopes, to guide floodwaters around and away from proposed structures.

### **18.24 Standards for Areas of Shallow Flooding (Zone AH).**

18.24-1 Located within the Special Flood Hazard Areas established in Section 18.2-4(B), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Sections 18.5-1(A) and (B), all new construction and substantial improvements shall meet the following requirements:

18.24-2 Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

### **18.25 Corrective Procedures**

18.25-1 VIOLATIONS TO BE CORRECTED. When the Floodplain Administrator finds violations of applicable State and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

18.25-2 ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- A. That the building or property is in violation of the floodplain management regulations;
- B. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- C. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

18.25-3 ORDER TO TAKE CORRECTIVE ACTION. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

18.25-4 APPEAL. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the City Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

18.25-5 FAILURE TO COMPLY WITH ORDER. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC-G-S- § 143-215.58 and shall be punished at the discretion of the court.

## 18.26 Variance Procedures

18.26-1 The Board of Adjustment as established by City of Creedmoor, hereinafter referred to as the "Board of Adjustment", shall hear and decide requests for variances from the requirements of this Ordinance.

18.26-2 Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

18.26-3 Variances may be issued for:

- A. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Functionally dependent facilities if determined to meet the definition as stated in Article 3 of this Ordinance, provided provisions of 18.11-9(B), 18.11-9(C), and 18.11-9(E) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- C. Any other type of development provided it meets the requirements of this Section.

18.26-4 In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location as defined under Article 3 of this Ordinance as a functionally dependent facility, where applicable;

- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - G. The compatibility of the proposed use with existing and anticipated development;
  - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 18.26-5 A written report addressing each of the above factors shall be submitted with the application for a variance.
- 18.26-6 Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.
- 18.26-7 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- 18.26-8 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- 18.26-9 CONDITIONS FOR VARIANCES.
- A. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  - B. Variances shall not be issued within any designated Floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. Variances shall only be issued prior to development permit approval.
  - E. Variances shall only be issued upon:
    1. A showing of good and sufficient cause;
    2. A determination that failure to grant the variance would result in exceptional hardship; and
    3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 18.26-10A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- A. The use serves a critical need in the community.
  - B. No feasible location exists for the use outside the Special Flood Hazard Area.
  - C. The Reference Level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - D. The use complies with all other applicable Federal, State and local laws.
  - E. The City of Creedmoor has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

**18.27 Flood Control Appeals**

- 18.27-1 AUTHORITY. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.
- 18.27-2 APPEAL AND VARIANCE CONSIDERATIONS. In passing upon such applications, the Board of

Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and;

- A. the danger that materials may be swept onto other lands to the injury of others;
- B. the danger to life and property due to flooding or erosion damage;
- C. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. the importance of the services provided by the proposed facility to the community;
- E. the necessity to the facility of a waterfront location, where applicable;
- F. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. the comparability of the proposed use with existing and anticipated development;
- H. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- I. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- K. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
- L. the effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

#### **18.28 Designation of Floodplain Administrator**

18.28-1 The Planning, Zoning and Subdivision Administrator, or his/her designee, hereinafter referred to as the "Floodplain Administrator" is hereby appointed to administer and implement the provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this Ordinance, the Floodplain Administrator shall be responsible for the coordination and the City of Creedmoor's overall compliance with the National Flood Insurance Program and the provisions of this Ordinance.

#### **18.29 Enforcement Officer**

- 18.29-1 ESTABLISHMENT OF ENFORCEMENT OFFICER. The Floodplain Administrator shall appoint an Enforcement Officer to enforce the provisions of this Ordinance.
- 18.29-2 ENFORCEMENT PROCEDURE. When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

#### **18.30 Notice of Violation**

- 18.30-1 If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:
- A. That the land, building, sign, structure, or use is in violation of this Ordinance;
  - B. The nature of the violation, and citation of the section of this Ordinance violated; and
  - C. The measures necessary to remedy the violation.
- 18.30-2 APPEAL. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.
- 18.30-3 ORDER OF CORRECTIVE ACTION. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in

violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

18.30-4 FAILURE TO COMPLY WITH AN ORDER. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 8-4 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

18.30-5 PENALTIES FOR VIOLATION. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Creedmoor from taking such other lawful action as is necessary to prevent or remedy any violation.

### **18.31 Floodplain Administrator and/or Enforcement Officer Duties**

18.31-1 A "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Ordinance. The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, State, and Federal permits have been received, and advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- C. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments into Floodways and Non-Encroachment Areas unless the certification and flood hazard reduction provisions of Section 18.8 are met.
- F. Obtain actual elevation (in relation to NAVD 1988) of the Reference Level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 18.4-3.
- G. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood-proofed, in accordance with Section 18.4-3.
- H. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 18.4-3.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sections 18.4-3 and 18.5-1(B)(2).
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

- K. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 18.2-4(B), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 18.6-1(B), in order to administer the provisions of this Ordinance.
- L. When Base Flood Elevation (BFE) data is provided but no Floodway nor non-encroachment area data has been provided in accordance with Section 18.2-4(B), obtain, review, and reasonably utilize any Floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.
- M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the City of Creedmoor and its ETJ at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the City of Creedmoor. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of Section 18.10.
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with Section 18.2-4(B) of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).



## ARTICLE 19

# Watershed Protection Ordinance

[Amended November 20, 2018 per Ord. 2018-O-09, ZTA-2018-05]

### SECTION 1: GENERAL PROVISIONS

#### 19.1 Title

This Ordinance shall be officially known as “The Creedmoor Watershed Protection Ordinance”, but it may also be referred to as “The Stormwater Ordinance” and may be referred to herein as “this Ordinance.”

#### 19.2 Purpose and Authority

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of issues related to increased stormwater runoff and nonpoint and point source pollution, buffer protection, and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-Development stormwater runoff, illicit discharges, and buffer protection will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This Ordinance also applies to all properties within the City of Creedmoor and its extraterritorial jurisdiction, regardless of whether the property is currently being ‘developed’ or not.

The City Board of Commissioners of the City of Creedmoor is authorized to adopt this Ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes §143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter §160A-174, §160A-185; and 15A NCAC 02B .0275 through 15A NCAC 02B .0235 and .0315. [The City of Creedmoor has the authority to enact and enforce stormwater control, stormwater management, National Pollutant Discharge Elimination System \(NPDES\), illicit discharge and detection and elimination, construction related stormwater runoff controls, water supply watershed management and protection, and associated regulations related to the protection and control of water quality, per G.S. 160D-925 and G.S. 160D-926.](#)

#### 19.3 Findings

It is hereby determined that:

- 19.3-1 Development and Re-Development permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;
- 19.3-2 These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and
- 19.3-3 These effects can be managed and minimized by applying appropriate design of Stormwater Control Measures (SCMs) and well-planned controls to manage stormwater runoff and associated nutrients from Development sites.
- 19.3-4 Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and Federal NPDES Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission (EMC) promulgated in response to Federal NPDES Phase II permit requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this Ordinance. Further, the EMC has identified Falls of Neuse reservoir, a water supply reservoir, as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the Federal Clean Water Act due to exceedances of the chlorophyll-a standard; and has promulgated a nutrient management strategy (the “Falls Rules”) to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new and existing development in this jurisdiction;



- 19.3-5 Therefore, the City of Creedmoor ~~City~~ Board of Commissioners establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

#### **19.4 Specific**

This Ordinance seeks to meet its general purpose through the following specific objectives and means:

- 19.4-1 Establishing decision-making processes for new development that protects the integrity of watersheds and preserves the health of water resources.
- 19.4-2 Requiring that new Development and Re-Development maintain the pre-Development hydrologic response in their post-Development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution, and to maintain the integrity of stream channels and aquatic habitats;
- 19.4-3 Establishing minimum post-Development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- 19.4-4 Establishing design and review criteria for the construction, function, and use of structural ~~stormwater~~ Stormwater Control Measures (SCMs) also known as Best Management Practices (BMPs) that may be used to meet the minimum post-Development stormwater management standards;
- 19.4-5 Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
- 19.4-6 Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural Stormwater Control Measures (SCMs) to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
- 19.4-7 Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.
- 19.4-8 Coordinating site design plans that include open space and natural areas with the City of Creedmoor Development Ordinance and the Comprehensive Land Development Plan, and any other plans as adopted by the City of Creedmoor.
- 19.4-9 Controlling illicit discharges into the municipal separate stormwater system (MS4).
- 19.4-10 Controlling erosion and sedimentation from construction activities.
- 19.4-11 Assigning responsibility and processes for approving the creation and maintenance of adequate drainage and flood damage prevention measures.

#### **19.5 Applicability and Jurisdiction**

- 19.5-1 GENERAL. Beginning with and subsequent to its effective date, this Ordinance shall be applicable to all properties in the City of Creedmoor and its extraterritorial jurisdiction, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 19-5.2 of this Section, Exemptions. Properties need not be “under development” to be subject to the standards of this Ordinance. No subdivision of land shall be filed or recorded by the Register of Deeds until the plat has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such a plat would be in conflict with this Article.
- 19.5-2 EXEMPTIONS. The following are exempt from the requirements of this Article. The exemption shall not be construed to permit uses prohibited in the primary and/or overlay zoning district, or otherwise prohibited by this Ordinance.
- A. Single family and duplex residential development and redevelopment that cumulatively disturbs less than one half (1/2) acre and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

- B. Commercial, industrial, institutional, multifamily residential or local government development and redevelopment that cumulatively disturbs less than 12,000 square feet and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.
  - C. Development and redevelopment that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.
  - D. Development that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.
  - E. No lot or property shall be exempt from the buffer protection requirements of this Ordinance.
- 19.5-3 NO DEVELOPMENT OR RE-DEVELOPMENT UNTIL COMPLIANCE AND PERMIT. No Development or Re-Development shall occur except in compliance with the provisions of this Ordinance or unless exempted. No Development for which a permit is required pursuant to this Ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.
- 19.5-4 MAP. The provisions of this Article shall apply within the areas designated on the map titled "Falls Lake Watershed Stormwater Map of the City of Creedmoor, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this Ordinance and the geographic location of all structural SCMs permitted under this Ordinance. In the event of a dispute, the applicability of this Ordinance to a particular area of land or SCM shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.
- 19.5-5 DEFINITIONS. Definitions may be found in Article 3 "Definitions."
- 19.5-6 ESTABLISHMENT OF WATERSHED AREAS. For purposes of this article, the City and its extraterritorial jurisdiction are hereby divided into the following areas, as appropriate:
- WS-II-C (Critical Area)
  - WS-II-NSW (Nutrient Sensitive Waters)
  - WS-IV-NSW (Nutrient Sensitive Waters)
- 19.5-7 WATERSHED AREAS DESCRIBED.
- A. WS-II Watershed Areas – Critical Area (WS-II-C-NSW)
    - Low Density Option – In order to maintain a predominantly undeveloped land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of six percent (6%) built-upon area.
    - High Density Option – All residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area.
  - B. WS-II Watershed Areas – Balance of Watershed (WS-II-NSW)
    - Low Density Option – In order to maintain a predominantly undeveloped land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of twelve percent (12%) built-upon area.
    - High Density Option – All residential and non-residential development shall not exceed thirty-six percent (36%) built-upon area.
  - C. WS-IV Watershed Areas – Balance of Watershed (WS-IV-NSW)
    - Low Density Option – In order to maintain a predominantly moderate to high land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.
    - High Density Option – All residential and non-residential development shall not exceed seventy percent (70%) built-upon area.
- 19.5-8 CALCULATION OF PROJECT DENSITY. The following requirements shall apply to the calculation of project density:
- A. Project density for new development shall be calculated as the total built-upon area divided by the total project area.

- B. A project involving existing development shall have the option of calculating project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
- 19.5-9 LOW DENSITY DESIGN STANDARDS. Low density projects shall meet the following minimum design criteria:
- A. Density Thresholds. Low density projects shall not exceed the low density development thresholds set forth in this Article.
  - B. Dispersed Flow. Projects shall be designed to maximize diffuse dispersed flow through vegetated areas and minimize channelization of flow;
  - C. Vegetated Conveyances: Stormwater that cannot be released as diffuse dispersed flow shall be transported by vegetated conveyances. A minimal amount of non-vegetated conveyances for erosion protection or piping for driveways or culverts under a road shall be allowed when it cannot be avoided. Vegetated conveyances shall meet the following requirements:
    - 1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the Stormwater Administrator that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation.
    - 2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm as demonstrated by engineering calculations.
  - D. Curb Outlet Systems. Low density projects may use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems are as follows:
    - 1. The curb outlets shall be designed such that the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity;
    - 2. The longitudinal slope of the swale or vegetated area shall not exceed five percent (5%), where practicable. Where not practical due to physical constraints, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
    - 3. The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet;
    - 4. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
    - 5. The minimum length of the swale or vegetated area shall be 100 feet; and
    - 6. Low density projects may use treatment swales designed pursuant to 15A NCAC 02H .1061 in lieu of the requirements specified in Part (1) through (5).
- 19.5-10 High Density Design Standards. High density projects are projects that exceed low density development thresholds as defined in this Article. High density projects shall meet the following minimum design criteria:
- A. Treatment Requirements. SCMs shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 2H .1002.
  - B. Offsite stormwater. Stormwater runoff from offsite and existing development that predates the effective date of the adoption of the Falls Rules (July 1, 2012) is not required to be treated in the SCM. Runoff from offsite areas or existing development that is not bypassed shall be included in the sizing of onsite SCMs at full build out potential.
  - C. Offsite SCM. A project that is part of a larger common plan of development or sale that controls runoff through an offsite SCM shall be reviewed on a case by case basis by the Stormwater Administrator in order to determine if the offsite device meets the provisions of this Article.
  - D. Replacement and expansion of Existing Development. Expansions to existing development shall be subject to this Article. Where there is a net increase built-upon area, only the area of net increase shall be subject to this Article. Where existing development is being replaced with new built-upon area, and there is an increase of built-upon area, only the area of net increase shall be subject to this Article.

- E. Minimum Design Criteria (MDC) for Stormwater Control Measures (SCMs). SCMs shall meet all relevant MDC set forth in 15A NCAC 2H .1050 through .1062 except in accordance to either a minor watershed variance, granted by the Board of Adjustment following procedures found in Article 6 (Variances and Administrative Appeal), or a major watershed variance granted by the NC Environmental Management Commission.

## **19.6 Interpretation**

- 19.6-1 MEANING AND INTENT. All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general and specific purposes set forth in Section 19.2, Purpose and Authority. If a different or more specific meaning is given for a term defined elsewhere in the City of Creedmoor Development Ordinance, the meaning and application of the term in this Ordinance shall control for purposes of application of this Ordinance.
- 19.6-2 TEXT CONTROLS IN EVENT OF CONFLICT. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- 19.6-3 AUTHORITY FOR INTERPRETATION. The Stormwater Administrator has authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this Ordinance.
- 19.6-4 REFERENCES TO STATUTES, REGULATIONS, AND DOCUMENTS. Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the NC Department of Environmental Quality Stormwater Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
- 19.6-5 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 City of Creedmoor, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City of Creedmoor. References to days are calendar days unless otherwise stated.

## **19.7 Delegation of Authority**

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of City of Creedmoor may be carried out by his or her designee.

## **19.8 Usage**

- 19.8-1 MANDATORY AND DISCRETIONARY TERMS. The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.
- 19.8-2 CONJUNCTIONS. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions and events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.
- 19.8-3 TENSE, PLURALS, AND GENDER. Words used in the present tense include the future tense. 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. Words used in the masculine gender include the feminine gender, and vice versa.

## **19.9 Measurement and Computation**

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site. Lot area does not include those portions of a lot or tract of land lying within a public street and/or roadway right-of-way existing upon the effective date of this Ordinance.

## **19.10 Design Manual**

19.10-1 REFERENCES TO DESIGN MANUAL. The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the most recent edition of the *NC Department of Environmental Quality Stormwater Design Manual* (hereinafter referred to as the Stormwater Design Manual) as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater SCMs.

The Stormwater Design Manual includes a list of acceptable stormwater control measures, including specific minimum design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Falls Lake Nutrient Management Strategy (the Falls Rules).

19.10-2 RELATIONSHIP OF STORMWATER DESIGN MANUAL TO OTHER LAWS AND REGULATIONS. If the specifications or guidelines of the Stormwater Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Stormwater Design Manual.

19.10-3 CHANGES TO STANDARDS AND SPECIFICATIONS. If the standards, specifications, guidelines, policies, criteria, or other information in the Stormwater Design Manual are amended subsequent to the submittal of an application for approval pursuant to this Ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Ordinance with regard to the application.

## **19.11 Relationship to Other Laws, Regulations and Private Agreements**

19.11-1 CONFLICTS OF LAWS. This Ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

19.11-2 PRIVATE AGREEMENTS. This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this Ordinance. In no case shall the City of Creedmoor be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

## **19.12 Severability**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

## **19.13 Effective Date and Transitional Provisions**

19.13-1 EFFECTIVE DATE. This Article shall take effect on the same date as the larger document, known as the Creedmoor Development Ordinance, of which this Article is a part, shall become effective.

19.13-2 FINAL APPROVALS. Complete Applications. All Development and Re-Development projects for which complete and full applications were submitted and approved by the City of Creedmoor prior to the effective date of this Ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of Development or Re-Development shall be exempt from complying with all provisions of this Ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions, including but not limited

to illicit discharge provisions.

A phased development plan shall be deemed approved prior to the effective date of this Ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

- A. For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
- B. For any subsequent phase of development, sufficient detail so that implementation of the requirements of this Ordinance to that phase of development would require a material change in that phase of the plan.

19.13-3 VIOLATIONS CONTINUE. Any violation of provisions existing on the effective date of 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.

## **SECTION 2: ADMINISTRATION AND PROCEDURES**

### **19.14 Review and Decision-Making Entities**

19.14-1 STORMWATER ADMINISTRATOR.

19.14-2 Stormwater Administrator shall be designated by the City of Creedmoor Board of Commissioners to administer and enforce this Article. POWERS AND DUTIES. In addition to the powers and duties that may be conferred by other provisions of the City of Creedmoor Development Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this Ordinance.

- A. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this Ordinance and the NC Department of Environmental Quality Stormwater Design Manual.
- B. To make determinations and render interpretations of this Ordinance that are consistent with the NC Department of Environmental Quality Stormwater Design Manual, the North Carolina General Statutes, and any other applicable law, as may be amended from time to time.
- C. To receive and review for completeness permit and appeal applications pursuant to this Ordinance, provided that no application(s) shall be accepted later than two (2) weeks prior to the date on which such application(s) are to be reviewed for approval.
- D. To review and make recommendations to the City Board of Commissioners on applications for Development or Re-Development approvals.
- E. To enforce the provisions of this Ordinance in accordance with its enforcement provisions.
- F. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this Ordinance.
- G. To provide expertise and technical assistance to the City Board of Commissioners, upon request.
- H. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- I. To take any other action necessary to administer the provisions of this Ordinance.

Notwithstanding the foregoing, the Stormwater Administrator shall exercise all powers and duties delegated to the Stormwater Administrator in a manner consistent with the provisions of this Ordinance, the NC Department of Environmental Quality Stormwater Design Manual, the North Carolina General Statutes, and any other applicable local, state, or federal law.

### **19.15 Review Procedures**

19.15-1 PERMIT REQUIRED; MUST APPLY FOR WATERSHED APPROVAL (OR PERMIT). An approved Watershed Plan (which may be used interchangeably with the term "stormwater permit" or "permit") is required for all development and re-development unless exempt pursuant to this Ordinance. Approval may only be issued subsequent to a properly submitted and reviewed permit application, or plan, pursuant to this section.

19.15-2 EFFECT OF PERMIT. A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural Stormwater Control Measures (SCMs) also known as Best Management Practices (BMPs) and elements of site design for stormwater management other than structural devices.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the Development or Re-Development site consistent with the requirements of this Ordinance, whether the approach consists of structural SCMs or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this Ordinance.

19.15-3 AUTHORITY TO FILE APPLICATIONS. All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land owner or the land owner's duly authorized agent. An original signature of the property owner or the owner's duly authorized agent shall be required on the cover sheet of the site plan submittal or application.

19.15-4 APPLICATION CONTENTS AND FORM. The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance.

19.15-5 SUBMISSION SCHEDULE. The Stormwater Administrator shall establish a submission schedule for applications. No application(s) shall be accepted later than two (2) weeks prior to the date on which such application(s) are to be reviewed for approval.

19.15-6 REVIEW FEES. The City Board of Commissioners shall establish review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

ADMINISTRATIVE MANUAL. For applications required under this Article, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this Ordinance, and information on how and where to obtain the NC DEQ Stormwater Design Manual in an Administrative Manual, which shall be made available to the public.

19.15-7 SUBMITTAL OF COMPLETE APPLICATION. Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when a complete application pursuant to this Ordinance, along with the appropriate fee, is delivered to the Stormwater Administrator by the deadline established by the submission schedule detailed above. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

19.15-8 REVIEW. The Stormwater Administrator shall review the application and determine whether the application complies with the standards of this Ordinance.

19.15-9 APPROVAL. If the Stormwater Administrator finds that the application complies with the standards of this Ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this Ordinance. The conditions shall be included as part of the approval.

19.15-10 APPLICATION FAILS TO COMPLY. If the Stormwater Administrator finds that the application fails to comply with the standards of this Ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

19.15-11 REVISION AND SUBSEQUENT REVIEW. A complete revised application shall be reviewed by the Stormwater Administrator after its re-submittal and shall be approved, approved with conditions, or

disapproved.

If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

Up to two (2) re-submittals of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the second re-submittal shall be accompanied by an additional review fee, as established pursuant to this Ordinance.

#### **19.16 Applications for Approval**

- 19.16-1 **CONCEPT PLAN AND CONSULTATION MEETING.** Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer shall request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed Development project. This consultation meeting shall take place prior to or at the time of the initial sketch plan submittal for preliminary plan/plat of subdivision or other early step in the Development process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the City of Creedmoor Development Ordinance, any adopted comprehensive land use plan as amended from time to time, and other relevant resource protection plans should be consulted in the discussion of the concept plan. Fees for such a meeting shall be required.
- To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:
- 19.16-2 **CONDITIONS / PROPOSED SITE PLANS.** Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- 19.16-3 **NATURAL RESOURCES INVENTORY.** A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for Development and stormwater management.
- 19.16-4 **STORMWATER MANAGEMENT SYSTEM CONCEPT PLAN.** A written or graphic concept plan of the proposed post-Development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; any proposed low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.
- 19.16-5 **STORMWATER MANAGEMENT PERMIT APPLICATION.** The stormwater management permit application shall detail how post-Development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this Ordinance, including "Section 3, Standards". All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, or landscape architect, and the engineer, surveyor, or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications,



that the designs and plans are sufficient to comply with applicable standards found in the NCDEQ Stormwater Design Manual, and that the designs and plans ensure compliance with this Ordinance. The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 19.15-10 (Application Fails to Comply).

- 19.16-6 AS-BUILT PLANS AND FINAL APPROVAL. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. [The stormwater system “as built” plans shall be on their own sheet and separate from other utility plans, including but not limited to water and sewer lines.](#) The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.
- 19.16-7 OTHER PERMITS. No certificate of compliance or occupancy shall be issued by the City of Creedmoor or Granville County without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the City of Creedmoor or Granville County may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.
- 19.16-8 PLANS REQUIRED FOR BUFFER ENCROACHMENTS. Site plans, prepared by a licensed professional engineer, professional land surveyor, or landscape architect, as well as letters of approval for 401 buffer encroachments approved by NCDEQ and accompanying 404 approvals by the US Army Corps of Engineers (if applicable) are required to be submitted to the City of Creedmoor prior to any encroachment into a required riparian buffer. Fees may apply to such a review by the City of Creedmoor.

### **19.17 Approvals**

- 19.17-1 EFFECT OF APPROVAL. Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.
- 19.17-2 TIME LIMIT/EXPIRATION/EXTENSION. An approved plan shall become null and void if the applicant fails to make substantial progress (i.e. building permits must be open and active) on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

### **19.18 Appeals**

- 19.18-1 FILING OF APPEAL AND PROCEDURES. Appeals of decisions by the Stormwater Administrator shall be made to the Board of Adjustment and shall be taken within 30 days by filing a notice of appeal with the Stormwater Administrator and specifying the grounds for appeal on forms provided by the City of Creedmoor. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken. The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.
- 19.18-2 REVIEW BY SUPERIOR COURT. Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

- A. The decision of the Board of Adjustment is filed; or
- B. A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Chair of the Board of Adjustment at the time of its hearing of the case.

### **SECTION 3: STANDARDS**

#### **19.19 General Standards**

All development and redevelopment to which this ordinance applies shall comply with the standards of this section. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

#### **NITROGEN AND PHOSPHORUS LOADING**

- A. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.
- B. Notwithstanding 15A NCAC 2B.104(q), redevelopment subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.
- C. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the NCDEQ-approved Stormwater Nutrient Accounting Tool (SNAP).

#### **NITROGEN AND PHOSPHORUS STANDARD IS SUPPLEMENTAL**

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

#### **CONTROL AND TREATMENT OF RUNOFF VOLUME**

Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the NCDEQ Stormwater Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year/24-hour storm event.

#### **PARTIAL OFFSET OF NUTRIENT CONTROL REQUIREMENTS**

Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

1. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
2. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
3. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
4. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.

5. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this Ordinance may either achieve the additional reductions in nitrogen and phosphorus loading required by this Article by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program, or may use an offset option provided by the City of Creedmoor. A developer may propose other offset measures to the City of Creedmoor, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

## **19.20 Standards for Stormwater Control Measures**

- 19.20-1 EVALUATION ACCORDING TO CONTENTS OF DESIGN MANUAL. All stormwater control measures and stormwater treatment practices (also commonly referred to as Best Management Practices, or BMPs) required under this Ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Stormwater Design Manual. The Stormwater Administrator shall determine whether proposed SCMs will be adequate to meet the requirements of this Ordinance.
- 19.20-2 DETERMINATION OF ADEQUACY; PRESUMPTIONS AND ALTERNATIVES. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Stormwater Design Manual shall be presumed to meet the minimum water quality and quantity performance standards of this Ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Stormwater Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this Ordinance as well as the requirements of the Falls Lake Nutrient Management Strategy (aka the Falls Rules) and all other applicable environmental regulations. The Stormwater Administrator shall require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.
- 19.20-3 NITROGEN AND PHOSPHORUS LOADING
  - A. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.
  - B. Notwithstanding 15A NCAC 2B.104(q), redevelopment subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.
  - C. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the approved Falls Rules accounting tool.
- 19.20-4 NITROGEN AND PHOSPHORUS STANDARD IS SUPPLEMENTAL

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.
- 19.20-5 CONTROL AND TREATMENT OF RUNOFF VOLUME

Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to

each practice as provided in the Stormwater Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year/24-hour storm event.

19.20-6 **PARTIAL OFFSET OF NUTRIENT CONTROL REQUIREMENTS**

Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

1. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
2. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
3. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
4. 50 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
5. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this ordinance may achieve the additional reductions in Nitrogen and Phosphorus loading required by this ordinance by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use the offset option provided by utilizing a private NCDEQ approved nutrient offset mitigation bank. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

19.20-7 **SURFACE WATER BUFFERS.**

Perennial and Intermittent Surface Water Buffers Required: A surface water buffer shall be maintained with a minimum width as specified in Table 19.20-9 (Surface Water Buffers) below and measured landward from the normal pool elevation of water supply impoundment and from the bank of each side of perennial and intermittent streams, lakes and ponds. These waters are indicated on the most recent version of either the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or the Soil Survey maps developed by the USDA Natural Resources Conservation Service (NRCS). In addition, other site specific evidence may indicate to the NC Department of Environmental Quality-Division of Water Resources (NCDEQ-DWR) the presence of waters not shown correctly on either of these two maps. Where these two maps show waters where no actual stream or waterbody exists, or where waters exist that are not shown on these maps, a developer may submit site-specific evidence in support of such claim to the NCDEQ-DWR for a determination of the presence and location of waters of the State, including streams.

**Table 19.20-9  
Surface Water Buffers**

15A NCAC 02B .0233 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS

Classification	Required Buffer
Perennial Surface Waters	50 feet

(Streams, Lakes, and Ponds)	Zone 1 30 Feet	Zone 2 20 Feet
Intermittent Surface Waters (Streams, Lakes and Ponds)	50 Feet	
	Zone 1 30 Feet	Zone 2 20 Feet

**BUFFER ZONES:** Under 15A NCAC 02B .0233, required surface water buffers consist of two zones as shown in Table 19.20-9. Zone 1 shall be the first 30 feet landward from the top of the stream bank or mean high water line of other water bodies. Zone 2 shall begin at the outer edge of Zone 1 and extend landward a minimum of 20 feet. Zones 1 shall be undisturbed except as designated in 15A NCAC 02B .0233 of the State’s Rules on Riparian Buffers. Zone 2 may be “maintained” but only if the landowner has obtained proper permits from NC DENR.

- A. Channelization: Channelization of perennial or intermittent streams shall be prohibited, except for access crossings, erosion control devices and runoff control devices.
- B. New Lots in the Surface Water Buffer: No new single-family or two-family residential lots shall be created which are entirely or partly contained within the surface water buffer.
- C. Removing vegetation in Buffers: Removal of trees, shrubs, or other vegetation from required undisturbed buffers may result in a Notice of Violation. This violation need not occur in conjunction solely with new development. Encroachment, unless approved by the City of Creedmoor, the US Army Corp of Engineers, the NCDEQ-DWR, or any combination of these entities, shall be deemed a violation of this Ordinance. Violators are required to reestablish trees, shrubs, and vegetation as required by the NCDEQ-DWR. Guidelines for reestablishment of riparian buffers may be obtained from NCDEQ-DWR.

**19.21 RESERVED.**

**19.22 Variances and Modifications**

**19.22-1 WATERSHED VARIANCES**

- A. Minor Variances.  
The Board of Adjustment shall review and decide requests for minor variances to the standards and restrictions pertaining to Watershed Protection. Procedures for minor watershed variances are set forth in Article 6.1, Variances.
- B. Major Variances.  
Requests for major variances to the standards and restrictions pertaining to Article 19 (Watershed Protection) shall be to the N.C. Environmental Management Commission (EMC), following review and favorable recommendation by City Board of Adjustments in accordance with the procedure set forth in Article 6.1. The major variance request shall be forwarded to the EMC with a report containing the findings of fact for City Board of Adjustment’s favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Board of Adjustment’s hearing of the request. Requests for major variances that do not receive a favorable recommendation shall be deemed denied and shall not be forwarded to the EMC.
- C. Annual Report of Watershed Variances. The Stormwater Administrator shall keep a record of all watershed variances and this record shall be submitted for each calendar year to the North Carolina Division of Water Resources in accordance with Section 19.22, Watershed Variances and Modifications.
- D. Conditions. In approving a minor watershed variance, the Board of Adjustment may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property will be compatible with surrounding properties and will not alter the essential character of the neighborhood. Violations of conditions and safeguards that are part of the terms of a variance shall be deemed a violation of this Ordinance.
- E. Appeals. Appeals may be made pursuant to Section 19.18-2, Review by Superior Court.
- F. Duration. An approved minor watershed variance is part of an approved plan and shall have the

same duration as the plan approval.

## **SECTION 4: MAINTENANCE**

### **19.23 General Standards for Maintenance**

#### **A. Function of SCMs as Intended.**

The owner of each structural SCM installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

#### **B. Annual Maintenance Inspection and Report.**

The person responsible for ownership and maintenance of any structural SCM installed pursuant to this Ordinance shall be required to submit to the Stormwater Administrator an annual inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following.

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each structural SCM;
3. A statement that an inspection was made of all structural SCMs;
4. The date the inspection was made;
5. A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Ordinance; and
6. The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning July 1 of the year of as-built certification and each year thereafter on or before July 1.

### **19.24 Operation and Maintenance Agreement**

#### **A. In General.**

Prior to the conveyance or transfer of any lot or building site to be served by a structural SCM pursuant to this Ordinance, and prior to issuance of any permit for Development or Re-Development requiring a structural SCM pursuant to this Ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural SCM. Until the transference of all property, sites, or lots served by the structural SCM, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. Agreements made for the purpose of assigning responsibility for operations and maintenance to anyone other than the original applicant and/or owner shall be three party agreements requiring the approval by the City of Creedmoor prior to assignment. Assignment of responsibilities without prior approval are a violation of this Ordinance and shall be deemed null and void for the purposes of the requirements of this Ordinance.

The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural SCM, and shall state the terms, conditions, and schedule of maintenance for the structural SCM. In addition, it shall grant to the City of Creedmoor a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural SCM; however, in no case shall the right of entry, of itself, confer an obligation on the City of Creedmoor to assume responsibility for the structural SCM.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

#### **B. Special Requirement for Homeowners' and Other Associations.**

For all structural SCMs required pursuant to this Ordinance and that are to be or are owned and maintained by a homeowners' association (HOA), property owners' association (POA), or similar entity, the required operation and maintenance agreement shall include all of the following provisions.

1. Acknowledgment that the association and its heirs, successors, or assigns shall continuously operate

- and maintain the stormwater control and management facilities for a period of not less than 30 years.
2. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs. If structural SCMs are not performing adequately or as intended or are not properly maintained, the City of Creedmoor, in its sole discretion, may remedy the situation, and in such instances the City of Creedmoor shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural SCMs, provided that the City of Creedmoor shall first consent to the expenditure.
  3. The City of Creedmoor requires that both developer contribution and annual membership funds fund the escrow account. Prior to final plat recordation, the developer shall pay into the escrow account an amount equal to fifteen (15%) per cent of the initial construction cost of the structural SCMs, based on a cost estimate from a professional engineer (signed and sealed by the engineer). Two-thirds (2/3) of the total amount of fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the structural BMPs. Funds calculated to meet these funding thresholds shall be deposited each year into the escrow account. A portion of the annual membership assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the fund budget.
  4. The percent of developer contribution and lengths of time to fund the escrow account may be varied by the engineer's cost estimate, depending on the design and materials of the stormwater control and management facility.
  5. Granting to the City of Creedmoor a right of entry to inspect, monitor, maintain, repair, and reconstruct structural SCMs.
  6. Allowing the City of Creedmoor to recover from the association and its members any and all costs the City of Creedmoor expends to maintain or repair the structural SCMs or to correct any operational deficiencies. Failure to pay the City of Creedmoor all of its expended costs, after forty-five days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the City of Creedmoor shall thereafter be entitled to bring an action against the association and its members to pay. Failure to pay shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.
  7. A statement that this agreement shall not obligate the City of Creedmoor to maintain or repair any structural SCMs, and the City of Creedmoor shall not be liable to any person for the condition or operation of structural SCMs.
  8. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City of Creedmoor to enforce any of its ordinances as authorized by law.
  9. A provision indemnifying and holding harmless the City of Creedmoor for any costs and injuries arising from or related to the structural SCM, unless the City of Creedmoor has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.
  10. HOA and POA documents shall also address how the required buffers shall be maintained and preserved.

19.24-1 **INSPECTION PROGRAM.**

Inspections and inspection programs by the City of Creedmoor shall be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs.

The City of Creedmoor reserves the right to require owners to hire a registered professional engineer licensed to practice in the state of North Carolina for the purposes of inspecting devices in the event that the City of Creedmoor cannot access the SCM or for the purposes of certified sediment levels, soil medium efficiency, or other requirements to ensure that the SCM is operating as designed.

If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

19.24-2 **PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE**

The City of Creedmoor may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the structural SCMs are:

- A. Installed by the permit holder as required by the approved stormwater management plan, and/or
- B. Maintained by the owner as required by the operation and maintenance agreement.

The amount of an installation performance security shall be the total estimated construction cost of the SCMs approved under the permit, plus a contingency amount to be determined by the City of Creedmoor, not to exceed 125% of the total project cost.

The amount of a maintenance performance surety shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual costs of inspection, operation and maintenance of the SCMs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation. This estimate shall be based on a cost estimate prepared (and signed and sealed) by a professional engineer licensed to operate in North Carolina.

The performance surety shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this Ordinance, approvals issued pursuant to this Ordinance, or an operation and maintenance agreement established pursuant to this Ordinance.

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural SCM in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City of Creedmoor shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

If the City of Creedmoor takes action upon such failure by the applicant or owner, the City of Creedmoor may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus % contingency) of ongoing construction associated with the SCMs covered by the surety (i.e.- Landscaping). Any such ongoing construction or landscaping shall be inspected within six (6) months after installation for compliance with the approved plans and specifications and, if in compliance, the portion of the financial surety attributable to landscaping shall be released.

19.24-3 **NOTICE TO OWNERS**

The applicable operations and maintenance agreement, or conservation easement pertaining to every structural SCM and required buffers shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval.

19.24-4 **RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.**

The owner of each structural SCM shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable



- request to the Stormwater Administrator.
- 19.24-5 **NUISANCE.**  
The owner of each stormwater SCM, whether structural or non-structural SCM, shall maintain it so as not to create or result in a nuisance condition.
- 19.24-6 **MAINTENANCE EASEMENT**  
Every structural SCM installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by an access easement. The easement shall be recorded on a final plat at the Granville County Register of Deeds.

## **SECTION 5: ENFORCEMENT AND VIOLATIONS**

### **19.25 General**

A. Authority to Enforce.

The provisions of this Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the City of Creedmoor. Whenever this Section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the City of Creedmoor.

B. Violation Unlawful.

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other Development or Re-Development approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation of this Ordinance.

C. Each Day a Separate Offense.

Each day that a violation continues shall constitute a separate and distinct violation or offense.

D. Responsible Persons/Entities.

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, SCM, practice, or condition in violation of this Ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer of record, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or Development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

1. Person Maintaining Condition Resulting in or Constituting Violation.

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.

2. Responsibility for Land or Use of Land.

The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, Development or Re-Development of the property.

19.25-1 **REMEDIES AND CIVIL PENALTIES.**

The remedies and civil penalties provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

A. Remedies

1. Withholding of Certificate of Occupancy.

The Stormwater Administrator or other authorized agent shall withhold final approval of stormwater permit and/or any signatures required for the developer or builder to obtain a certificate of occupancy (CO) from Granville County Building Inspections for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the

violations described therein.

2. Disapproval of Subsequent Permits and Development Approvals.

As long as a violation of this Ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent shall withhold, and the City of Creedmoor Planning Board, and/or the City Board of Commissioners, may disapprove, any request for permit or Development approval or authorization provided for by this Ordinance or the City of Creedmoor Development Ordinance for the land on which the violation occurs.

3. Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the City Board of Commissioners, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

4. Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by ~~North Carolina~~ G.S. ~~§~~ 160A-193, the Stormwater Administrator, with the authorization of the City Board of Commissioners, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

5. Stop Work Order.

The Stormwater Administrator may issue a stop work order to the person(s) violating this Ordinance. The stop work or "notice of violation" order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

B. Civil Penalties

Violations of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City of Creedmoor is subject for violations of its NPDES Phase II Stormwater permit or otherwise up to the full amount allowed by law.

19.25-2 **PROCEDURES.**

1. Initiation/Complaint.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator and/or the Public Works Director.

2. Inspection.

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this Ordinance.

3. Notice of Violation and Order to Correct.

When the Stormwater Administrator finds that any building, structure, or land is in violation of this Ordinance, the Stormwater Administrator shall notify, in writing, the property owner and/or other person violating this Ordinance. The notification shall indicate the nature of the violation, the provision of this Ordinance violated, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation

shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally; by the Zoning Enforcement Officer; by first class mail; by certified or registered mail with return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator and/or the Public Works Director may take appropriate action under this Ordinance to correct and abate the violation and to ensure compliance with this Ordinance.

4. Extension of Time

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. Upon a written request by the person violating this Ordinance, the Stormwater Administrator shall grant one (1) extension of time, not to exceed sixty (60) days, within which the violator must bring the violation into compliance. At any time thereafter and before the expiration of time to correct the violation, the violator may submit a written request for one (1) additional thirty (30)-day extension. Such request for additional extension shall be granted if the violator's written request sufficiently demonstrates that the violation cannot be corrected within the permitted time due to circumstances beyond the violator's control. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

5. Enforcement After Time to Correct.

After the time has expired to correct a violation, including any extension(s) authorized by the Stormwater Administrator, the Administrator and/or the Public Works Director shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator shall act to impose one or more of the remedies and penalties authorized by this Ordinance.

6. Emergency Enforcement.

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator and/or the Public Works Director may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator and/or Public Works Director may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Article or by law.

## SECTION 6: ILLICIT DISCHARGES

### Illicit Discharges and Connections, Spills and Nuisance

The federal EPA Phase II rule specifies that local communities shall prohibit any discharge to a municipal separate storm sewer system (MS4) unless it:

- consists of a discharge pursuant to an NPDES permit; or
- consists of a discharge from firefighting activities; or
- consists of a discharge in any of the following categories, and the operator of the small MS4 has not identified that category as a significant contributor of pollutants to its small MS4: Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated and/or salinated swimming pool

discharges; and street wash water.

19.25-3 **ILLICIT DISCHARGES.**

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality.

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water; and
19. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City of Creedmoor.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

19.25-4 **ILLICIT CONNECTIONS**

1. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
3. Where it is determined that said connection:
  - a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
  - b. The Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall

take into consideration:

- i. The quantity and complexity of the work,
- ii. The consequences of delay,
- iii. The potential harm to the environment, to the public health, and to public and private property, and
- iv. The cost of remedying the damage.

**19.25-5 SPILLS.**

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the City of Creedmoor Public Works Director, City Board of Commissioners, or Fire Department of the release or discharge, as well as making any required notifications under state and federal law.

Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

**19.25-6 NUISANCE.**

Illicit discharges and illicit connections which exist within the City of Creedmoor and/or its extraterritorial planning jurisdiction are hereby found, deemed, and declared to be dangerous or prejudicial to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in this Ordinance, the City of Creedmoor Development Ordinance, the General Codes of the City of Creedmoor, or any other applicable laws, rules, or regulations.

**19.26 Additional Standards for Special Situations**

**19.26-1 PET WASTE.**

**A. Restrictions on Pet Waste**

1. It shall be unlawful for the owner or custodian of any pet to take it off the owner's own property limits without the means to properly remove and dispose of the pet's feces from any public or private property.
2. It is the responsibility of a pet's owner or custodian to clean up the pet's feces from any public or private property outside of the pet's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.
3. "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain pet waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.

# ARTICLE 21

## Open Space

[Amended July 19, 2016 per Ord. 2016-O-10, ZTA-2016-02]

[Amended June 5, 2018 per Ord 2018-O-06, ZTA-2018-02]

### 21.1 Purpose.

The open space standards contained herein are established to provide for the reservation of open spaces in both residential and non-residential developments located in the City of Creedmoor and its territorial jurisdiction. Preservation of open space in developing areas serves a variety of purposes, including meeting the recreational needs of residents, improving the aesthetic character of the community, reducing stormwater runoff, improving stormwater runoff water quality, and enhancing air quality. The standards set forth below establish regulations for open space in residential and non-residential developments.

### 21.2 Open Space.

Although open space can be agricultural or natural in character, open space is typically planned active play areas, greenways, or walking trails that are developed as part of a residential and/or non-residential development. The following standards are hereby established for open space, with the exception of the Main Street (MS) District, which shall be exempt from the requirements of this section.

21.2-1 OPEN SPACE LAND AREA REQUIREMENTS. Open space shall be provided in accordance with the following table for:

- A. initial residential development containing five or more units,
- B. redevelopment or additional development that adds five or more units,
- C. initial nonresidential or mixed use development greater than 0.6 acres, and
- D. redevelopment or additional development that adds 25 percent more nonresidential or mixed use floor area on a site that exceeds 0.6 acres within any 36 consecutive month period.

TABLE 21.1

ZONING DISTRICT	REQUIRED OPEN SPACE
All residential districts.	Single-family/and/or duplex subdivisions: 10% of total subdivision project site area. Other residential: 500 square feet of open space per unit or 9% of lot area, whichever is greater Nonresidential uses (e.g., religious institutions, schools, etc.): 6% of lot area.
All other districts, <i>excluding MS which is exempt from these requirements</i>	7.5% of lot area

21.2-2 LAND DESIGNATED AS FUTURE OPEN SPACE. Regardless of the requirements and exemptions of this subsection, any portion of the site of the proposed development that is designated as future open space or greenway in the *City Plan 2030 –Land Use and Comprehensive Master Plan* adopted by the City of Creedmoor, as amended from time to time, shall be reserved for open space. This area may be counted toward the total amount of open space required for the development.

If the total amount of land required proposed as future open space or greenway is less than the total amount of open space required for the development by the above table, then the developer shall provide additional open space to meet the requirement of the above table. If the amount of land designated as future open space or greenway exceeds the total amount of open space required by the above table, then the developer must still provide the open space designated in the official adopted plan.

21.2-3 MINIMUM OPEN SPACE AREA. Individual areas designated as open space areas shall not contain less than 500 square feet.

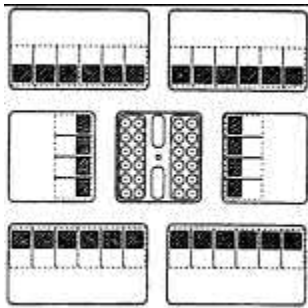
**IMPROVEMENT OF OPEN SPACE.** With the exception of Natural and Agricultural Open Space, open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain landscaped areas designated for both active and passive recreational pursuits. At least 25% of the improved open space land shall be dedicated to active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. The balance of the open space park area may be designed for passive recreation.

21.2-4 **DESIGN AND LOCATION.** In major subdivisions and multi-building developments in all zoning districts except Agricultural, open space shall be integrated into the design of the site. In subdivisions where 50% or more of the lots are less than 0.75 acre in size, open space shall be located within ¼ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two. In subdivisions where 50% or more of the lots are 0.75 acre or more in size, open space shall be located within ½ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two.

21.2-5 **FOCAL POINT.** Open space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods so that open space serves the needs of multiple age groups.

21.2-6 **TYPES OF OPEN SPACE.** Open space types include Squares, Parks, Forecourts, Plazas, Greenways, and Natural and Agricultural. Standards for these open space types are set forth below.

**A. SQUARES**



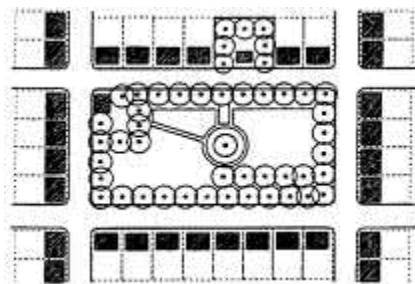
Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter.

Squares should be used in tight urban environments where residents have little yard space. Squares are used to bring a more natural landscape into an urban environment. As such, not more than 25% of a square should be impervious surface coverage. Hardscaping should be decorative (example brick pavers instead of asphalt for walkways).

Min size: 500 sq. feet

Max Size: 2 acres

**B. PARKS**



Parks are areas for passive or active recreational use. Parks should be bounded by streets on a minimum of two sides or 50% of their perimeter.

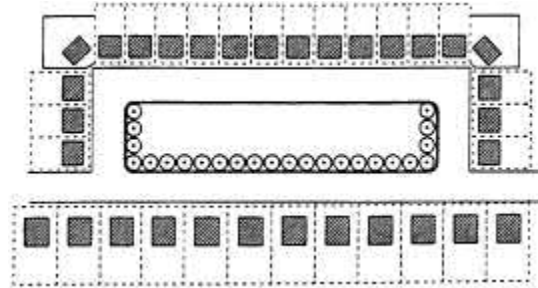
Minimum Size: 6,500 square feet

Maximum Size: 8 Acres. Maximum size may exceed eight acres if the park serves multiple

neighborhoods or preserves environmental features.

Parks should be areas where passive and active recreation occur simultaneously (example: park benches for elderly and a tot-lot for young children), encouraging intergenerational interactions among park users.

C. FORECOURT

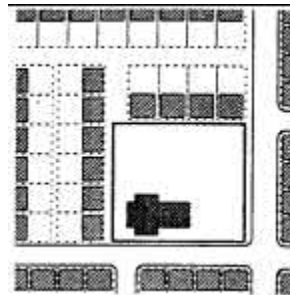


Forecourts are open spaces that act as buffers between residential buildings and streets or non-residential buildings. Forecourts are entirely bounded by buildings or streets. It is recommended that forecourts be planted parallel to all street right-of-ways.

Minimum Size: 500 sq. feet

Maximum Size: 1.5 acre

D. PLAZA



A plaza is an open area adjacent to a civic or commercial building. Plazas should be planted with deciduous trees to provide shade in the summer (example: the NC State Capital Building lawn in Raleigh, NC). Plazas function as gathering places and may incorporate a variety of non-permanent activities such as outdoor farmers markets or craft fairs. Limited parking is permissible on plazas. Plazas should match the architectural style of the buildings that they are adjacent to regarding materials and design. Plazas shall be level or gently sloping.

Minimum Size: none

Maximum Size: none

E. GREENWAYS

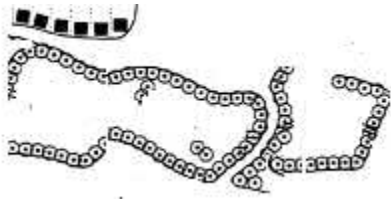


Greenways are spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Greenways shall have streets or pedestrian ROWs parallel to or integrated into at least 75% of their length. Greenways are used for walking, jogging, biking, and they are used as wildlife corridors. Greenways may have infrequent small-scale active recreational facilities such as playgrounds, although the majority of greenways shall be for passive, pedestrian and/or bicycle



recreation.

#### F. NATURAL AND AGRICULTURAL OPEN SPACE



Natural and Agricultural Open Space preserves agricultural lands, environmentally sensitive areas, scenic views, cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, the City of Creedmoor encourages creativity and allows for greater flexibility in the design of developments through use of the Mini-Farm [Overlay District](#) and ~~Traditional Neighborhood Development Overlay Districts~~ [conditional zoning districts](#) (Article 8).

Natural and Agricultural Open Space shall be placed in preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the neighborhood.

- 21.2-7 OPEN SPACE OWNERSHIP AND CONSERVATION EASEMENT. Open space shall be owned or administered by one or a combination of the following methods: fee simple ownership by a private non-profit land conservancy; owned by a homeowners association; or by individual private ownership such as a farmer, developer or other private entity that maintains the open space (i.e. farming, equestrian facility, etc.)

All lands within areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

Public use of the open space may be limited to residents of the development, except for land used for public sidewalks and multi-use trails, provided that such open space is held in private or association ownership.

- 21.2-8 MAINTENANCE. The owner or lessee of the property designated as the open space shall be responsible for the maintenance of the open space area. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. Failure to maintain the area shall constitute a violation of this ordinance and subject the violator to the penalty provisions of Article 23 if not corrected within 30 days of notification. Alternatively, if acceptable to the City, as applicable, the land may be dedicated to the City for public use and thereafter maintained by the City.

- 21.2-9 LAND ACCEPTABLE FOR OPEN SPACE DESIGNATION. The classes of land enumerated below may be utilized to meet the requirements of this section.

- A. Open water, wetlands, utility transmission right-of-ways, and undisturbed floodplains may account for up to twenty percent (20%) of the area requirement.
- B. Land used for public sidewalks significantly in excess of standard sidewalk requirements, streetscape and hardscape areas accessible to the public including sidewalk cafe areas, areas containing public art, and similar urban open space amenities.
- C. Land on which locally or nationally designated historic structures are located and determined to be contributing to the designation.
- D. Land which exceeds a 10 percent slope may be used to provide up to 50 percent (50%) of the required open space if existing slopes and vegetation so designated remain undisturbed.
- E. Land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, may be used for up to ten percent (10%) of the required open space.
- F. Reserved.
- G. Land that is suitable for agriculture, land that has environmentally sensitive areas (ex. mature

trees), or land that has cultural significance (ex. important view such as a rural entrance into City).

21.2-10 LAND NOT ACCEPTABLE FOR OPEN SPACE DESIGNATION: The classes of land enumerated below shall not be utilized to meet the requirements of this section:

- A. Land that is contaminated with hazardous or toxic waste or materials as defined by state or federal regulations, with the exception of land covered by an approved mitigation plan and deemed acceptable to the City or land that is designated in an officially adopted Open Space or Greenway master plan.
- B. Land occupied by streets, drives, parking areas, required landscape buffers, or structures other than recreational structures.
- C. Land with a minimum width less than 24 feet unless part of a greenway system..
- D. Playgrounds and athletic fields that have not been maintained to adequate standards for safe and sanitary use.

## ARTICLE 22

### Nonconformities

*[Amended September 4, 2018 Ordinance 2018-O-08]*

#### 22.1 Purpose

It is recognized that, over time, lawful nonconformities may develop as a result of amendments to the zoning map or Creedmoor Development Ordinance which change the application of City of Creedmoor development regulations to particular properties. It is important that such properties, while nonconforming, be adequately maintained and permitted to continue, but not expanded or enlarged in any fashion that increases the extent of nonconformity. Where possible, such nonconformities should be made, wholly or incrementally, conforming.

#### 22.2 Application and Exceptions

The provisions of this section apply only to lawful nonconformities, except as noted below. Nonconformities other than lawful nonconformities shall be considered violations of the Creedmoor Development Ordinance. This article shall not apply, however, to any feature which is the subject of a variance from particular regulations that has been granted by an authorized reviewing board or commission or to applications of flexible development standards to such features. Where a variance or flexible development standards determination has been granted for a feature which does not otherwise conform to the requirements of this chapter, that feature shall be deemed conforming. Nonconformities associated with signs are addressed in Article 17.

#### 22.3 Dimensional Nonconformities

22.3-1 **LAWFULLY ESTABLISHED NONCONFORMING LOTS.** Lawfully established nonconforming lots having one or more dimensional nonconformities may be used for any permitted or ~~conditional~~-special use allowed in the zoning district in which the lot is located provided that any structure or expansion/addition to an existing structure proposed for the use meets all applicable dimensional and numerical requirements and all applicable procedures are followed. Such lots may be recombined with adjoining lots to increase the extent of their conformity provided new nonconformities are not created.

22.3-2 **STRUCTURES.** Structures having one or more dimensional nonconformities may be used for any permitted or ~~conditional~~-special use allowed in the zoning district in which the structure is located, and, upon any change in use, shall comply with the landscaping, buffering, and parking requirements of Articles 11 and 12. Structures may be expanded or enlarged, provided the extent of the applicable nonconformity is not increased or new nonconformities are not created by expansion or enlargement. Expansions, enlargements or reconstruction of such structures to an extent equal to or greater than fifty percent of appraised value, shall require such structures to meet all applicable dimensional and numerical requirements, except density, which may be retained at the prior nonconforming level but not increased. For the purpose of this section, the value of any expansions, enlargements, or reconstruction of such structures over a three year period shall be cumulated in calculating the fifty percent threshold. A structure undergoing renovation (defined in Article 3) having a renovation cost equal to or greater than fifty percent of the structure's appraised value shall not be subject to the above provisions but shall be required to meet the landscaping, buffering, and parking provisions of Articles 11 and 12.

#### 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-Special~~ uses and special use permits 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-special~~ use permit approval.

**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.

**22.6 Maintenance and Repair**

In the interest of the public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity occurs as a result of the maintenance.

## ARTICLE 23

### Administration and Enforcement

#### 23.1 Applicability

This Ordinance and the provisions set forth herein shall apply to all property within the City of Creedmoor and its area of [planning and zoning](#) jurisdiction. The Planning, Zoning & Subdivision Administrator, [or her/his designee](#), shall have the authority to administer and enforce the provisions of the Ordinance within this area.

#### 23.2 Administrator as Enforcement Officer

23.2-1 ESTABLISHMENT AND AUTHORITY. Unless specifically set forth otherwise in this ordinance, the City of Creedmoor Planning, Zoning & Subdivision Administrator shall be the Enforcement Officer with the duty of administering and enforcing the provisions of this Ordinance. The Planning, Zoning & Subdivision Administrator may designate one or more persons to assist in the administration and enforcement this Ordinance. Orders issued by the Planning, Zoning & Subdivision Administrator's designee shall have the effect as if issued by the Planning, Zoning & Subdivision Administrator. The Planning, Zoning & Subdivision Administrator, or designee, may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him/her by this Ordinance. [The City of Creedmoor has the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Ordinance, per G.S. 160D-402\(b\).](#)

23.2-2 GENERAL DUTIES. The Planning, Zoning & Subdivision Administrator shall:

- A. establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- B. issue permits and certificates pursuant to this Ordinance, [including requiring a certificate of zoning compliance to confirm that permitted work complies with applicable laws, this Ordinance, and the terms of the permit, per G.S. 160D-403\(g\);](#)
- C. review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- D. interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- E. maintain all records pertaining to the provisions of this Ordinance in his/her office(s) and make said records open for public inspection;
- F. periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance [and to ensure compliance with state law and terms of the approval. All inspections must occur during reasonable hours and upon presentation of proper credentials, and must have the consent of the property owner, occupant, or an administrative search warrant to inspect areas not open to the public, per G.S. 160D-403\(e\);](#)
- G. [cause to be investigated violations of this Ordinance;](#)
- ~~G.~~H. [issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not, per G.S. 160D-404\(b\).](#)
- I. [enforce the provisions of this Ordinance and perform inspections for general code compliance and enforcement \(inspections unrelated to a development approval\), per G.S. 160D-402\(b\);](#)
- ~~H.~~J. [enforce the City's minimum housing code, but must follow standardized process for enforcement and to determine owner's abandonment of intent to repair and need for demolition, per G.S. 160D-1203\(6\).](#)
- ~~I.~~K. [issue notice of corrective action\(s\) when required;](#)
- ~~J.~~L. [use the remedies provided in this Ordinance to gain compliance, including civil penalties, fines, court-ordered actions, and criminal prosecution, per G.S. 160D-404\(c\);](#)
- ~~K.~~M. [be authorized to gather evidence in support of said activities;](#)

~~L.N.~~ receive appeals and forward cases to the appropriate body; and  
~~M.O.~~ perform other duties as may be assigned by the ~~City-Creedmoor~~ Board of Commissioners and/or the Planning & Zoning ~~Commission~~Board.

### 23.3 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

23.3-1 DEVELOPMENT WITHOUT PERMIT. To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

23.3-2 DEVELOPMENT INCONSISTENT WITH PERMIT. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

23.3-3 VIOLATION BY ACT OR OMISSION. To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the ~~City-Creedmoor~~ Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

23.3-4 USE IN VIOLATION. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

23.3-5 SUBDIVIDE IN VIOLATION. To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Granville County. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

23.3-6 CONTINUING VIOLATIONS. Each day's violation of any provision of this Ordinance is a separate and distinct offense.

### 23.4 Enforcement Intent [Amended May 27, 2014 per Ord. 2014-O-03]

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Planning, Zoning & Subdivision Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from a written decision made by Planning, Zoning and Subdivision Administrator. [For procedures and rules regarding appeal of a decision of the Planning, Zoning & Subdivision Administrator, reference Section 6.2 of this Ordinance.](#) An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Granville County as provided by law.

### 23.5 Enforcement Procedure [Amended May 27, 2014 per Ord. 2014-O-03]

When the Planning, Zoning & Subdivision Administrator or his/her agent finds a violation of this Ordinance, it shall be his/her duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

23.5-1 NOTICE OF VIOLATION. If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Planning, Zoning & Subdivision Administrator shall give the owner or occupant written notice, by first class mail, general delivery mail, certified or registered mail, [electronic delivery](#) to his last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. [The staff member providing the notice of violation shall certify to the City of Creedmoor that the notice was provided, and this evidence shall be deemed conclusive in the absence of fraud,](#)

per G.S. 160D-404(a). A notice of violation must be provided to both the permittee and the landowner, if the landowner is not the holder of the development approval, and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation shall include, but not be limited to:

- A. that the land, building, sign, structure, or use is in violation of this Ordinance;
- B. the nature of the violation, and citation of the section of this ordinance violated;
- C. the measures necessary to remedy the violation;
- D. the opportunity to cure the violation within a prescribed period of time.

Where the person violating a provision of this article is not the owner of the property, the City shall send a notice of violation to both the occupant and the owner of the property.

23.5-2 EXTENSION OF TIME TO REMEDY. Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, the Planning, Zoning & Subdivision Administrator or other City official charged with the duty of enforcing the regulations(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) calendar days, in which the alleged violator may cure or correct the violation before the City pursues enforcement action as provided for in this section.

Appeal. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, Any owner or occupant who has received a Notice of Violation may appeal in writing the written decision of the Planning, Zoning & Subdivision Administrator to the Board of Adjustment within thirty (30) days following the Notice of Violation or receipt of the Administrator's written decision, per G.S. 160D-405. The Board of Adjustment shall hear an appeal within ~~thirty-six~~forty-five (3645) days of the date of submittal of a complete application, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Planning, Zoning & Subdivision Administrator in the Notice of Violation shall be final. Notice of such hearing shall be provided as required by this Ordinance and state statutes.

23.5-3 ORDER OF CORRECTIVE ACTION. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

23.5-4 FAILURE TO COMPLY WITH AN ORDER. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 23.6 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

## 23.6 Remedies

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

23.6-1 INJUNCTION. Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

23.6-2 CIVIL PENALTIES. Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 23.7 (Civil Penalties - Assessments and Procedures).

23.6-3 DENIAL OF PERMIT OR CERTIFICATE. The Planning, Zoning & Subdivision Administrator may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, or other authorization previously granted.

23.6-4 CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE. The Planning, Zoning & Subdivision Administrator may condition the authorization of any permit or certificate upon the correction of the

deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

- 23.6-5 STOP WORK ORDERS. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with ~~NCGS 160A-421 or 153A-361~~[G.S. 160D-404\(b\) and G.S. 160A-421](#), as applicable, or the NC Building Code.
- 23.6-6 REVOCATION OF PERMITS. The Planning, Zoning & Subdivision Administrator may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, [for multiple recurring violations of this Ordinance or permit conditions](#), or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. [When revoking a permit or development approval, the Planning, Zoning & Subdivision Administrator shall follow the same development review and approval process as was required for issuance of the development approval or permit, including any required notice or hearing, per G.S. 160D-403\(f\). The revocation of a development approval by the Planning, Zoning & Subdivision Administrator or other staff member may be appealed pursuant to G.S. 160D-405.](#)
- 23.6-7 CRIMINAL PENALTIES. Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

23.7 Civil Penalties – Assessment and Procedures

- 23.7-1 PENALTIES. Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount prescribed for the first and each successive violation of the same provision. The following penalties are hereby established:

<a href="#">Notice of Violation</a> / Warning Citation	Correct Violation Within Prescribed Period of Time
First Citation	\$100.00
Second Citation for Same Offense	\$300.00
Third and Subsequent Citations for Same Offense	\$500.00

If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the City may recover the penalties in a civil action in the nature of debt. [The City of Creedmoor has the authority to charge reasonable fees and penalties for the support, administration, enforcement, and implementation of this Ordinance, and all such fees shall be used for no other purposes, per G.S. 160D-402\(d\).](#)

- 23.7-2 NOTICE. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 23.5-1 (Notice of Violation). If after receiving a notice of violation under Section 23.5-1, the owner or other violator fails to take corrective action within the prescribed period of time, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.
- 23.7-3 RESPONSIBLE PARTIES. The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.



- 23.7-4 CONTINUING VIOLATION. For each day thereafter (ten (10) day notice and fifteen 15 days to pay penalty after notice), if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.
- 23.7-5 DEMAND FOR PAYMENT. The Planning, Zoning & Subdivision Administrator, or designee, shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.
- 23.7-6 NONPAYMENT. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.
- 23.8 Other Powers and Actions
- 23.8-1 STATE AND COMMON LAW REMEDIES. In addition to other enforcement provisions contained in this Article, the City Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.
- PREVIOUS ENFORCEMENT. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.
- 23.9 Remedies Cumulative and Continuous
- 23.9-1 CUMULATIVE VIOLATIONS. All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- 23.9-2 REPEAT VIOLATIONS. If an owner or occupant repeats the same violation, on the same parcel, within a five (5) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies. Repeat, recurring violations are ground for the revocation of permits and development approvals.
- 23.10 ~~Reserved~~ Administrative Decisions
- 23.10-1 DEVELOPMENT APPROVALS. All development approvals must be provided and documented in writing, and may be issued and delivered in print or electronic form. If development approvals are issued in electronic form, the document must be protected from further editing, per G.S. 160D-403(a).
- (A.) Applicants. All applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property, which can include but is not limited to the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a development approval, for such development as authorized by the easement, per G.S. 160D-403(a).
- (B.) Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Ordinance attach to and run with the land, per G.S. 160D-104.
- (C.) Notice. The City of Creedmoor may require community notice or informational meetings as part of the decision-making process for administrative development approval, but this requirement must be adopted as a text-amendment to this Ordinance. State and Ordinance mandated notice requirements for legislative and quasi-judicial land use decisions are not altered or affected, per G.S. 160D-403(h).

(D.) Expiration. The standard State and City of Creedmoor development approval duration period is one (1) year from the date the administrative development approval is issued if the work authorized by the development approval has not substantially commenced, unless altered by State or local rule, per G.S. 160D-403(c). The Planning, Zoning & Subdivision Administrator may extend the expiration for development approvals for which construction is commenced and then is discontinued. State law is that such development approvals are valid for two (2) years after work is intentionally or voluntarily discontinued, per G.S. 160D-108(d).

~~23.10~~23.10-2 DETERMINATIONS. The Planning, Zoning & Subdivision Administrator, or her/his designee, must provide written notice of administrative determinations by personal delivery, electronic mail, or first-class mail to the property owner and the part seeking the determination, if different from the owner, per G.S. 160D-403(b). The Planning, Zoning & Subdivision Administrator may designate an official to make determination for particular development regulations. All persons with standing to appeal the administrative determination have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the subject property, provided the notice sign remains on the property for ten (10) days. Any such posting is the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. For procedures and rules regarding changes to prior-approved developments, please reference Section 7.15 of this Ordinance. For procedures and rules regarding appeals of administrative decisions, please reference Section 6.2 of this Ordinance.

23.11 Summary Removal of Signs/Sign Structure; Remove Orders for Signs/Sign Structure

23.11-1 SUMMARY REMOVAL. Pursuant to ~~N.C. Gen. Stat. § 160A-193~~G.S. 160A-193, the City shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the City determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the nuisance arose, and it shall be collected as unpaid taxes.

23.11-2 PROHIBITED SIGNS A PUBLIC HEALTH NUISANCE. Pursuant to ~~N.C. Gen. Stat. §§ 160A-193~~G.S. 160A-193 and G.S. 160A-296, any signs or sign structures prohibited by Article 17 of this Ordinance are hereby declared to be a public health nuisance in that they are dangerous or prejudicial to the public health or public safety and the Planning, Zoning & Subdivision Administrator, or her/his designee, shall have the authority to remove summarily the sign and/or sign structure.

23.11-3 REMOVE ORDER. The Planning, Zoning & Subdivision Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time prescribed by a notice of violation. Remove orders shall be issued to and served upon the sign/sign structure owner, or if the sign/sign structure owner cannot be ascertained, to and upon the property owner by the means set forth in section 23.5-1. The sign or sign structure shall be removed thirty (30) days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign or sign structure to be removed and the reason(s) for issuance of the remove order, including specific reference to the provisions of Article 17 of this ordinance that have been violated.

23.11-4 FAILURE TO COMPLY. In the event of failure to comply with the requirements of a remove order, the Planning, Zoning & Subdivision Administrator may cause such sign or sign structure to be removed. The sign owner and property owner may be jointly and separately liable for the expense of removal. Notice of the cost of removal shall be served as set forth in section 23.5-1. If said sum is not paid within thirty (30) days thereafter, said sum may be collected by the City in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C. Gen. Stat. § 14-4.

## 23.12 ADMINISTRATIVE STAFF CONFLICT OF INTEREST STANDARDS

23.12-1 CONFLICT OF INTEREST – DECISIONS. No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by this Ordinance, per G.S. 160D-109(c).

23.12-2 CONFLICT OF INTEREST – FINANCIAL INTEREST. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance, unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City of Creedmoor to provide staff support shall engage in any work that is inconsistent with her or his duties or with the interest of the City of Creedmoor, as determined by the City of Creedmoor.

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