



## TOWN OF KNIGHTDALE

950 Steeple Square Court  
Knightdale, NC 27545  
KnightdaleNC.gov

### ORDINANCE #17-12-20-003

#### AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE REGARDING PLATS AND STATEMENT OF PLAN COMPLIANCE

**WHEREAS**, the Town of Knightdale has received a petition to amend Chapter 15.4(F)2 “Exempt Plats” to add an additional exempt plat, Chapter 15.4(F)5(c) to include a new minor subdivision with expedited review, Chapter 15.6(A)2 to amend the statement of Comprehensive Plan compliance, and Chapter 16.7 “Final Plat Requirements” to change the control ties for final plats; and

**WHEREAS**, the petition also includes the amendment of other remaining chapters of the Unified Development Ordinance that may be affected by the proposed amendments, such as updating code section references and locations, the use matrix, the ordinance table of contents and index, as well as adding/amending definitions in Chapter 19 for consistency; and

**WHEREAS**, the Town of Knightdale Unified Development Ordinance Section 15.6(B) establishes uniform procedures for amending the text of the Ordinance, and

**WHEREAS**, the proposed text amendments are reasonable as they support the need for the Town’s Unified Development Ordinance to be consistent and compliant with State Law; and

**WHEREAS**, the proposed text amendment is consistent with the Comprehensive Plans’ overall goal to provide balance and responsible urban design, planning and development and protection of the Town’s historical, cultural, and natural resource, and.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Knightdale, North Carolina:

**Section 1:** That the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows *{editing notes in bracketed italics}*:

#### **F. Subdivision Approvals**

- 1 Applicability:** Subdivisions shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions is created for the purposes of sale or building development, whether immediate or future, and shall include all division of land involving the dedication of a new street or a change in existing streets.
- 2. Exempt Plats:** An Exempt Plat involves the dedication of easements or rights-of-way, or meets the standards for exempt plats as stated in G.S. 160A-376(a)(1)-(5) which

include recombination plats. Exempt plats are reviewed according to the following procedure:

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Final Plat (16.7)	Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued <b>-or-</b> Denied	LURB

*A Sketch Plan and review is not required, but can be scheduled with the Planning Department if it is desired.*

**5. Minor Subdivisions:**

- a. **Purpose & Definition:** Minor subdivisions are those that involve the creation of not more than four (4) lots fronting on an existing approved street; and do not involve any of the following:
  - i. the construction of any new street or prospectively requiring any new street for access to interior property; or
  - ii. the extension of public sewage or water lines to serve properties at the rear; or
  - iii. the creation of any new or residual parcels not conforming to the requirements of these regulations and related ordinances.
  
- b. **Procedure:** The request for a minor subdivision approval shall be filed by submitting an application for Final Plat to the Administrator.
  
- c. **Expedited Review:** Except as regulated above the following subdivisions should be exempt from the sketch plan requirement and may only be required to submit a plat for recordation:
  - i. The tract or parcel to be divided is not exempt under subsection 15.4(F).2 of this ordinance;
  - ii. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
  - iii. The entire area of the tract or parcel to be divided is greater than five acres.
  - iv. After division, no more than three (3) lots result from the division.
  - v. After division, all resultant lots comply with all of the following:
    - a. Any lot dimension size requirement of the applicable land-use regulations,
    - b. The use of the lots is in conformity with the applicable zoning requirements, and

c. A permanent means of ingress and egress is recorded for each lot.

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Sketch Plan (16.4) w/Environmental Survey (16.2A)	Administrator	For Non-Binding Review Only	n/a
Final Plat (16.7)	Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued <b>-or-</b> Denied	LURB

- 2. Compliance with Comprehensive Plan:** Zoning text and map amendments shall be made in accordance with a comprehensive plan. The LURB shall have advised and commented on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The LURB shall have provided a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the LURB, but a comment by the LURB that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt one of the following statements which shall not be subject to judicial review:
- a. A statement approving the zoning amendment and describing its consistency with the adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
  - b. A statement rejecting the zoning amendment and describing its inconsistency with the adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
  - c. A statement approving the zoning amendment and containing at least all of the following:
    - i. A declaration that the approval is also deemed an amendment to the comprehensive plan. No additional request or application for amendment to the comprehensive plan is required.
    - ii. An explanation of the change in conditions the Town Council took into account in amending the zoning ordinance to meet the development needs of the community.

iii. Why the action was reasonable and in the public interest

**E. Survey Points:** The accurate locations and descriptions of all monuments, markers, and grid coordinates.

**Section 2.** That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

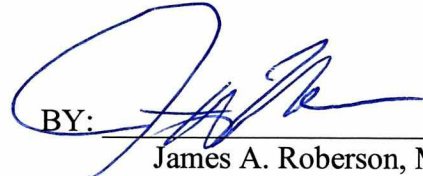
**Section 3.** That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

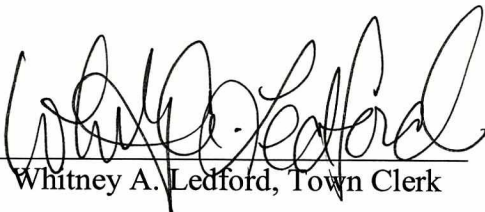
**Section 4.** That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

**Section 5.** That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code


**Section 6.** That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 20<sup>th</sup> of December, 2017

BY:   
James A. Roberson, Mayor

ATTEST:   
Whitney A. Ledford, Town Clerk

APPROVED AS TO FORM:

  
Clyde Holt, III, Town Attorney