

ARTICLE 2

General Provisions

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

2.1 General Requirements

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

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

2.2 Street Frontage Required

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

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

drive.

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

2.3 One Principal Building on a Lot; Exceptions

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

2.4 Lot Size

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

2.5 Lot Width

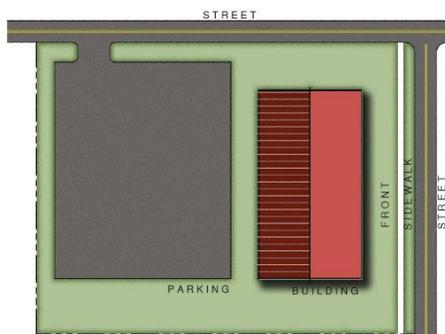
The required width of a lot, as set forth in Article 8 of this Ordinance, shall be measured at the required front setback line.

2.6 Yard Designation

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

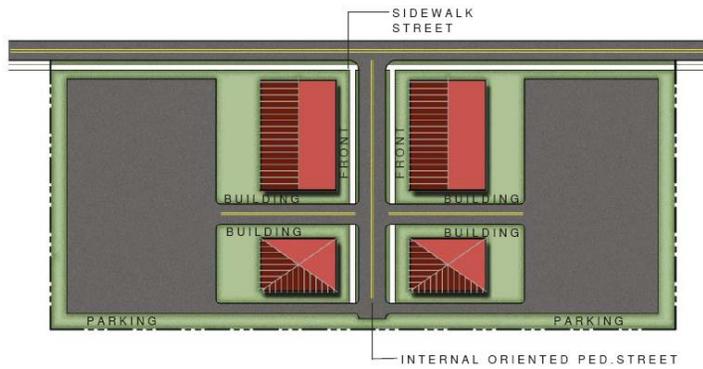
LOTS ABUTTING MORE THAN ONE STREET

One Building Lot



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

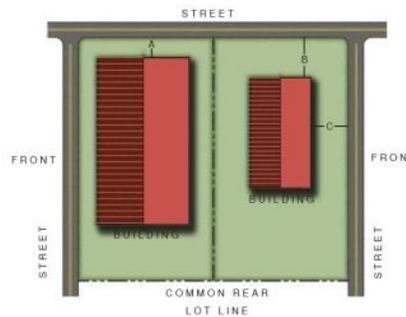
Multiple Buildings on a Lot



2.7 Yard Dimensions for Corner Lots

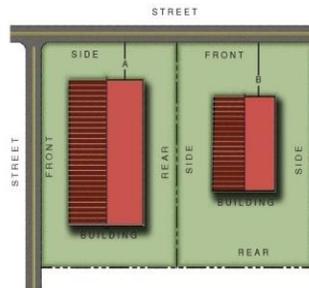
2.7-1 TWO CORNER LOTS ABUTTING AT REAR. If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.

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



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

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



2.7-3 BUILDINGS ON CORNER LOTS. Buildings on corner lots shall be positioned on the corner as required by the building and lot type standards for the zoning district in which the lot is located.

2.8 Through Lots

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

2.9 Height Limitation

2.9-1 BUILDING TYPE CONTROLS. The height of habitable buildings and components is controlled by building type (see Article 9).

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

2.10 Structures and Uses Limited in Yards

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

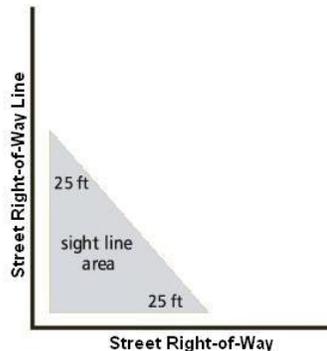
buildings in non-residential zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.

- 2.10-7 OUTDOOR STORAGE. Neither outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.
- 2.10-8 ARCHITECTURAL FEATURES. Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, *awnings*, steps, gutters, and fire escapes may project up to three (3) feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 10.
- 2.10-9 SUBORDINATE STRUCTURES. Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of the rear yard's depth, and may consume up to 20% of the rear yard's area. Attached rear loading garages accessed from rear *alleys* may extend into the required rear yard to within eighteen (18) feet of the *alley* right-of-way or easement; however, side loading garages accessed from rear *alleys* may extend into the required rear yard to within three (3) feet of the *alley* right-of-way or easement, and may consume up to 50% of the rear yard's area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line except in attached residential structures.
- 2.10-10 BACKFLOW PREVENTERS. Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible according to the standards and requirements of Creedmoor Public Works Department. Where there is no reasonable alternative to locating an above ground backflow preventer in the established front yard, the structure housing the device shall be covered in a non-reflective material and shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped opaque screen that matches that architectural style of the primary building.

2.11 Clear Sight Triangle at Street Intersection

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

Site Triangle Illustration for Streets Signed for 35 MPH or less:



- 2.11-2 NO OBSTRUCTION IN SIGHT TRIANGLE. No planting, structure, sign, fence, wall, manmade berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct

cross-visibility in the sight triangle between 30 inches and 96 inches above the level of the center of the street intersection.

2.11-3 MODIFICATIONS TO LIMITATIONS. The limitations of this section may be modified in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:

- A. existing natural grades;
- B. trees trimmed such that no limbs or foliage extend into the area between 30 and 96 inches above the level of the adjacent intersection;
- C. fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
- D. buildings located in the Main Street (MS) District, Main Street Periphery (MSP) District, or the mixed-use center of the Traditional Neighborhood Overlay (TNDO) District;
- E. the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neck-downs, intersection diverters, and curb bulbs.

2.12 Building Separation

All detached principal structures in all districts shall preserve a minimum building separation of 10 feet, except for Urban Workplace, Shop-front Commercial, and Attached House Lot/Building Types in the Main Street (MS) District, Main Street Periphery (MSP) District, or the mixed-use center of the Traditional Neighborhood Overlay (TNDO) District. All detached accessory structures in all districts shall maintain a minimum building separation of 4 feet, as measured from the overhang.

2.13 Permitted Accessory Uses and Fixtures in All Districts

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

2.13-2 FENCES AND WALLS.

- A. A zoning permit issued by the *Planning, Zoning and Subdivision Administrator* shall be required for all fences and walls. The process for obtaining a zoning permit is set forth in Article 7 of this Ordinance.
- B. In a residential, mixed use, or commercial district, a fence or wall in the established front yard, side yard, and rear yard of a building abutting a street shall be a maximum of 5 feet in height, unless otherwise regulated by the building or lot type standards (Article 9) of this Ordinance. Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 5 feet in height in front of a line parallel to the front of the principal structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).
- C. In a residential or mixed use district, a fence or wall in an established rear yard that abuts an *alley* may not exceed 6 feet in height unless placed 15 or more feet inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 3 feet at installation, or if obscured from view by the screening method(s) set out in the paragraph immediately above.
- D. In a residential or mixed use district, a fence or wall in an established rear or side yard that does not abut a street or *alley* may not exceed 8 feet in height, measured as the average over any 100 linear foot run of said fence or wall.
- E. In a commercial district, a fence or wall located outside the established front yard, side yard, and

rear yard of a building abutting a street may have a height of up to 8 feet, measured as the average over any 100 linear foot run of said fence or wall. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or *alley* only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or *alley*. Beyond the first 15 feet abutting a street or *alley*, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level and are approved by the *Planning, Zoning and Subdivision Administrator*.

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

accordance with the provisions of sub-section 2.13-2 FENCES AND WALLS herein, in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

- 2.13-8 SOLAR COLLECTORS. *[Amended May 27, 2014 per Ord. 2014-O-03]* Solar energy collection systems for solar photovoltaic systems and solar thermal systems may be roof-mounted on any code-compliant structure; ground-mounted systems may occupy an area of up to 50% of the footprint of the primary structure on the parcel, but not more than 1 acre; may cover permanent parking lot and other hardscape areas, or be building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
- A. New solar energy collection systems shall apply for a zoning compliance permit from the Planning, Zoning & Subdivision Administrator;
 - B. Installation activities must comply with all aspects of North Carolina Building Code, Electric Code and Plumbing Code. Permits shall be applied for through the City of Creedmoor Inspections Department;
 - C. Nothing in this ordinance modifies already established Granville County Health Department requirements. Ground-mounted solar systems shall not be constructed over onsite water or waste water systems (i.e. wells or septic systems);
 - D. Standard erosion and sedimentation control, stormwater phase II, Falls Lake and watershed rules shall apply;
 1. Ground-mounted solar energy collection systems do not count towards the impervious allowance on any lot. Panels, racks, or arrays must be positioned to allow water to run off their surfaces.
 2. Land under, between or below any ground-mounted solar energy collection system must be adequate enough to ensure proper vegetative growth, and maintained consistent with all health and sanitation ordinances, and shall not create a nuisance.
 - E. All outdoor system components at ground level must meet setbacks established for the applicable zoning district, and must be located in the rear yard, or attached to the rear of the building;
 - F. Maximum height of ground-mounted systems is twenty (20') feet. The height of systems will be measured from the highest natural grade to the highest point of any component.

2.14 Standards for Construction; Developer Responsibility

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

2.15 Guarantee in Lieu of Construction of Improvements

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

- A. Submit to the City a performance bond from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best; or
- B. Provide an irrevocable letter of credit payable to the City of Creedmoor; or
- C. Deposit or place in escrow a certified check or cash in an amount determined by the City. Portions of the security deposit may be released as work progresses; or
- D. Enter into an agreement with the City guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the City. The agreement shall provide that satisfactory security be furnished guaranteeing the

completion of the required improvements.

The performance bond, irrevocable letter of credit, certified check, or cash shall be in an amount equal to a minimum of 120% of the project costs and not to exceed 150% of the estimated cost of the installation of the required improvements, as determined by the City. The performance bond, irrevocable letter of credit, certified check, or cash shall secure the completion of construction of the improvements shown on the approved site development plan. The performance bond, irrevocable letter of credit, certified check, or cash shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the City of Creedmoor. Failure to maintain the performance bond or irrevocable letter of credit in full face value shall result in the revocation of the approval of the site development plan and any permits issued as a result of the site development plan approval. Only upon completion of an infrastructure phase may a partial release of funds be approved by the Planning, Zoning and Subdivision Administrator. The performance bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

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

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

2.16 [Reserved]

2.17 General Standards for Driveway Permitting

2.17-1 DRIVEWAY PERMIT REQUIRED. No driveway or other point of access to a street maintained by either the City of Creedmoor or the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from either the City of Creedmoor or the North Carolina Department of Transportation. The applicant shall comply with the

standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the City of Creedmoor prior to construction of the driveway. All driveways shall be paved surfaces within the public right-of-way.

- 2.17-2 PROJECTS COMPOSED OF MULTIPLE BUILDINGS AND LOTS. For development projects composed of multiple buildings and lots, access to the predevelopment existing public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area without first having secured the approval in sub-section 2.17-1 DRIVEWAY PERMIT REQUIRED above.
- 2.17-3 ACCESS TO SUBDIVISION LOTS. In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each building permit is issued.
- 2.17-4 LOCATION AND DESIGN OF ACCESS. Determination of the location and design of access to the public street system shall be made by the *Planning, Zoning and Subdivision Administrator, Public Works Engineer* and other regulatory and professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special polices that might exist for the corridor being accessed, and/or state of the practice principles for access management as promulgated by the Institute of Transportation Engineers and the Transportation Research Board.

2.18 Special Requirements for Lots along Thoroughfares

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

TABLE 2.18-2

<u>Thoroughfare Classification</u>	Distance from Thoroughfare Centerline to " <u>Proposed Right-of-Way Line</u> "
Freeway or Expressway (Class I)	125 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	50 feet
Major Arterial (Class III)	37.5 feet
Minor Arterial (Class IV)	30 feet

- 2.18-3 TRANSITIONAL SETBACK FOR LOTS ALONG THOROUGHFARES. A transitional setback or yard shall be

established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the Proposed Right-of-Way Line established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. At the time that the Proposed Right-of-Way Line is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

- 2.18-4 EXCEPTIONS. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional zoning district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Main Street (MS) District, Main Street Periphery (MSP) District, or mixed-use center in a TND Overlay District.
- 2.18-5 RIGHT TO APPEAL. An affected property owner shall have the right to appeal transitional yard or setback requirements to the *Board of Adjustment* for variance or modification as they apply to a particular piece of property.

2.19 Standards for Parking in Residential Districts

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

- D. Vehicles described in paragraphs (A) and (B) are not permitted on vacant or undeveloped parcels.
- E. Vehicles described in paragraphs (A) and (B) are not permitted on public streets or public right of way.

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

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