

# ARTICLE 1

## Purpose and Authority

[Amended Oct. 6, 2020 per Ord 2020-O-17, ZTA-2020-02]

### 1.1 Short Title

This Ordinance shall be known and may be cited as the "Creedmoor Development Ordinance."

### 1.2 Enactment and Repeal

1.2-1 ENACTMENT. This Ordinance is hereby enacted and shall be the Land Development Ordinance for the City of Creedmoor, hereinafter "the City" and the areas within its extraterritorial jurisdiction. This ordinance supersedes "Chapter 154: Zoning", "Chapter 153: Subdivisions", "Chapter 155: Stormwater Management" and "Chapter 152: Flood Damage Prevention", each of which is hereby repealed.

ADOPTED this the 26th day of JUNE, 2012.

Original signed by Mayor Darryl D. Moss      Original signed by Korena L. Weichel

Mayor

City Clerk

1.2-2 EFFECTIVE DATE. This Ordinance shall become effective on July 1, 2012.

### 1.3 Purpose

1.3-1 GENERAL PURPOSE. It is the purpose of this Ordinance to promote the health, safety, and the general welfare of the residents of the City of Creedmoor and its extraterritorial jurisdiction through the stated regulations of this Ordinance which include provisions to regulate zoning, cluster development, planned unit developments, manufactured housing, development of subdivisions, signs, off-street parking and loading, planting yards, watershed protection, and flood damage prevention.

1.3-2 IMPLEMENTATION OF LAND USE AND COMPREHENSIVE MASTER PLANS. This Ordinance shall be used to implement the *2021 Plan - Comprehensive Development Plan*, adopted October 23, 2001, including subsequent amendments, and the *City Plan 2030 – Land Use and Comprehensive Master Plan*, adopted May 14, 2012, including subsequent amendments adopted by the City Board of Commissioners of the City of Creedmoor. See Section 1.5.

### 1.4 Guiding Principles

The guiding principles reflected in this ordinance are those stated in the *2021 Plan - Comprehensive Development Plan*, adopted October 23, 2001, including subsequent amendments, and the *City Plan 2030 – Land Use and Comprehensive Master Plan*, adopted May 14, 2012, including subsequent amendments adopted by the City Board of Commissioners of the City of Creedmoor. These principles are:

- A. Ensure that Creedmoor's development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development;
- B. Improve the effectiveness of City government and achieve greater autonomy through the fostering of greater coordination and consensus among City officials, governing boards, and citizens on development decisions;
- C. Enhance existing City services and add new services and programs to allow for future development in designated areas and to ensure that all citizens have access to essential services;
- D. Encourage the establishment of a City tourism program and coordinate with local tourist attractions to create a regional tourism destination center;
- E. Develop new recreational and cultural facilities, programs, and events that accommodate a variety of uses and appeal to both City residents and visitors; and,
- F. Preserve and protect areas of historic significance and natural countryside throughout the Creedmoor area.

### 1.5 Relationship to Land Use and Comprehensive Master Plans

The administration, enforcement, and amendment of the Creedmoor Development Ordinance shall be carried out consistently with plans and documents comprising the *2021 Plan - Comprehensive Development Plan*, adopted October 23, 2001, including subsequent amendments, and *the City Plan 2030 – Land Use and Comprehensive Master Plan*, adopted May 14, 2012, including subsequent amendments adopted by the City Board of Commissioners of the City of Creedmoor. New planning documents or small area plans adopted by the City Board of Commissioners are automatically incorporated into this Ordinance. See Section 1.3-2.

## **1.6 Jurisdiction**

The provisions of this Ordinance shall apply to all the territory encompassed in the City of Creedmoor, corporate limits, and its extraterritorial jurisdiction as now or hereafter fixed, as depicted on the City's Official Zoning Map on file at the Creedmoor City Hall. This map is hereby incorporated and made a part of this Ordinance. This Ordinance shall govern the development and use of all land and structures within the City and its area of extraterritorial jurisdiction as provided for by Article 2 Planning and Development Regulation Jurisdiction, of GS 160D.

The City's extraterritorial jurisdiction was established April 27, 1993 by Ordinance 93-O-01, recorded in the Granville County Register of Deeds book 629, page 263, as defined in the map titled "Official Extraterritorial Boundary Map of the City of Creedmoor, North Carolina", recorded in the Granville County Register of Deeds book 14, page 112.

- 1.6-1 JURISDICTION LIMITS. Notwithstanding G.S. 160D-202(a), the City of Creedmoor's extraterritorial jurisdiction can not extend more than one mile beyond the City of Creedmoor's contiguous corporate limits, per G.S. 160D-202(a).
- 1.6-2 COUNTY APPROVAL OF CITY JURISDICTION. The City of Creedmoor may not extend its extraterritorial jurisdiction into any area for which Granville County has adopted and is enforcing County zoning and subdivision regulations. The City may extend its extraterritorial jurisdiction into areas where Granville County is not exercising County zoning and subdivision regulations, or when the City of Creedmoor and Granville County have agreed upon the area within which each will exercise the powers conferred by G.S. 160D, per G.S. 160D-202(c).
- 1.6-3 NOTICE OF PROPOSED JURISDICTION CHANGE. If the City of Creedmoor proposes to expand its extraterritorial jurisdiction and exercise the powers of G.S. 160D in a new area, the City of Creedmoor must notify the owners of all parcels of land proposed for addition to the City of Creedmoor area of extraterritorial jurisdiction, as shown on Granville County tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the Granville County tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and the right of all residents of the area to apply to the Board of County Commissioners to serve as a representative on the Planning Board and Board of Adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to the date of the hearing. The person or persons mailing the notices shall certify to the City of Creedmoor Board of Commissioners that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud, per G.S. 160D-202(d).
- 1.6-4 BOUNDARIES. If the City of Creedmoor proposes to expand its extraterritorial jurisdiction and exercise the powers of G.S. 160D in a new area, the City of Creedmoor shall adopt an ordinance specifying the areas to be included in the extraterritorial jurisdiction based upon existing or projected urban development and areas of critical concern to the City, as evidenced by officially adopted plans concerning the City's development. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. Boundaries may follow parcel ownership boundaries. The City of Creedmoor Board of Commissioners may, in its discretion, exclude from the City's extraterritorial jurisdiction areas lying in another county, areas separated from the City by barriers to urban growth, or

areas whose projected development will have minimal impact on the City. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the Granville County Register of Deeds, per G.S. 160D-202(e).

- 1.6-5 TRANSFER OF JURISDICTION. If the City of Creedmoor annexes or extends its jurisdiction to include, an area that is currently being regulated the Granville County, the Granville County development regulations and powers of enforcement shall remain in effect until (i) the City has adopted such development regulations or (ii) a period of sixty (60) days has elapsed following the annexation or extension, whichever is sooner. Prior to the transfer of jurisdiction, the City of Creedmoor may hold hearings and take any other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction, per G.S. 160D-202(g).
- 1.6-6 EFFECT ON VESTED RIGHTS. Whenever the City of Creedmoor, pursuant to G.S. 160D-202, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights in the surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. When acquiring jurisdiction, the City of Creedmoor may take any action regarding such a development approval, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its development regulations, per G.S. 160D-202(k).
- 1.6-7 SPLIT JURISDICTION. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, the local governments may, by mutual agreement pursuant to Article 20 of G.S. Chapter 160A and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under G.S. 160D for the entire parcel to any one of those local governments. Such a mutual agreement shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement shall be evidenced by a resolution formally adopted by each governing board and recorded with the Granville County Register of Deeds within fourteen (14) days of the adoption of the last required resolution, per G.S. 160D-203.
- 1.6-8 PENDING JURISDICTION. After consideration of a change in local government jurisdiction has been formally proposed, the local government that is potentially receiving jurisdiction may receive and process proposals to adopt development regulations and any application for development approvals that would be required in that local government if the jurisdiction is changed. No final decisions shall be made on any development approval prior to the actual transfer of jurisdiction. Acceptance of jurisdiction, adoption of development regulations, and decisions on development approvals may be made concurrently and may have a common effective date, per G.S. 160D-204.

## **1.7 Authority**

This ordinance is adopted pursuant to portions of one or more of the following authorities in GS Chapter 160D (Local Planning and Development Regulation), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

## **1.8 Conflict or Inconsistency with Other Laws, Covenants, Deed Restrictions, or Agreements**

- 1.8-1 RELATION OF THIS ORDINANCE TO OTHER REGULATIONS. This Ordinance is not intended to abrogate any other law, ordinance, or regulation. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than standards imposed by any other law, ordinance or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. In cases where reference is made to the North Carolina General Statutes, or any provision thereof, said reference shall be to the current language of said statute or provision. Whenever a process is prescribed by this Ordinance, and said process contains requirements in addition to those prescribed by state law, the process prescribed in this Ordinance

shall be deemed supplemental; state law shall control.

- 1.8-2 **CONFLICTING PROVISIONS OF THIS ORDINANCE.** In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance in applying them to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts set forth in Article 8 of this Ordinance shall control in the event of any conflict between those regulations and regulations which are set forth in Article 8 of this Ordinance for the underlying district. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, or map contained herein, the text shall control.
- 1.8-3 **CONFLICTS WITH COVENANTS, DEED RESTRICTIONS, ETC.** This Ordinance is not intended to abrogate 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 easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern.
- 1.8-4 **EFFECT ON EXISTING AGREEMENTS.** This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or permits previously adopted or issued pursuant to law.

## **1.9 Severability**

If any section or specific provision or standard of this ordinance or any regulating district boundary arising from it is found by a court to be invalid or unenforceable for any reason, the decision of the court shall not affect the validity or enforceability of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect, impair, or invalidate the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## **1.10 Interpretation of Ordinance**

1.10-1 **MINIMUM REQUIREMENTS; GREATER RESTRICTIONS GOVERN.** In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements. If any federal or state law or other ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority, the regulations imposed by that authority shall govern.

## **1.11 Rules of Construction**

1.11-1 **WORD INTERPRETATION.**

- A. Words not defined in this Ordinance shall be given their ordinary and common meaning.
- B. Words used in the present tense include the future tense.
- C. 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.
- D. Words used in the male gender include the female gender.
- E. The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision.
- F. Any act authorized by this Ordinance to be carried out by a specific official of the City is, by implication, authorized to be carried out by a designee of that official.

1.11-2 **RELATIONSHIP OF THIS ORDINANCE TO ANY PENDING ACTION.** The adoption of this Ordinance shall not affect any action, suit, notice of violation, citation, or proceeding that may be pending at the date this Ordinance becomes effective. All rights and liabilities that have been received or created and any violation that has occurred under any previous provisions of the Code of Ordinances of the City of Creedmoor that have been superseded by this Ordinance are still valid and may be preserved and enforced.

## **1.12 Compliance**

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified except as authorized by this Ordinance.

No applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments that have received staff approval, Enforcement Officer approval, or a building permit before the effective date of this Ordinance may proceed in accordance with such approval or permit while such approval or permit remains in effect.

### **1.13 Establishment of Official Zoning Map**

1.13-1 OFFICIAL ZONING MAP. The City, and its extraterritorial jurisdiction as now or hereafter fixed, is hereby divided into zones, or districts, as established in Article 8 (Zoning Districts) and as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map is on file with the City Clerk and the *Planning, Zoning and Subdivision Administrator* at the Creedmoor City Hall.

1.13-2 MAP CERTIFICATION AND CHANGES. The Official Zoning Map shall be attested by the City Clerk and shall bear the seal of the City together with the effective date of the adoption of this Ordinance. If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

### **1.14 Interpretation of District Boundaries**

1.14-1 BOUNDARY INTERPRETATION. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply in the interpretation of area boundaries and the location of lines shown on the map:

- A. CENTERLINE: Where a boundary line lies within and follows a street or *alley* right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or *alley* right-of-way, railroad right-of-way, or utility easement. If such a street or *alley* right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is *abandoned* or removed from dedication, the district boundaries shall be construed as following the centerline of the *abandoned* or vacated road bed or utility easement.
- B. LOT LINE: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located. Split zoning of lots should be avoided to the extent possible, with zoning boundaries following lot lines where feasible.
- C. CITY LIMITS: Boundaries indicated as approximately following the City limits or extraterritorial boundary lines of the City of Creedmoor shall be construed as following the City limits or extraterritorial boundary lines.
- D. WATERCOURSES: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and shall be construed to reflect the naturally occurring changes to the location of the watercourse which may occur over time.
- E. EXTENSIONS: Boundaries indicated as parallel to or extensions of street or *alley* rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, City limits, county lines, or extraterritorial boundaries shall be so construed.
- F. SCALING: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Hazard Area, Corps of Engineering work maps, if available, shall be used for scaling.
- G. OTHER: Where the actual location of existing physical or natural features vary with those shown on the Official Zoning Map, or in other circumstances not addressed in this section, the Planning Board

shall have the authority to interpret the district boundaries.

**1.15 State of Emergency**

These rules may be temporarily suspended during federal disaster “state of emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the Board of Commissioners during a regular, continued, special or emergency meeting of the Board of Commissioners. The *Planning, Zoning and Subdivision Administrator* may suspend the application of all or part of these rules during a state of emergency declared either by the Governor of the State of North Carolina, or by the Mayor of the City of Creedmoor.

Upon the conclusion, lifting, and/or resending of the declared “state of emergency” by the authorized federal and/or state official, these rules are reinstated without further action by the City and shall be in full force and effect.