



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

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ORD #11-04-04-003

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING NON-CONFORMING STREET FRONTAGES

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 13 of the Unified Development Ordinance in regard to the plan submittal requirements and public and private improvements to be made for parcels with non-conforming street frontages; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.15 establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes comply with the goals of the Town's Comprehensive Plan because they are reasonable in that they advance the stated objective of increasing the economic development for small businesses and expansions while balancing the infrastructure needs in the Town of Knightdale. For the same reasons, it is furthermore consistent with the Comprehensive Plan's stated goal of coordinating public and private investment and increasing both the benefits and cost effectiveness of public investment;

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 parenthetical italics*):

Section 13.8 Non-Conforming Street Frontages

A. Nonconforming Street Frontages and Site Plan Review

In any of the three (3) situations below, projects shall be required to comply with all street improvement requirements of Chapter 17 along the fronting public streets including but not limited to: turning and storage lanes, access management, sidewalks, bike lanes, and curb and gutter. These projects shall submit site plans for review in accordance with Chapter 15.

1. New developments, including new principal structures on a previously developed site;
2. A change of use to the building or site that requires an expansion to the existing parking area by more than ten (10) percent of the maximum parking spaces permitted for the proposed use as determined by Section 10.3A "Parking Ratios" or by more than ten (10) spaces, whichever is less; or
3. An expansion to the square footage of an existing non-residential or multi-family building that increases the total area by more than 25 percent

B. Nonconforming Street Frontages and Redevelopment Site Plan Review

In any of the two (2) situations below, projects shall be required to comply with the redevelopment site plan requirements found in Section C below.

1. If there is a change of use to the building or site that requires an expansion to the existing parking area of no more than ten (10) percent of the maximum parking spaces permitted for the proposed use as determined by Section 10.3A "Parking Ratios" or ten (10) spaces, whichever is less; or
2. If there is an expansion to the square footage of an existing non-residential or multi-family building that increases the total area by no more than 25 percent.

C. Administrative Review of a Redevelopment Site Plan

1. The Planning Director may approve a redevelopment plan subject to all of the following standards:
 - a. For change of uses, the proposed use is permitted within the zoning district and for an expansion to an existing use, the existing use is permitted within the zoning district;
 - b. The proposed use will occupy existing building(s) on the site;
 - c. Any proposed expansions or additions are no more than 25 percent of the floor area of the existing building to which the expansion or addition is being made;
 - d. The proposed use or expansion does not expand existing encroachments into required setbacks, buffers, easements, rights-of-way or other similar features;
 - e. The existing structure is not a manufactured home;
 - f. A residential structure which is converted to a non-residential structure complies with all applicable Federal, State and local standards;
 - g. The applicant submits a Redevelopment Site Plan that complies with all the requirements in this section. If the Planning Director determines that a request for a change of use or expansion warrants a full TRC review in order to address community concerns or potential project impacts, he/she may require the request to go through the full site plan review process as described in Chapter 15.5 of this Ordinance.
2. Property owners shall submit a site plan signed and sealed by an engineer or landscape architect licensed in North Carolina. At a minimum, this plan shall comply with the applicable requirements in the Knightdale Unified Development Ordinance for the following:
 - a. Rights-of-way dedication to meet the applicable specifications in the Town's Transportation Plan;
 - b. Sidewalk installation, if the sidewalk can be placed in the final location for the applicable road section, as specified in the Town's Transportation Plan or a fee-in-lieu of the sidewalk installation if the sidewalk cannot be located in its final location;
 - c. Access roads, entrance drives, and/or exit drives added and/or removed to

- ensure vehicular and pedestrian safety and traffic flow;
- d. ADA accessible route(s);
 - e. Off-street parking location and design;
 - f. Vehicle accommodation area surface;
 - g. At a minimum, all portions of a building façade within 100 feet of a public or private street shall avoid long, monotonous, uninterrupted walls of 20 feet or more on any floor by utilizing wall offsets, windows, doors, stairwells, pilasters, spandrel glass, awnings or other architectural elements.
 - h. Any additional, voluntary exterior building improvements proposed by the property owner shall comply with the Chapter 5 UDO requirements or be heard before the TRC if alternative exterior improvements are proposed and meet the spirit and intent of the UDO requirements;
 - i. Street Trees, parking and loading area landscaping and vehicle accommodation screening and/or fencing;
 - j. Screening for dumpsters, storage areas, mechanical equipment, and other similar equipment; and
 - k. Lighting (parking lot, building and streets).

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 4th day of April, 2011.



Russell B. Killen, Mayor

ATTEST:



Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:



Clyde Holt, III; Town Attorney