



TOWN OF KNIGHTDALE

DEVELOPMENT SERVICES
DEPARTMENT

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ORD #15-05-20-001

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING TEMPORARY USES, RECREATIONAL OPEN SPACE, BARS/TAVERNS/NIGHT CLUB, ACCESS MANAGEMENT, AND TO REMOVE A PAYMENT IN LIEU OF MEDIAN CONSTRUCTION

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 4.10 to reinstate flexibility in temporary uses, amend Chapter 7 to allow an open space credit when certain amenity centers are provided, amend Chapter 2.3C(4) to change Bars/Taverns/Night Clubs to a permitted use in the Neighborhood Mixed Use (NMX) and Town Center (TC) zoning districts, to amend Chapter 9.7 to prohibit single family dwelling units from establishing driveways on designated collector streets, and to amend Chapter 17.2B(1) to remove a requirement for a payment in-lieu of median construction; 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 15.6B 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 periodically update the UDO to account for recent best practices in site design and development which is compatible with the Comprehensive Plan's stated objective of providing an open, accessible, responsive, and fiscally responsible government; and

WHEREAS, for those same reasons, the text changes are further consistent as they promote the goals of the Comprehensive Plan to provide safe, dynamic, and sustainable neighborhoods, which offer employment opportunities, high quality education, adequate and affordable shelter, health care, and recreational amenities; and the goals of providing a vibrant and varied economy and to provide balanced & responsible urban design, planning, and development.

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 be amended to read as follows *{editing notes in bracketed italics}*:

4.10 Temporary Uses

Temporary uses may be approved by obtaining a Zoning Compliance Permit (Section 15.4B) from the Administrator subject to the following:

A. General Requirements

1. The Administrator may attach any conditions needed to protect the public health, safety, and welfare.
2. The use is clearly of a temporary nature, not exceeding 14 calendar days unless otherwise allowed in subsection (B) below.
3. Associated structures including but not limited to greenhouses, tents and mobile units, shall be removed from the lot no later than the temporary use's zoning compliance permit expiration date.
4. Any building permits and fire inspections as required by the North Carolina Building Code for general construction or commercial use shall be obtained.

B. Specific Requirements

1. **Carnival or Circus:** A carnival or circus may be permitted for a period not to exceed 21 calendar days.
2. **Seasonal Sales:** Christmas tree, fireworks and other seasonal sales in open lots may be permitted for a period not to exceed 45 calendar days within the NMX, TC, HB, MI and TND districts. Christmas tree sales may also be permitted for a period not to exceed 45 days on a portion of a lot primarily used for agribusiness purposes.
3. **Contractor's Office or Equipment Shed:** A contractor's office or equipment shed is permitted in any district for a period covering the construction phase of the project not to exceed one (1) year, provided that such office be placed on the property to which it is appurtenant.
4. **Other Uses:** The administrator may issue other temporary uses and activities, or special events including specific time limits, if it is determined that such uses are clearly of a temporary nature, and will not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

7.6 Recreational Open Space Credits

- A. **Parkways:** For each street segment within a development that is single-loaded (buildings fronting on one side only with recreational open space on the other), the area consisting of the length times half of the width of said street segment right-of-way shall be credited at a rate of 100% against the passive recreational open space square foot requirement.
- B. **Historic Resources:** Historic resources determined by the Administrator as candidates for local historic district or local historic landmark designation per Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, and are identified for preservation as part of a development proposal shall be credited 200% of the area against the passive recreational open space square foot requirement. In the case of historic buildings "preservation" shall constitute active rehabilitation and use of the building or deeded transfer of the building(s) and associated property to a local historic preservation organization enabled to receive such transfers.
- C. **Neighborhood Amenities:** Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required passive open space, and 25% of the required active open space (to be equally

divided). The amenities shall contain a resort style pool or equivalent with a minimum of 2,500 square feet in surface water and a clubhouse with a minimum of 1,500 square feet. Such amenity must be open to all residents of the neighborhood and are not subject to private membership separate from any related HOA dues.

Chapter 2: District Provisions

BASE DISTRICT	T1	T2	T3	T4	T5	T6	Assigned Districts				Planned Districts	
	OSP	RR	GR	UR	RMX	NMX	TC	HB	MI	MQ	MHD	TND
(4) Retail/Restaurants												
a. Auto Parts Sales	—	—	—	—	—	P	P	P	P	—	—	—
b. Bar/Tavern/Night Club	—	—	—	—	—	P	P	P	—	—	—	PS
c. Drive-Thru Retail/Restaurants	—	—	—	—	—	SU	—	PS	—	—	—	---
d. Gas Station with Convenience Store	—	—	—	—	—	PS	PS	PS	—	—	—	—
e. Neighborhood Retail/Restaurant – 2,000 sf or less	—	—	—	—	SU	P	P	P	—	—	—	P
f. General Retail – 10,000 sf or less	—	—	—	—	—	P	P	P	—	—	—	P
g. General Retail – 10,001 sf – 50,000 sf	—	—	—	—	—	—	P	P	—	—	—	P
h. General Retail – Greater than 50,000 sf	—	—	—	—	—	—	CD	CD	—	—	—	CD
i. Restaurant	—	—	—	—	—	P	P	P	---	—	—	P
j. Shopping Center – Community Center	—	—	—	—	—	—	CD	CD	CD	—	—	—
k. Shopping Center – Neighborhood Center	—	—	—	—	—	CD	CD	CD	—	—	—	CD
l. Sweepstakes Center	—	—	—	—	—	—	—	—	SU	—	—	—
m. Vehicle/Heavy Equipment Sales	—	—	—	—	—	—	PS	PS	PS	—	—	---
(5) Entertainment/Recreation												
a. Adult Establishment	—	—	—	—	—	—	—	—	SU	—	—	—
b. Amusements, Indoor – 5,000 sf or less	—	SU	SU	SU	SU	P	P	P	P	—	—	—
c. Amusements, Indoor – 5,001 sf – 20,000 sf	—	—	—	—	SU	SU	SU	P	P	—	—	—
d. Amusements, Indoor – Greater than 20,000 sf	—	—	—	—	—	—	—	P	P	—	—	—
e. Amusements, Outdoor	—	SU	—	—	PS	PS	PS	PS	PS	—	—	PS
f. Cultural or Community Facility	SU	SU	—	—	P	P	P	P	P	—	—	P
g. Meeting Facilities	SU	SU	—	—	P	P	P	—	—	—	—	—
h. Recreation Facilities, Indoor	—	PS	PS	PS	P	P	P	P	P	—	—	P
i. Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	P	—	P	P
j. Theater, Live Performance	—	—	—	—	—	CD	CD	CD	CD	—	—	CD
k. Theater, Movie	—	—	—	—	—	CD	CD	CD	CD	—	—	CD
(6) Manufacturing/Wholesale/Storage												
a. Agribusiness	P	PS	PS	—	—	—	—	—	PS	—	—	—
b. Laboratory - medical, analytical, research & development	—	—	—	—	—	—	—	P	P	—	—	—
c. Laundry, dry cleaning plant	—	—	—	—	—	—	—	P	P	—	—	—
d. Manufacturing, Light	—	—	—	—	—	—	—	PS	P	—	—	—
e. Manufacturing, Neighborhood	—	—	—	—	—	PS	PS	P	P	—	—	P
f. Manufacturing, Heavy	—	—	—	—	—	—	—	—	P	—	—	—
g. Media Production	—	—	—	—	—	—	P	P	P	—	—	—
h. Metal Products Fabrication, machine or welding shop	—	—	—	—	—	—	---	---	P	—	—	—
i. Mini-Warehouses	—	—	—	—	—	—	—	PS	PS	—	—	—

Chapter 3.3(j) Bar/Tavern/Night Club (TND) (2.3C(4)b)

- No customer accessible entrance shall be located within 500-foot radius of the property line of any religious institution, primary or secondary school, or rooming or boarding house.

9.7 Access Management

A Number of Driveway Access Points

- Single-Family Residential Lots In General:

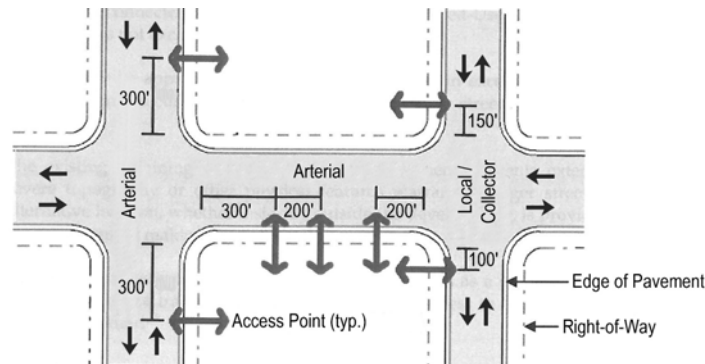
<= 100 ft	1
> 100 ft	2

2. **Along Arterials and Collectors:** Developments should minimize or eliminate curb cuts along arterials and collectors. Single-family dwelling units shall not be permitted a driveway access along a collector street. Where possible, vehicular access drives should be shared with the adjacent properties and/or alleys should be utilized for access. All lots, parcels, or any other division of land adjacent to an arterial or collector may be allowed driveways or street connections in accordance with the following.

< 500 ft	1
501 – 1200 ft	2
>1200 ft	3

B Location of Driveway Access Points

1. **In General:** Except for shared drives, all driveways shall be a minimum of three-and-a-half (3½) feet from the property line.
2. Along Arterials: Location guidelines for driveway access points along arterials are shown in the illustration below in relation to the direction of traffic flow. If access to a lot, parcel, or other lawful division of land is physically unobtainable under the provisions illustrated below, driveway access points shall be located the greatest distance possible from one another and from other streets.



Chapter 17.2 Required Improvements for all development plans Justification/Background/Text

This item is also from the developer’s luncheon and TCC. Currently, we require a developer to pay a fee-in-lieu for half the cost of a median divide if the full median is not required at the time of development on their side of the street. There are some logistical issues with this practice and it has not been successfully utilized at this point. Further, often times the development of the other side of the street could take years, in which case the fee-in-lieu would not cover half of the inflation adjusted cost to construct the median divide. A more suitable practice may be to simply require construction of the median divide at the time it is required by the North Carolina Department of Transportation. See text below:

17.2 Required Improvements for all Development Plans

A. Improvement Types

- | | | | |
|----|---|-----|---|
| 1. | Water Supply Distribution System | 7. | Curb and Gutter |
| 2. | Sanitary Sewer Collection System | 8. | Street Lights |
| 3. | Stormwater Collection System | 9. | Underground Wiring |
| 4. | Public Streets (Paved) and other Public Rights-of-Way | 10. | Dedicated Open Space |
| 5. | Utility Easements | 11. | Landscaping |
| 6. | Sidewalks and Greenways | 12. | Traffic Control Signs & Pavement Markings |
| | | 13. | Street Signs |

- B. Payments in Lieu of Construction:** The Town Council has determined that it is in the best interest of the citizenry for the Town to accept a payment in lieu of constructing the following according to the standards set forth herein. All fee payments made in lieu of constructing the improvements stated herein shall be made at the time of Construction Document approval. Failure to submit the required payment along with Construction Document applications will delay approval of such submissions until payment is rendered.

1. Payment in Lieu of Street Right-of-Way Improvements: A payment in lieu of street right-of-way improvements (*i.e. roadway, curb and gutter, sidewalks*) may be accepted when the Administrator determines that one of the following conditions exists:

- a. a new street stub may not practically be extended to the property line due the need for a culvert, bridge or other structure(s) which prevents the roadway from being completed within the bounds of the subject property;
- b. a Town infrastructure project for the same improvements has received a commitment of funding through the Town's Capital Improvement Plan or through Federal and/or State grant programs; or
- c. a temporary turnaround has been required by the Fire Marshal.

The fee shall be equal to the full present cost estimate for construction of the street right-of-way improvements with said estimate having been found acceptable by the Town Engineer. All fees received for payments in lieu of street right-of-way improvements shall be used exclusively toward the construction of transportation improvements within the Town of Knightdale.

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 20th day of May, 2015.

ATTEST:

Russell B. Killen, Mayor

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney