



**CITY OF CREEDMOOR  
PLANNING BOARD  
PLANNING BOARD MEETING  
JUNE 13, 2024  
7:00 PM**

**CALL TO ORDER**

1. RECOGNITION OF QUORUM
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES

[Planning Board Meeting Minutes](#)

4. PUBLIC COMMENT
5. OLD BUSINESS
6. NEW BUSINESS

[ZTA-2024-02, Additional Amendments to the Code of Ordinances and Creedmoor Development Ordinance](#)

7. REPORT ON RECENT DEPARTMENT ACTIVITY

[May Monthly Manager's Report](#)

8. REPORTS FROM CHAIRPERSON AND MEMBERS

**ADJOURN**



# CITY OF CREEDMOOR

P.O. BOX 765  
111 MASONIC STREET  
CREEDMOOR, NC 27522  
WWW.CITYOFCREEDMOOR.ORG  
(919) 528-3332

## PLANNING BOARD AGENDA REPORT

**MEETING DATE:** June 13, 2024

**PREPARED BY:** Mike Frangos, Community Development Director  
Community Development

**ISSUE CONSIDERED:** Planning Board Meeting Minutes

**SUMMARY OF ISSUE:** Please review the May 9, 2024 Planning Board meeting minutes.

**REQUESTED MOTION:** Motion to adopt the Planning Board meeting minutes as presented.

**ATTACHMENT(S)** [MSF edited\\_Minutes\\_PlanningBoard\\_20240509.pdf](#)

**REVIEWED BY**  
**CITY MANAGER:**



MINUTES OF  
CITY OF CREEDMOOR  
**PLANNING BOARD MEETING**  
MAY 9<sup>TH</sup>, 2024  
7 P.M.

**Present in Person at City Hall Boardroom**

Steve Faucette, Robert Gorham, Edie McDuffie, Mike Allen and Rick Harbit. Also present Community Development Director Michael Frangos, AICP, CZO, City Attorney Kevin Hornik, and Planning Technician Rebecca Middleton.

**Absent**

Kechia Brustmeyer-Brown

**Call to Order**

Chairman Steve Faucette called meeting to order at 7:00PM.

**Approval of Agenda**

Rick Harbit made a motion to approve the agenda as presented. Seconded by Mike Allen.  
Motion passed with a vote of 5-0.

**Approval of Minutes**

Edie McDuffie made a motion to approve the minutes as presented. Seconded by Robert Gorham.  
Motion passed with a vote of 5-0.

**Comments from the Public**

No comments from the Public.

**Old Business**

No Old Business.

**New Business | ZTA-2024-01**

Community Development Director Michael Frangos introduced the board to the first round of text amendments for the City Code of Ordinances and Creedmoor Development Ordinance. The majority of proposed text amendments were related to lessons learned while performing code enforcement duties, specifically Chapter 96: Nuisances. Topics discussed with the board included nuisance vehicles, grass clipping height, and nuisance abatement procedures. Edits were also proposed for Chapter 111 regarding food trucks to reflect changes in the permitting requirements. Creedmoor Development Ordinance code amendments were proposed to remove the requirement for a set number of ETJ and City members of the Planning Board and Board of Adjustment. Other code would be changed to require a property to be inside the city to receive water and wastewater allocation. Stormwater Control Measure surety bonds would be removed from code to reflect new general statutes. The board was receptive to all the proposed amendments, especially those relating to code enforcement, ultimately voting to recommend the approval of ZTA-2024-01 to the Board of Commissioners.

**Approval of ZTA-2024-01**

Mike Allen made a motion to approve the Resolution of Consistency for ZTA-2024-01 as presented. Seconded by Edie McDuffie.  
Motion passed with a vote 5-0.

**Report on Recent Departmental Activity**

Board members inquired about the upcoming public hearing for the Dove Rd. rezoning.

**Reports from the Chairperson and Members**

There were no reports from the Planning Board Members.

**Adjourn**

A motion to adjourn was made by Mike Allen, seconded by Rick Harbit. The motion passed unanimously.

Meeting adjourned at 7:58PM.

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Steve Faucette, Chairperson



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## PLANNING BOARD AGENDA REPORT

**MEETING DATE:** June 13, 2024

**PREPARED BY:** Mike Frangos, Community Development Director  
Community Development

**ISSUE CONSIDERED:** ZTA-2024-02, Additional Amendments to the Code of Ordinances and Creedmoor Development Ordinance

**SUMMARY OF ISSUE:** Please review and discuss proposed text amendments.

**REQUESTED MOTION:** Motion to recommend approval of ZTA-2024-02; and Motion to approved Planning Board Resolution of Consistency for ZTA-2024-02.

**ATTACHMENT(S)** [ZTA-2024-02 Draft Amendments\\_CO\\_Chapter 10 & 96.pdf](#)  
[ZTA-2024-02 Draft Amendments\\_CDO\\_Article 23 - Administration & Enforcement.pdf](#)  
[ZTA202402\\_PB Consistency Statement\\_20240613.pdf](#)

**REVIEWED BY**  
**CITY MANAGER:**

## **ZTA-2024-02, Amendments to Code of Ordinance Chapter 10 and Chapter 96**

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### **§ 10.99 GENERAL PENALTIES; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS.**

(A) *Administration.*

(1) Violation of any city ordinance shall constitute a civil violation and may subject the offender to any and all of the civil remedies listed in this section, including but not limited to civil penalties.

(2) Additionally, violations of ordinances may subject the offender to criminal prosecution including but not limited to being charged with a Class 3 misdemeanor and a criminal fine of not more than \$500, if and only if the ordinance specifies that said ordinance may be enforced by misdemeanor citation.

(3) Notwithstanding the foregoing, a violation of an ordinance regulating the operation or parking of vehicles may be charged as an infraction and may subject the offender to a criminal penalty of not more than \$50, if and only if the ordinance specifies that said ordinance may be enforced by infraction and criminal penalty.

(4) If a civil penalty is levied and not paid to the city within 30 days of the issuance of a citation, may be recovered by the city in a civil action in the nature of debt. Unless otherwise provided by a specific provision of any city ordinance, said civil penalties shall be in the amount of \$50 for each violation and each day any single violation continues shall be a separate violation.

(5) In addition to the civil penalties set out above, any provision of any city ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(6) In addition to the civil penalties set out above, any provision of any city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the city may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(7) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or

that any other action be taken that is necessary to bring the property into compliance with the applicable city ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(8) The provisions of any city ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section.

(9) Any ordinances hereafter adopted by the Board of Commissioners of the city, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty and/or criminal penalty provisions of this section.

(B) *Process and notice of violation.*

(1) Upon determination of a violation of any section of any city ordinance, the penalty for which is a civil penalty, the enforcement official of the city shall:

(a) attempt informal property owner, resident, or responsible party notification either in-person or by placing an informational door-hanger or posting a placard upon the nearest structure, building, location, place of business, or nearest residence of the responsible party identifying the violation and required remedy;

(b) if after 24 hours the violation remains, the required remedy has not been fully implemented, nor the noticed party come forward to request extension or disclaim responsibility, the Code Enforcement Officer shall cause a warning citation to be issued to the violator, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall either include a levy of civil penalties enforceable from the first day of violation or specify that following a ten (10) day compliance period, a second citation shall incur a civil penalty, together with costs, and attorney fees.

(2) The Code Enforcement Officer may determine that certain violations either are or are likely to become unsafe, hazardous, dangerous or prejudicial to public health, safety or general welfare making them subject to summary abatement.

(a) Summary abatement authorizes the City to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or

prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety.

(b) The expense of the action shall be paid by the responsible violating party. If the expense is not paid, it is a lien on the land or premises where the violation occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(c) The expense of the summary abatement action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment.

(23) Following a warning citation or summary abatement. A person shall have 30 days from receipt of the written notice within which to file an appeal with the board of adjustment. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal with the board of adjustment. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(34) Where the enforcement official of the city determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

(45) Upon failure of the violator to obey the warning citation, a civil citation may be issued by the enforcement official, either served directly on the violator, his or her duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear before the City Manager of the city, or designee, within 15 days of the date of the citation, or alternatively to pay the citation in-person at City Hall or by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(a) Citations, fines, penalties, or fees charged for summary abatement may accumulate for a maximum of sixty (60) days or a maximum of \$3,000. Abatements costing more to execute or enforce shall be authorized by specific action of the Board of Commissioners.

(5) If the violator fails to respond to a citation within 30 days of its issuance, and pay the penalty prescribed therein, the city may institute a civil action in the nature of



debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

(Am. Ord. 2010-O-15, passed 12-14-10; Am. Ord. 2015-O-09, passed 6-15-15; Am. Ord. 2017-O-03, passed 2-21-17; Am. Ord. 2022-O-01, passed 3-1-22)

**Statutory reference:**

*Enforcement of ordinances, see G.S. §§ 14-4 and 160A-175*

## CHAPTER 96: HEALTH AND SANITATION; NUISANCES

### § 96.08 PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY.

(A) *Administration.* For the purpose of this section the term **NUISANCE** shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

(B) *Declaration of public nuisance.* The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful. Nuisances #1 - #10 listed below are considered dangerous and prejudicial to public health and subject to summary abatement as described in §10.99:

(1) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

(2) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.

(3) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(4) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(5) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(6) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which

become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(7) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(8) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

(9) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.

(10) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

(411) Any weeds or other vegetation having an overall height of more than 12 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

~~(2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.~~

~~(3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gases or vapors.~~

(412) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.

(513) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

~~(6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant~~

~~water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.~~

~~(7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.~~

(814) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property.

(915) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

~~(10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.~~

(4416) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(4217) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(4318) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

~~(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract~~

~~flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.~~

~~(16) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.~~

(4619) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

~~(17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.~~

(4820) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

~~(19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.~~

(2021) *Nuisance vehicle.* A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;

(b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight inches in height;

(c) In a condition allowing the collection of pools or ponds of water;

(d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor;

(e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods;

(f) So situated or located that there is a danger of it falling or turning over;

(g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind;

(h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

~~(21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.~~

(C) *Complaint; investigation of public nuisance.* When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the Board of Commissioners shall give notice to the owner of the premises to abate or remove such conditions within ~~ten days~~ [a prescribed period of time](#). Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ~~ten days~~ [a prescribed period of time](#), the city may proceed to correct the same as authorized by ~~this section~~ [§10.99](#). Service of such notice shall be by anyone of the following methods.

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner.

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with regular mail postage prepaid thereon.

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2) above.

(D) *Abatement procedure.* If the [violator or](#) owner of any property fails to comply with a notice given pursuant to this section, within ~~ten days~~ [a prescribed period of time](#) after the service of such notice, he shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the city may have the condition described in the notice [summarily](#) abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

[\(1\) A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of the same violation at least three times under any provision of the public nuisance ordinance. Such violators are immediately subject to citation on their next offense and every similar nuisance violation thereafter.](#)

(E) *Procedure is alternative.* The procedure set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this section shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this section as provided in G. S. § 14-4. In addition to the remedies provided for herein, any violation of the terms of this section shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in [§ 10.99](#) of this Code of Ordinances.

(F) Violation of this section may constitute an infraction in accordance with [§ 10.99](#) of this Code and G.S. § 14-4.

(Ord. 2010-O-17, passed 12-14-10; Am. Ord. 2013-O-06, passed 5-28-13; Am. Ord. 2022-O-01, passed 3-1-22)

**Statutory reference:**

*Abatement of public health nuisances see G.S. § 160A-193*

**§ 96.09 DEBRIS IN STORMWATER DRAINAGE SYSTEM.**

(A) *Findings.* Yard waste such as leaves, grass clippings, and soil/sediment can cause significant water quality problems when blown or directed into the city's stormwater drainage system. Water quality problems include algal blooms and aquatic weed growth, oxygen depletion, fish kills, and impaired aquatic habitat. In addition, when the stormwater system is clogged with yard waste it can cause street and property flooding.

(B) *Restrictions on debris.*

(1) It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the city, including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the city.

(2) It shall be the duty of all property owners within the city to take adequate precautions on their property to ensure positive drainage on their property [and protect downstream property owners from significant damage to structures or property cause by runoff, drainage, or erosion](#). Such drainage may be provided either through natural or artificial drains [designed and arranged in such a way and](#) found to be adequate by the City Engineer. The owner shall keep all ditches, drains, swales, and drainage routes free from obstructions which would impede the flow of water.

(3) The following are preferred best management practices (BMPs) for yard waste and debris:

(a) Prevent yard waste and debris from entering the street, storm drain, ditch, or other parts of the drainage system.

(b) Direct or blow yard waste back onto a lawn or landscape area.

(c) Sweep, rake, and/or collect yard waste instead of hosing/sweeping off of driveways, sidewalks or other impervious surfaces.

(d) Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner ('grass cycle').

(e) Compost yard debris for use in the lawn, garden, or landscape.

(f) Collect and contain yard waste for city collection service according to specific yard waste collection policies. Do not use the city trash cart for yard waste or debris.

(4) Any condition in violation of this section shall constitute a public nuisance, subject to civil penalties as describe in division (C) below.

(C) *Penalties.*

(1) Civil penalties described herein apply only to violations of this section.

(2) Civil penalties shall be assessed upon determination of a violation of this section. The enforcement official of the city may immediately and without prior notice cause a citation in the amount of \$50 to be issued to the violator either hand delivered or posted in the U.S. mail service by first class mail addressed to the last known address of the violator as contained in the records of Granville County. The citation shall set out the nature of the violation, the section of the City Code violated, the date of the violation, and shall contain an order to immediately cease the violation. The violator shall be deemed to have been served upon the mailing of the citation or upon hand delivery of the citation.

(3) Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(4) *Continuing violation and summary abatement procedure.* If the owner of any property fails to comply with a notice of violation given pursuant to this section, within ~~two days~~ the prescribed period of time after the service of the notice, the city may have the condition described in the notice abated, removed, or otherwise corrected. All expenses incurred thereby shall be chargeable and paid by the owner of the property, and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(Ord. 2012-O-05, passed 9-25-12)

**§ 96.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) The actual cost incurred by the city in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

( 84 Code, § 8-4005)

(2) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of the charges, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

( 84 Code, § 8-4006) (Ord. passed 3-25-80; Am. Ord. 2022-O-01, passed 3-1-22)



## ARTICLE 23

### Administration and Enforcement

*[Amended June 1, 2021 per Ord 2021-O-10, ZTA-2021-02]*

#### 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;
- 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);
- 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).
- K. issue notice of corrective action(s) when required;

- 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);
- M. be authorized to gather evidence in support of said activities;
- N. receive appeals and forward cases to the appropriate body; and
- O. perform other duties as may be assigned by the Creedmoor Board of Commissioners and/or the Planning 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 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 [within the prescribed time period](#).

- 23.5-1 NOTICE OF VIOLATION. [The Code Enforcement Officer shall attempt informal property owner, resident, or responsible party notification either in-person or by placing an informational door-hanger or posting](#)

[a placard upon the nearest structure, building, location, place of business, or nearest residence of the responsible party identifying the violation and required remedy.](#) 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 forty-five (45) 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 SUMMARY ABATEMENT. The Code Enforcement Officer may determine that certain violations either are or are likely to become unsafe, hazardous, dangerous or prejudicial to public health, safety or general welfare making them subject to summary abatement.

(a) Summary abatement authorizes the City to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety.

(b) The expense of the action shall be paid by the responsible violating party. If the expense is not paid, it is a lien on the land or premises where the violation occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(c) The expense of the summary abatement action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment.

23.6-2 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-~~3~~ 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-~~4~~ 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-~~5~~ 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-~~6~~ 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 G.S. 160D-404(b) and G.S. 160A-421, as applicable, or the NC Building Code.

23.6-~~7~~ REVOCAION 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.

23.6-78 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:

Notice of Violation / Warning Citation	\$0.00 (Correct Violation Within Prescribed Period of Time)
First Citation	\$100.00 <u>first day</u>
Second Citation for Same Offense	\$300.00 <u>second day</u>
Third and Subsequent Citations for Same Offense	\$500.00 <u>third day to 60<sup>th</sup> day</u>

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 the accumulation of which begins on the first day a violation is discovered and responsible party noticed.

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 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).

23.10-2 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. 160D403(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**

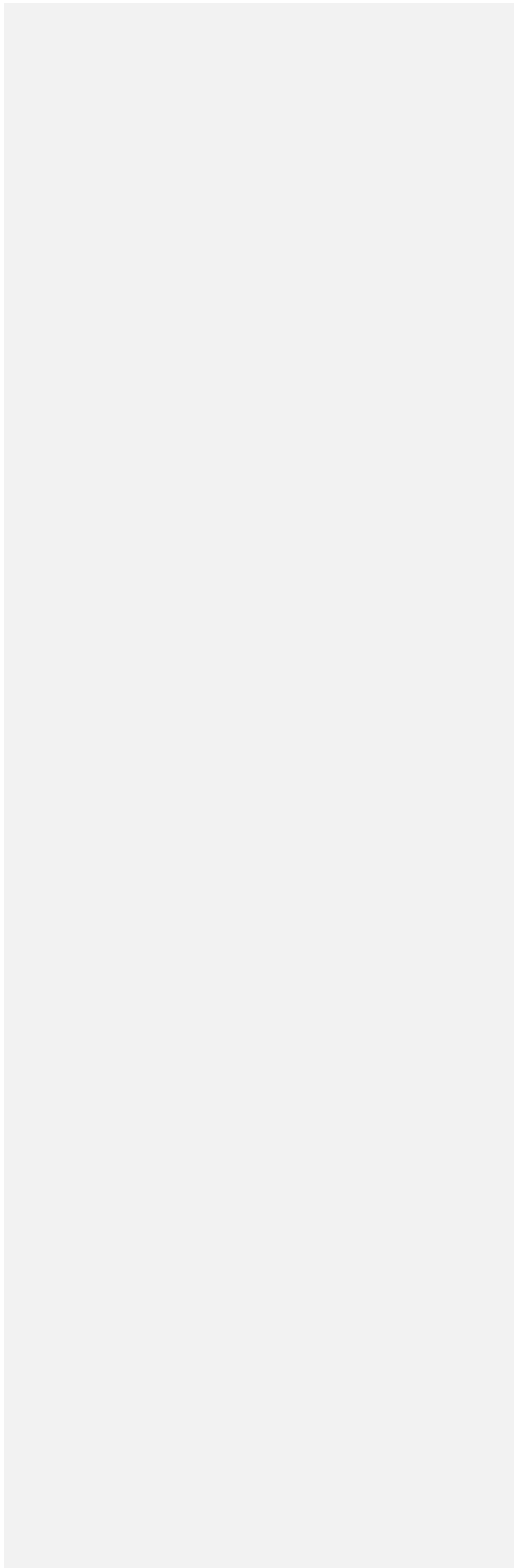
- 23.11-1 SUMMARY REMOVAL. Pursuant to G.S. 160A-193, the City shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the City determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or 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 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.







# CITY OF CREEDMOOR

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**MAYOR**  
ROBERT V. WHEELER

**CITY MANAGER**  
MICHAEL O. TURNER

**COMMISSIONERS**  
EMMA ALBRIGHT  
ED GLEASON  
GEORGANA KICINSKI  
ROBERT WAY  
ARCHER WILKINS

## PLANNING BOARD CONSISTENCY STATEMENT

### ZTA-2024-02, Additional Creedmoor Development Ordinance and Code of Ordinances Text Amendments

Pursuant to Creedmoor Development Ordinance Article 5; Section §5.3-3 (Review by the Creedmoor Planning Board) and NCGS §160D-604 (Planning Board Review and Comment), the City of Creedmoor Planning Board makes this Statement of Consistency and recommendation regarding changes to the Creedmoor Development Ordinance and Code of Ordinances:

We recommend **APPROVAL** of the proposed amendments of the Creedmoor Development Ordinance and Code of Ordinances as discussed. The amendments are consistent with City Plan 2040's goal to ensure that Creedmoor's development policies are conducive to the long-term vision for the future, provide and/or maximize infrastructure investments, and adequately control the location and appearance of future development.

The Planning Board finds this amendment to the Creedmoor Development Ordinance to be consistent with the City Plan 2040 objectives

On June 13, 2024, the Planning Board, by a majority vote, approved this statement and recommended these additional amendments of the Creedmoor Development Ordinance and Code of Ordinances to the City of Creedmoor Board of Commissioners for future consideration.

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Steve Faucette, Chair  
City of Creedmoor Planning Board





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## PLANNING BOARD AGENDA REPORT

**MEETING DATE:** June 13, 2024

**PREPARED BY:** Mike Frangos, Community Development Director  
Community Development

**ISSUE CONSIDERED:** May Monthly Manager's Report

**SUMMARY OF ISSUE:** Please review attached report.

**REQUESTED MOTION:** No action required, for informational purposes only.

**ATTACHMENT(S)** [Community Development Department Managers Report\\_20240604.pdf](#)

**REVIEWED BY  
CITY MANAGER:**

**Community Development Department Monthly Report  
MAY 2024**

**City Engineer**

-Ferbow St. Utility Relocation- Made numerous site visits to monitor revegetation and evaluate flow characteristics of the reconstructed stream channel. Determined the vegetation has grown sufficiently to remove erosion control devices. Notified Moffat Pipe they can remove erosion control devices and address several previously discussed minor items. They expect to complete this work by the week ending 6/7/24. Final payment will be made to Moffat Pipe, Inc. and The Wooten Company after this work is complete.

-BOC Presentation- Developed a PowerPoint presentation to provide a synopsis of two recently completed projects, Clifton Ave. Drainage Repair and Ferbow St. Utility Relocation. This was presented to the Board on 5/20/24.

-Former Lagoon Property- Continued work on identifying the boundary of this 27 acre City owned property. After conducting research on the Granville County Register of Deeds website, property markers along the south and southwest side were located. This section was also marked with tree mounted property boundary markers.



-SGWASA Easement- Reviewed SGWASA’s requested easement in the vicinity of Helen St. and the lagoon property. Made several comments regarding amendments. City approval is not recommended until revisions are made to the proposed manholes as the current design will likely be in conflict with future access to the lagoon property.

-City Hall Renovation- Assigned as the project manager for the City Hall Renovation Project. Identified responsible team member for each project task and began development of a Gantt chart for the project tasks. Initial data being acquired for each task include approximate month/year for work and identifying tasks that must be completed before others start. This will be further refined to show task durations, earliest start date, latest completion date, etc.

-Responded to citizen's request- With Gerard Seibert, confirmed property owner's planned fence construction would be outside the riparian buffer and therefore acceptable.

-Monitored the trash removal from the parcel owned by Tar River Land Conservancy on Bowman Rd.



-Assisted with the site plan review for North Main Commercial, located at 828 N. Main St.

Clifton Ave. Drainage Repair- The project was completed on 3/13/24 and payment to Milko was authorized. [Creation of the permanent drainage easement \(PDE\) surveyed map is underway.](#)

Continuing follow up with John Sandor (NCDOT) regarding R-5707L (cash reimbursement and landscape maintenance). The initial \$25,000 reimbursement check arrived. As the project reaches the end of the warranty period the remainder of the City's overpayment (\$19,343) should be returned.

## Planning & Zoning

CDO Staff researched, prepared, and mailed first class letters to 121 individual property owners that, were identified according to Granville County Tax Assessor's Office, were sent notification letters about the pending legislative annexation on or about April 24, 2024. [Public information session was held on Friday, May 17, 2024.](#)

Case ZMA-2024-01, Currin Dove Road, a petition for zoning map amendment from Chad E. Abbott on behalf of Carlton Pat Currin. The application requests rezoning properties on the north end of Dove Road from AG (Agricultural) to SFR (Single-Family Residential). The primary difference in the districts is the minimum lot size requirements. It's 5 acres minimum in AG and 11,600 square feet minimum in

SFR. The Planning Board on 4/11 recommended approval and forwarded a statement of consistency to the Board of Commissioners. [The Public Hearing was held on 5/7. Approved by a vote of 4-1.](#)

Gander Development, likely developer of a large scale residential subdivision near to Marry Lane and Pleasant Grove Baptist Church, has enlisted Exult Engineering to conduct a traffic impact analysis along NC 56 near Mt. Energy Elementary School. A meeting was held on 11/1/23 to discuss the parameters of that study with John Sandor of NCDOT. After several email exchanges the extent of the TIA has been agreed upon and the traffic engineering work is underway. CDO Staff received an update from Robert Shunk of Gander explaining how they have adjusted the roadway connections to avoid the Mt. Energy School's driveway, and how they will be providing a variety of lot sizes and housing products.

CDO staff meet with Corey McCullough (now Corey McDaker) of Grant Match on 4/18, 4/24, [5/8](#) and [5/22](#). We discussed Hazard Mitigation grant options for the Lake Rogers dam Emergency Action Plan (EAP) and the necessary flood inundation study. Cory concluded that is currently no grant funding directed at our needs and suggested the City fund the study as a way to prove interest. He states, "Additional reporting with new up to date data will increase your likelihood of funding success. Having an updated report on conditions and a suitable EAP complete will speak volumes to the level of certainty of estimates and project plans required to be submitted to a subsequent capital program." Additionally Grant Match does feel that there is a viable grant, with 0% financial match, that could connect Creedmoor to Falls Lake, and the Mountains-to-Sea trail. [This grant application possibility was declined, and did not move further. Grant Match is researching other options.](#)

CDM Smith has recently submitted a site plan for the new Joe Peed Road Lift Station. It shows the new five acre location on the south side of Joe Peed Road and the west side of Ledge Creek within out ETJ. The site plan will go before the Planning Board for recommendation and the Board of Commissioners for final approval. Staff has compiled a review memo of the site plan, revisions are expected back shortly. Revised plans arrived at the CDO on February 19, 2024. A second review memo has been sent on March 15, 2024 and revisions are expected before the April 11, 2024 Planning Board meeting. The PB meeting generated many good questions regarding risks of overflow, design reliability, and built-in backup systems to the new wastewater lift station. PB recommended approval and the item (LSP-2024-01) appeared on the 5/7 BOC agenda [and was unanimously approved.](#)

After several years as a temporary use, B & G Pipe at 1686 NC Hwy. 56 has submitted a large site plan package with an NCDOT driveway permit and will appear on an upcoming BOC agenda for final review and approval. Few stormwater plan components still remain incomplete and stormwater review fees have yet to be paid. There has been no change to the status of this application.

The National Sign Plazas, LLC (NSP) agreement for wayfinding professional services has been finalized. A purchase order was issued and first payment made. NSP delivered its first three sample designs on February 21, 2024 and those were immediately delivered to the BOC for preview and consideration. The maximum dimensions of the sign is suggested to be 32 square feet or 5.5 feet in either length and/or width. CDO staff relayed the BOC's comments from their 3/5 meeting. [The BOC's choice has been made and the next step will be a site visit and field integration, complete with individual site plans and permitting materials. The NCDOT has been contacted.](#)

Davis Martin Powell representing the property owner Bekee Ventures LLC have submitted a site plan for 109 Park Avenue. The item has been forwarded to the CTRC for full review. Following a rapid review and revision, the Planning Board and Board of Commissioners has scheduled a special joint meeting on 1/30/2024 to review and finalize the site plan. BOC approved the site plan on 1/30/2024, construction may begin immediately. Many improvements have been made to the inside of the building including

new floors throughout, and new adult sized plumbing fixtures in all the restrooms. [Parking lot construction continues. Final zoning approval \(CZC\) has not yet been granted.](#)

Construction continues on Yakamoz Steakhouse at 816 N. Durham Avenue with both interior and exterior improvements. The owner predicts opening in 2024. Initial zoning compliance inspections were completed and a short punch-list of items remain. Including payment of the fee-in-lieu of landscape installation, and a final determination if the proposed site lighting fixtures are “full cut-off” as our ordinance requires. Upon completion staff will issue a Certificate of Zoning Compliance (CZC) and that will allow the owner to pursue their Certificate of Occupancy from Granville County Inspections. A fee-in-lieu of landscape installation was collected and is being held, a 90-day temporary CZC was issued. [We’re still waiting for the correct site lighting to be installed by Duke Energy sub-contractors and old light fixtures removed.](#)

Urban Design Partners, on behalf of LGI Homes, Inc. has resubmitted the Yorkshire subdivision as a general rezoning. Since the applicants previously withdrew their conditional zoning request there is no waiting period required for re-submission. The general rezoning requests a change from AG-Agricultural zoning to SFR-Single-Family Residential has been assigned case number ZMA-2023-01. It appeared on the 11/9 Planning Board agenda and received a recommendation for denial. The applicant has requested that the public hearing be delayed indefinitely.

Implementation of the Water and Wastewater Allocation Policy (Resolution 2022-R-14) approved by the BOC on 10/17/2022 has established a framework for reviewing and approving small-scale residential allocations. To date [nine](#) residential approvals have been given for homes to be built at: 205 W. Rogers Avenue, 815 N. Crescent Drive, 2106 Southerby Lane, 306 Park Avenue, and 2029 Hawley School Road, 103 Beverly Court, 204 Mill Street, 402 Fleming Street, and 0 Dove Road; leaving zero gallons per day of residential and 5,490 gallons per day non-residential allocation unassigned. Two potential non-residential projects are vying to be the first to submit a site plan application. Chad Abbott intends to construct commercial flex space on a lot near US 15 Hwy. and N. Main Street intersection, and Randy Lanou’s Mule Town Depot. CDO has coordinated with SGWASA on their status of our zoning approvals, and when allocations may lapse if no progress has been made. Resolution 2023-R-05 was adopted by the BOC to redistribute 510 GPD previously reserved for the City Hall Expansion project to residential development. One new residential SFD at 0 Dove Road was recently approved, and the Zoning Compliance Permit for 205 W. Rogers Ave. recently expired, returning that allocation with other GPD available. 5,490 GPD available for non-residential uses. A new ZCP has been issued for a new 3BR/2BA structure at 205 W. Rogers Avenue putting our residential allocation total at 223 GPD. [The last bit of residential allocation has been awarded to a single-family detached structure proposed for Watson Street. This takes our residential reserve allocation to \(-2 GPD\). Unfortunately there is another request by Broadview mobile home park for an additional unit within the park. This request has been waitlisted.](#)

Representatives of CAMPO, Granville County, Franklin County, Wake County, City of Creedmoor, and Town of Butner convened a ZOOM meeting on 1/29/2024 to discuss the scope of the proposed Northwest Area Study. The northwest area of CAMPO’s jurisdiction includes southern Granville County and part of Franklin and Wake Counties. The study will comprehensively address all mobility modes and areas of transportation planning, and potentially address housing and water resource availability. The study is scheduled for FY25 as part of CAMPO’s Unified Planning Work Program (UPWP) and likely will last 18 months. CAMPO Executive Board on 2/21/2024 approved the study for FY25 UPWP. The study will likely get underway after July 1, 2024.

CDO Staff has been in contact with Darren Koons, developer of Creedmoor Village regarding the construction of a barricade at their entrance. He stated that he will be installing a metal fence with signage and reflective markings to deter unwanted traffic and dumping.

### Code Enforcement – April 28 – May 26, 2024

Citizen complaints: 0
Letters mailed: 80
New Cases: 13
Cases closed / in compliance: 24
Fines levied: 0
Fines collected: 0
Snipe signs removed: 13
SCM Inspections: 0
Outfall Inspections: 0
Work Order Requests: 0
Zoning Inspections: 3

- Lisa (Linn) Kawaz, owner of 702 N. Crescent Drive, has stopped responding and won't come forward to sign a repayment agreement. The case has been turned back over to the City Attorney for court action.
- Downtown building owners were sent letters simultaneously during the week of March 4<sup>th</sup>. Several owners have initiated clean-up and repair of their properties; others have asked for extensions and other considerations. [More positive progress has been made with voluntary compliance.](#)
- Outfall inspection at the end of Bowman Road revealed significant dumping of trash, debris, and furniture. Tar River Land Conservancy's volunteers clean up the site and NCDOT hauled off a significant amount of trash (see Engineer's section).
- Scofflaws on S. Elm Street has repeatedly disregarded warnings and citation notices for failure to maintain their park strip. The issue has been referred to the City Attorney.
- Demolition at 423 N. Main Street has begun:

