



## TOWN OF KNIGHTDALE

950 Steeple Square Court  
Knightdale, NC 27545  
KnightdaleNC.gov

### ORDINANCE #16-09-21-002

#### AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE REGARDING THE MAJOR SUBDIVISION APPROVAL PROCESS, MULTI-FAMILY HOMES, AND PROCEDURAL CHANGES

**WHEREAS**, the Town of Knightdale has received a petition to amend Chapter 2.1(B) to remove the Planned Residential Development overlay district and associated references, to amend Chapter 2.3(C) to change Dwelling- Multifamily from a Permitted Use to a Special Use, to amend Chapters 2.6, 2.7, 2.8, 2.9, and 2.10 to change the minimum width for a front loaded single family home, add minimum driveway lengths, and increase the rear setback from rear lane/alley, amend Chapter 2.14(C) to remove the text regarding Planned Residential Development, to amend Chapter 3.3(T) to remove the additional standards for one and two family dwelling units and add additional standards for multi-family dwelling units, amend Chapter 5.7 to increase the garage setback for house building types and reflect the changes regarding the minimum lot width for garages and driveways in the front of the house, amend Chapter 8.9 to require foundation plantings, amend Chapter 15.3(C) to create criteria for required neighborhood meetings, amend Chapter 15.4(F).6 to change the approval of Major Subdivisions from a legislative rezoning to a Special Use Permit, amend Chapter 15.5€ to add standards and required findings of fact for Special Use Permits for Major Residential Subdivisions, 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 zoning text changes are reasonable as they support the need to update the Unified Development Ordinance in order to provide a transparent and navigable development process. It is further reasonable as it promotes the development of pedestrian-friendly neighborhoods and walkable activity centers. and

**WHEREAS**, the text amendment are further consistent with the Comprehensive Plan's goal of providing and open, accessible, responsive and fiscally responsible government. It is also consistent with the goals of providing safe, dynamic and sustainable neighborhoods, which offer employment opportunities, high quality education, adequate and affordable shelter, health care, and recreational amenities.

**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}*:

#### Chapter 2.1(B) Planned Development Districts

##### B. Planned Development Districts

The following planned development districts function as floating overlay districts that may be applied if a developer so chooses as part of a re-zoning request (*Section 15.6C*). These districts establish their own uses (*Section 2.3C*), but are otherwise subject to the requirements and regulations of the underlying district as well as any additional district standards enumerated in Sections 2.14A *{insert "and"}* 2.14B *{Remove 2.14C}* respectively.

Manufactured Home Development (MHD)  
 Traditional Neighborhood Development (TND)  
*{Planned Residential Development (PRD) Removed}*

**Chapter 2.3(C) Use Matrix**

	T1	T2	T3	T4	T5	T6	Assigned Districts			Planned Districts		
BASE DISTRICT	OSP	RR	GR	UR	RMX	NMX	TC	HB	MI	MQ	MHD	TND
<b>(1) Residential</b>												
a. Dwelling-Single Family	—	P	P	P	P	P	P	—	—	—	P	P
b. Dwelling-Duplex	—	—	P	P	P	P	P	—	—	—	P	P
c. Dwelling-Multifamily 4 units/bldg or less	—	—	—	SU	SU	SU	SU	—	—	—	SU	SU
d. Dwelling-Multifamily more than 4 units/bldg	—	—	—	SU	SU	SU	SU	—	—	—	—	SU
e. Dwelling-Secondary	—	SU	—	—	—	—	—	—	—	—	—	SU
f. Family Care Home (6 or Less residents)	—	PS	PS	PS	PS	PS	PS	—	—	—	PS	PS
g. Home Occupation	—	PS	PS	PS	PS	PS	PS	—	—	—	PS	PS
h. Housing Service for the Elderly	—	—	PS	PS	P	P	P	—	—	—	—	----
i. Live-Work Units	—	—	—	PS	PS	PS	PS	—	—	—	—	PS
j. Manufactured Housing	—	PS	PS	—	—	—	—	—	—	—	PS	—
<b>(2) Lodging</b>												
a. Bed and Breakfast Inns	—	PS	PS	PS	PS	PS	P	P	—	—	—	PS
b. Hotels/Motels/Inns	—	—	—	—	—	CD	CD	P	—	—	—	CD
c. Rooming or Boarding House	—	—	—	—	PS	PS	PS	—	—	—	—	PS
<b>(3) Office/Service</b>												
a. Animal Services	—	SU	—	—	—	PS	PS	PS	P	—	—	----
b. ATM	—	—	—	—	PS	P	P	P	P	—	—	PS
c. Banks, Credit Unions, Financial Services	—	—	—	—	—	PS	P	P	P	—	—	P
d. Business Support Services	—	—	—	—	—	PS	P	P	P	—	—	P
e. Child/Adult Day Care Home (Fewer than 6 people)	—	PS	PS	PS	PS	PS	PS	—	—	—	—	PS
f. Child/Adult Day Care Center (6 or more people)	—	PS	—	PS	PS	PS	P	—	—	—	—	P
g. Community Service Organization	—	P	—	P	P	P	P	P	—	—	—	P
h. Cremation Facilities	—	—	—	—	—	SU	P	P	—	—	—	—
i. Drive Thru Service	—	—	—	—	—	SU	—	PS	PS	—	—	—
j. Equipment Rental	—	—	—	—	—	—	PS	PS	P	—	—	—
k. Funeral Homes	—	—	—	—	—	P	P	P	—	—	—	—
l. Government Services	P	P	P	P	P	P	P	P	P	—	—	P
m. Group Care Facility (More than 6 residents)	—	SU	—	—	—	SU	SU	—	—	—	—	—
n. Medical Services	—	—	—	—	P	P	P	P	P	—	—	P
o. Outdoor Animal Boarding/Equestrian Facilities	—	SU	—	—	—	—	—	—	SU	—	—	—
p. Personal Services	—	—	—	—	PS	PS	PS	PS	PS	—	—	PS
q. Post Office	—	—	—	—	P	P	P	—	P	—	—	P
r. Professional Services	—	—	—	—	P	P	P	P	P	—	—	P
s. Studio – Art, dance, martial arts, music	—	—	—	—	P	P	P	P	P	—	—	P
t. Tattoo Shop	—	—	—	—	—	—	—	PS	PS	—	—	—
u. Vehicle Services – Maintenance/Body Work/Repair	—	—	—	—	—	SU	PS	PS	PS	—	—	—

*{Dwelling – Single Family changed from PS to P} {Dwelling-Duplex changed from PS to P} {Dwelling-Multifamily – 4 units/bldg. or less changed from P to SU} {Dwelling Multifamily more than 4 units/bldg. changed from P to SU}*



## 2.6 General Residential (GR3 and GR8)

**A. Purpose and Intent:** The General Residential District is intended for Town’s existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the Town as set forth in the *2027 Comprehensive Plan*.

**B. Specific District Provisions:**

**1. Maximum Development Density:**

GR3: 3 Units/Acre (*Gross Acreage*)

GR8: 8 Units/Acre (*Gross Acreage*)

**2. Permitted Building Type Ratio:** The maximum number of Townhouse buildings in a GR development shall not exceed 30% of the total number of units.

**3. Lot and Building Dimensional Requirements:** On infill lots, the minimum lot width, front and side setbacks shall be equal to the median lot width, average as-built front setback and average as-built side setback dimension, respectively, of lots on the same block face and the opposite block face within 300 feet or one block length (*whichever is greater*). In situations where no block face exists (*no houses facing the street*) for purposes of making average calculations, a Special Use Permit shall be required. Otherwise, the dimensional requirements for new developments shall be as follows:

Building Type (CH 5) :	House	Townhouse	Civic & Institutional
Lot Width (a) (Min)	30 ft	n/a	100 ft
Front Setback (g) (Min)	10 ft	0 ft	10 ft
Front Setback (g) (Max)	n/a	25 ft	n/a
Front Yard Encroachment (b)	8 ft	(e)	10 ft
Minimum Driveway Length	25 ft	n/a	n/a
Side Setback (g) (Min)	20% of lot width (d)	10 ft between buildings	15 ft
Rear Setback (g) (Min)	25 ft	n/a	30 ft
Rear Setback from Rear Lane/Alley (c) (Min)	20 ft from centerline	15 ft from centerline	n/a
Accessory Structure Side/Rear Setback (Min)	5 ft	5 ft	5 ft
Maximum Height (f)	3 stories	3 stories	3 stories

**Notes:**

- (a) For lots less than 80-feet wide, alley/rear lane access to all off-street parking areas is required, except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.4).
- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;  
**For lots less than 60' in width:** Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.
- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.5 for computation of height.

(g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

## 2.7 Urban Residential (UR12)

**A. Purpose and Intent:** The Urban Residential District accommodates neighborhoods close to commercial centers such as the TC, NMX and HB districts and provides for a variety of compatible housing types and a limited mix of uses within a walkable ¼ - ½ mile context.

**B. Specific District Provisions:**

1. **Maximum Development Density:** 12 Units/Acre (*Gross Acreage*)
2. **Mixed-Use Buildings:** Mixed-Use Buildings are permitted in new developments only (not infill lots).
3. **Lot and Building Dimensional Requirements:** On infill lots, the minimum lot width, front and side setbacks shall be equal to the median lot width, average as-built front setback and average as-built side setback dimension, respectively, of lots on the same block face and the opposite block face within 300 feet or one block length (*whichever is greater*). In situations where no block face exists (*no houses facing the street*) for purposes of making average calculations, a Special Use Permit shall be required. Otherwise, the dimensional requirements for new developments shall be as follows:

Building Type (CH 5) :	House	Townhouse	Apartment	Mixed-Use	Civic & Institutional
<b>Lot Width (a) (Min)</b>	30 ft	n/a	n/a	32 ft	50 ft
<b>Front Setback (g) (Min)</b>	10 ft	0 ft	0 ft	0 ft	10 ft
<b>Front Setback (g) (Max)</b>	n/a	25 ft	25 ft	10 ft	n/a
<b>Front Yard Encroachment (b)</b>	8 ft	(e)	(e)	(e)	10 ft
<b>Minimum Driveway Length</b>	25'	n/a	n/a	n/a	n/a
<b>Side Setback (g) (Min)</b>	20% of lot width (d)	10 ft between buildings	10 ft between buildings	0 ft within development, otherwise 12 ft	10 ft between buildings
<b>Rear Setback (g) (Min)</b>	25 ft	n/a	n/a	10 ft	30 ft
<b>Rear Setback from Rear Lane/Alley (c) (Min)</b>	20 ft from centerline	15 ft from centerline	15 ft from centerline	5 ft	n/a
<b>Accessory Structure Side/Rear Setback (Min)</b>	5 ft	5 ft	5 ft	0 ft	5 ft
<b>Maximum Height (f)</b>	3 stories	3 stories	3 stories	3 stories	3 stories

**Notes:**

- (a) For lots less than 80 feet wide, alley/rear lane access to all off-street parking areas is required except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.4).
- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;  
**For lots less than 60' in width:** Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for



all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.

- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.5 for computation of height.
- (g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

## 2.8 Residential Mixed-Use (RMX)

**A. Purpose and Intent:** The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (*within ¼ - ½ mile*) to existing and planned commercial centers such as the TC, NMX and HB districts. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

### B. Specific District Provisions:

1. **Maximum Development Density:** 18 Units/Acre (*Gross Acreage*)
2. **Lot and Building Dimensional Requirements:**

Building Type (CH 5) :	House	Townhouse	Apartment	Mixed-Use	Civic & Institutional
<b>Lot Width (a)</b> (Min)	30 ft	n/a	n/a	32 ft	50 ft
<b>Front Setback (g)</b> (Min)	10 ft	0 ft	0 ft	0 ft	10 ft
<b>Front Setback (g)</b> (Max)	n/a	25 ft	25 ft	10 ft	n/a
<b>Front Yard Encroachment (b)</b>	8 ft	(e)	(e)	(e)	10 ft
<b>Minimum Driveway Length</b>	25'	n/a	n/a	n/a	n/a
<b>Side Setback (g)</b> (Min)	20% of lot width (d)	10 ft between buildings	10 ft between buildings	0 ft within development, otherwise 12 ft	10 ft between buildings
<b>Rear Setback (g)</b> (Min)	25 ft	n/a	n/a	10 ft	30 ft
<b>Rear Setback from Rear Lane/Alley (c)</b> (Min)	20 ft from centerline	15 ft from centerline	15 ft from centerline	5 ft	n/a
<b>Accessory Structure Side/Rear Setback (Min)</b>	5 ft	5 ft	5 ft	0 ft	5 ft
<b>Maximum Height (f)</b>	3 stories	3 stories	3 stories	3 stories	3 stories

**Notes:**

- (a) For lots less than 80 feet wide, alley/rear lane access to all off-street parking areas is required except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.4).
- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;

*For lots less than 60' in width: Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.*

- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.5 for computation of height.
- (g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

## 2.9 Neighborhood Mixed-Use (NMX)

**A. Purpose and Intent:** The Neighborhood Mixed-Use District is intended to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

### B. Specific District Provisions:

**1. Maximum Development Density: No Maximum**

**2. Lot and Building Dimensional Requirements:**

Building Type (CH 5) :	House	Townhouse e	Apartment	Mixed-Use	Commercial	Civic & Institutional l
<b>Lot Width (a) (Min)</b>	30 ft	n/a	n/a	n/a	32 ft	50 ft
<b>Front Setback (g) (Min)</b>	10 ft	0 ft	0 ft	0 ft	0 ft	0 ft
<b>Front Setback (g) (Max)</b>	n/a	25 ft	25 ft	10 ft	10 ft	n/a
<b>Front Yard Encroachment (b)</b>	8 ft	(e)	(e)	(e)	(e)	n/a
<b>Minimum Driveway Length</b>	25'	n/a	n/a	n/a	n/a	n/a
<b>Side Setback (g) (Min)</b>	20% of lot width (d)	10 ft between buildings	10 ft between buildings	0 ft within development , otherwise 5 ft	0 ft within development , otherwise 5 ft	10 ft between buildings
<b>Rear Setback (g) (Min)</b>	25 ft	n/a	n/a	0 ft	0 ft	30 ft
<b>Rear Setback from Rear Lane/Alley (c) (Min)</b>	20ft from centerline	15 ft from centerline	15 ft from centerline	0 ft	0 ft	n/a
<b>Accessory Structure Side/Rear Setback (Min)</b>	5 ft	5 ft	5 ft	0 ft	0 ft	5 ft
<b>Maximum Height (f)</b>	4 stories	4 stories	4 stories	4 stories	4 stories	4 stories

**Notes:**

- (a) For lots less than 80 feet wide, alley/rear lane access to all off-street parking areas is required except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.4).

- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;  
**For lots less than 60' in width:** Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.
- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.5 for computation of height.
- (g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

## 2.10 Town Center (TC)

**A. Purpose and Intent:** The Town Center District is intended for the traditional downtown area and the identified new town centers at future commuter rail stations. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

### B. Specific District Provisions:

1. **Maximum Development Density:** No Maximum
2. **Parking Requirements (per Chapter 10-Vehicle Accommodation Areas):** May achieve compliance with parking requirements by making payments to the Town's Fund 70 Capital Reserve account as provided in Section 10.2B.
3. **Lot and Building Dimensional Requirements:**

Building Type (CH 5) :	House	Townhouse	Apartment	Mixed-Use	Commercial	Civic & Institutional
<b>Lot Width (a) (Min)</b>	n/a	n/a	n/a	n/a	16 ft	50 ft
<b>Front Setback (g) (Min)</b>	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
<b>Front Setback (g) (Max)</b>	25 ft	25 ft	25 ft	10 ft	10 ft	25 ft
<b>Front Yard Encroachment (b)</b>	(e)	(e)	(e)	(e)	(e)	n/a
<b>Minimum Driveway Length</b>	25'	n/a	n/a	n/a	n/a	n/a
<b>Side Setback (g) (Min)</b>	20% of lot width (d)	6 ft between buildings	If no partiwall then 10 ft	If no partiwall then 10 ft	If no partiwall then 10 ft	0 ft
<b>Rear Setback (g) (Min)</b>	n/a	n/a	n/a	0 ft	0 ft	0 ft
<b>Rear Setback from Rear Lane/Alley (c) (Min)</b>	20ft from centerline	15 ft from centerline	15 ft from centerline	0 ft	0 ft	0 ft
<b>Accessory Structure Side/Rear Setback (Min)</b>	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
<b>Maximum Height (f)</b>	5 stories	5 stories	5 stories	5 stories	5 stories	5 stories

Notes:



- (a) For lots less than 80 feet wide, alley/rear lane access to all off-street parking areas is required except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.4).
- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;  
**For lots less than 60' in width:** Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.
- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.5 for computation of height.
- (g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

**Chapter 2.14(C) – Planned Residential Development**

*{Remove all of subsection C regarding Planned Residential Development}*

**Chapter 3.3(T) – Dwelling – Single Family & Dwelling – Duplex**

*{Remove Section 3.3(T) Dwelling-Single Family & Dwelling – Duplex. Replace with Section 3.3(T) Below}*

**Chapter 3.3(T) – Dwelling Multifamily – 4 unit/bldg. or less & Dwelling – Multifamily more than 4 units/bldg.**

T. Dwelling – Multifamily – 4unit/bldg. or less & Dwelling – Multifamily more than 4 units/bldg. (UR\*, RMX\*, NMX\*, TC\*, MHD\*, & TND\*)

\* Special Use (2.3C(1)c) & (2.3C(1)d)

- a. Must be located in a primary or secondary activity center as designated in the Town of Knightdale Comprehensive Plan.
  - a. Must contain a mixture of uses, including but not limited to office, retail, or services with retail and services on the ground level and offices and residences above.
  - b. The roof or roof structures are flat, or have a combination of roof types which give a predominantly flat appearance.

**Chapter 5.7 – Building Type: HOUSE**

**2. Garages:**

- a. House Buildings located on lots less than 80 feet wide may not have garage doors located on the primary façade.
- b. Where allowed (i.e. lots equal to or greater than 80 feet wide), garages with loading bays on the primary facade or side loading bays that front a street shall form a building volume secondary to the House and shall:
  - i. Not exceed 45% of the corresponding façade's total width;
  - ii. Be set back a minimum of 25 feet from the street right-of-way;

**Chapter 8.9 – Residential Landscaping and Plat Notes**

The following paragraphs shall be noted on an approved Preliminary Plat and Final Plat:



Each single-family or duplex lot shall contain a minimum of one (1) canopy tree for every 2,000 square feet of lot area or fraction thereof up to 20,000 square feet in lot area. Any portion of the residential lot occupied by a recorded utility easement shall not be included as part of the total lot area. The location of planting to account for physical conditions may be adjusted by the Administrator.

The use of existing trees meeting the following standards to satisfy this requirement is encouraged. Existing large shade trees measuring more than six (6) inches in DBH may be counted towards fulfilling this requirement.

Required street trees (*Section 8.8*) may not be counted towards the fulfillment of the residential landscaping requirement. Apart from required street trees, all other trees required under this Chapter shall be planted within the private lot.

Foundation plantings consisting of evergreen shrubs shall be installed along the entire foundation wall of the building. Plant installation shall be a minimum of two feet in height planted at four-foot intervals.

### **Chapter 15.3(C) – Neighborhood Meetings**

- C. Neighborhood Meetings: Where pre-submittal neighborhood meetings are required they shall meet the following criteria:
1. The required neighborhood meeting must be conducted prior to submittal of the application. The meeting may not occur more than 6 months prior to submittal of the application. Notice of the neighborhood meeting must be made by the applicant and shall include a first class mailing to all property owners within 500 feet of the subject property. Further a sign shall be posted on the subject property, clearly visible from the public right-of-way, which identifies the date, time, and location of the neighborhood meeting.
  2. The meeting shall be held at a time and place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
  3. A report of the meeting, made by the applicant, shall be included with the application. The report shall include, a list of those persons and organizations contacted about the neighborhood meeting, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, and a summary of issues discussed at the meeting; including a description of how the applicant proposes to respond to neighborhood concerns or changes made as a result of the meeting.

### **15.4(F).6 – Major Subdivision**

#### **Major Subdivisions**

- a. Purpose & Definition: A Major Subdivision is a subdivision of land that does not meet the definition of an Exempt Plat, Family Subdivision or Minor Subdivision.
- b. Procedure: To receive Major Subdivision approval and a CIP, a completed Master Plan Application must be submitted to the Administrator for review.
- c. {Remove Planned Development District Language in Subsection b and add the following}.

Special Use Permit: A Special Use Permit granted in accordance with Chapter 15.5(E) is required for any major residential subdivision (5 or more lots) granted after September 21, 2016.

#### **E. Special Use Permits – Major Residential Subdivisions (5 or more lots)**

1. **Applicability:** A Special Use Permit (SUP) for a major residential subdivision (5 or more lots) allows individual consideration of their location, design, configuration, and/or operation at the particular location proposed in order to mitigate and prepare for potential impacts on the neighborhood and/or town as whole.
2. **Neighborhood Meeting:** A pre-submittal neighborhood meeting is required as outlined in 15.3(C).

**3. Board Powers and Responsibilities:**

- a. The Town Council shall review the special use permit after public hearing and a recommendation by the Land Use Review Board.
- b. Review of the special use permit application is a quasi-judicial process, where the Town Council acts much like a panel of judges. The Town Council hears factual evidence and sworn testimony presented at an evidentiary hearing and then makes findings of fact supported by competent, substantial and material evidence.
- c. The Mayor, or other presiding officer, the Town Clerk or their designee shall swear all parties intending to present evidence or testimony during the hearing.
- d. The Town Council may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety, and general welfare, ensure substantial justice is done and equitable treatment provided. The Town Council shall not require a land owner to waive a vested right as a condition of the Special Use process. The applicant may elect a deferral of up to thirty (30) calendar days to consider and/or respond to proposed conditions prior to action by the Town Council if applicant requests such deferral before action on the Special Use application is taken by the Town Council.
- e. The burden of proof demonstration that an application complies with all applicable submittal, review and approval criteria is on the applicant.

**4. Required Findings of Fact:**

- a. The use will maintain or promote the public health, safety and general welfare; and
- b. The use will maintain or enhance the value of contiguous property; and
- c. The location and character of the use will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the Town as embodied in these regulations or in the Comprehensive Plan; and
- d. The proposed use will not cause undue traffic congestion nor create a traffic hazard; and
- e. Adequate utilities (such as water sewer, storm drainage, electric, etc.) are available for the proposed use; and
- f. The proposed use meets all specifications and requirements of the Town of Knightdale Unified Development Ordinance and associated documents.

**5. Modification of Design:**

As part of a Special Use review, the Town Council may modify the requirements of the Unified Development Ordinance if requested by the applicant as a part of their application and provided that the following findings of fact are made by the Town Council:

- a. An unnecessary hardship would result from the strict application of the requirements of the Town of Knightdale Unified Development Ordinance and associated documents; and
- b. The requested modification is consistent with the spirit, purpose and intent of the Town of Knightdale Unified Development Ordinance and associated documents and the Town of Knightdale Comprehensive Plan.

- 6. Effect of Approval:** If an application is approved, the SUP that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The applicant must record at the Wake County Register of Deeds office the approved SUP and submit a copy of the recorded document(s) to the Town.

- 7. Substantial Changes:** Any substantial change to a SUP that results in the increase of the intensity, density or character of the use shall be approved or denied by the Town Council as an amended SUP. Minor field alterations or minor revisions to approved SUPs may be approved by the



Administrator if the special use still meets the intent of the standards established with the original approval.

8. **Time Limit on Approval:** The applicant must record a final plat within a 24-month period from date of approval of the SUP unless otherwise specified.
9. **Rescission or Extension of Special Use Permits:** The Town Council may completely rescind or extend for a specified period of time a SUP after notice by the Administrator and subsequent hearing upon one (1) or more of the following grounds:
  - a. The project is not complete or a final plat is not in place at the end of the 24-month approval period; or
  - b. Failure to comply with the additional standards specified in Section 3.3; or
  - c. Substantial change to Local, State, or Federal law that may affect the ability to complete the subdivision as proposed or affects the validity of the Special Use Permit.
10. **Procedure:**

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
Special Use Permit w/ Master Plan (16.5)	Administrator	Review for Completeness & Ordinance Compliance; Issue Staff Report	n/a
	Town Council	Public Hearing; Refer to LURB	n/a
	LURB	Review and Recommendation	n/a
	Town Council	SUP Approved – or – Denied	Superior Court
Construction Documents (16.6) w/Environmental Survey (16.2B)	Administrator	Review for Completeness & Ordinance Compliance; CIP Issued -or- Denied	LURB

## **Chapter 15.5(F) – Special Use Permit**

### Special Use Permits

1. **Applicability:** A Special Use Permit (SUP) ensures the appropriateness of the use at a particular location within a given District. Special Uses are generally compatible with the land uses

permitted by right in a District, but which require individual review of their location, design and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Only those uses enumerated (*Section 2.3C*) as required SUP's in a District may be authorized by the Town Council.

2. **Neighborhood Meeting:** A pre-submittal neighborhood meeting is required as outlined in 15.3(C).

### **Chapter 15.6(C) – Legislative Rezoning**

#### **C. Zoning Map Amendments (Re-zonings)**

1. **Applicability:** An amendment to the Official Zoning Map or “Zoning Map Amendment” (ZMA) may be initiated by the Town Council, the LURB, the Administrator or any private citizen by filing an application with the Administrator.
2. **Neighborhood Meetings:** A pre-submittal neighborhood meeting is required for all applications for a Zoning Map Amendment as outlined in 15.3(C).
3. **Citizen Comments:** In addition to comments provided in person at public hearings and public meetings, any resident or property owner in the town may submit a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two (2) business days prior to the proposed vote. If submitted according to the preceding condition, the Town Clerk shall submit said written statements to the Town Council, prior to the hearing. If the proposed change is the subject of a quasi-judicial proceeding the clerk shall provide only the names and addresses of the individuals providing written comment.
4. General Re-zoning
  - a. **Decision:** A decision concerning a petition for re-zoning shall be as follows:
    - i. Grant the re-zoning as requested; or,
    - ii. Grant the re-zoning with a reduction in the area requested; or,
    - iii. Grant the re-zoning to a more restrictive general zoning district; or,
    - iv. Grant the re-zoning with a combination of “ii” and “iii” above; or,
    - v. Deny the application.

### **Chapters 15.5(E) & 15.6(C)**

*{Add a pre-application conference and neighborhood meeting to the flow charts in each respective chapter}*

**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.

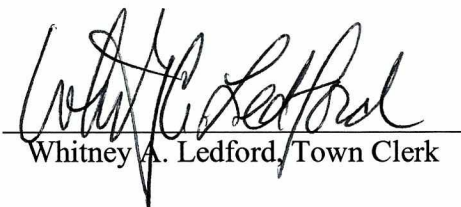
**SECTION 5.** That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code


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



Adopted this 21<sup>st</sup> of September, 2016.

BY:   
James A. Roberson, Mayor

ATTEST:   
Whitney A. Ledford, Town Clerk

APPROVED AS TO FORM:   
Clyde Holt, III; Town Attorney