



TOWN OF KNIGHTDALE

DEVELOPMENT SERVICES
DEPARTMENT

www.knightdalenc.gov

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ORD #15-08-19-001

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING ALTERNATE MEANS OF COMPLIANCE, MOTORIZED PARKING, LIGHTING STANDARDS, AND ADDITIONAL USE STANDARDS

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 1.5 “Required Conformance to Knightdale Unified Development Ordinance Provisions” to provide for alternate means of compliance as part of a Utility Allocation and Annexation Agreement (UAA), and to amend Chapter 10.3(D) “Off Street Parking & Loading Area Requirements” to add parking regulations for Tattoo Shops, and to amend Chapter 11.5(D) “Vehicular Accommodation Area and General Site Lighting” to adjust the BUG rating for vehicular accommodation areas, and other technical amendments and corrections; 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 goal of the Comprehensive Plan to provide balance and responsible urban design, planning and development, and protection of the Town’s historical, cultural and natural resources, which can be accomplished through a Utility Allocation Agreement.

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}*:

1.5 Required Conformance to Knightdale UDO Provisions

- A. Conformance In General:** Except as otherwise specifically provided in the Knightdale UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Knightdale UDO.
- B. Certain Farmland Exempt:** Any tract of land that meets the following requirements shall be exempt from the provisions of this ordinance:
 1. is at least three (3) acres in size under common ownership;
 2. is used for dairying, the raising of agricultural products, the raising of horticultural products, timbering and silviculture, the raising of livestock or poultry; or houses facilities for the sale of onsite-produced products; and
 3. has generated at least an average of \$1,000 in annual farm sales over the most recent three (3) year period.

Timbering and silviculture operations are not exempt from the provisions and potential penalties of Section 8.2D.

This exemption does not apply to swine farms as defined in N.C.G.S. §106-802.

- C. Alternate Means of Compliance:** As part of a Utility Allocation/Annexation Agreement (UAA) the Town Council may adopt alternate means of compliance. Alternate means of compliance should reflect the spirit and intent of the ordinance and are not provided to circumvent the variance procedures. Further the UAA shall be consistent with and include measures of the Water Allocation Policy. Alternate means of compliance shall only be approved if conditions are limited to impacts that are related to the development of the site and are intended to allow for voluntary alternate conditions to help further the goals and objectives of the Town Council not to alleviate hardships. The UAA shall act as a development agreement as defined in N.C.G.S. §160A-400.20.

- D. Motorized Vehicle Parking:** Parking for motorized vehicles shall be provided according to the following table of ratios:

Use Type	Minimum Parking Spaces	Maximum Parking Spaces
1. Residential		
a. Dwelling-Single Family	1.0 per bedroom up to 2.0 per unit	n/a
b. Dwelling-Duplex	1.0 per bedroom up to 2.0 per unit	n/a
c. Dwelling-Multifamily 4 units/bldg or less	1.0 per bedroom up to 2.0 per unit	n/a
d. Dwelling-Multifamily more than 4 units/bldg	1.0 per bedroom up to 2.0 per unit	n/a
e. Dwelling-Secondary	1.0 per bedroom up to 2.0 per unit	n/a
f. Family Care Home (6 or Less residents)	1.0 per bedroom up to 2.0 per unit	n/a
g. Home Occupation	1.0 per bedroom up to 2.0 per unit	n/a
h. Housing Service for the Elderly	½ maximum	0.5 per unit
i. Live-Work Units	1.0 per bedroom up to 2.0 per unit,	1.0 per bedroom or 2.0 per unit, plus 3.5 per ksf work space

	plus ½ max.	GFA
j. Manufactured Housing	1.0 per bedroom up to 2.0 per unit	n/a
2. Lodging (all)	½ maximum	1.25 per guest room + 10 per ksf restaurant/lounge + 25 per ksf conference room

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3. Office/Service		
a. Animal Services	½ maximum	6.0 per ksf GFA
b. ATM	n/a	3.0 per machine
c. Banks, Credit Unions, Financial Services	½ maximum	5.5 per ksf GFA
d. Business Support Services	½ maximum	4.0 per ksf GFA
e. Child/Adult Day Care Home (Fewer than 6 people)	1.0 per bedroom up to 2.0 per unit	n/a
f. Child/Adult Day Care Center (6 or more people)	½ maximum	0.35 per person licensed cap.
g. Community Service Organization	½ maximum	4.0 per ksf GFA
h. Cremation Facilities	½ maximum	4.0 per ksf GFA
i. Drive Thru Service	½ maximum	4.0 per ksf GFA
j. Equipment Rental	½ maximum	2.0 per ksf GFA
k. Funeral Homes	½ maximum	0.25 per person permitted cap.
l. Government Services	*	*
m. Group Care Facility (More than 6 residents)	½ maximum	1.0 per room
n. Medical Services	½ maximum	5.5 per ksf GFA
o. Outdoor Animal Boarding/Equestrian Facilities	½ maximum	0.5 per run/stable
p. Personal Services	½ maximum	2.0 per station or 4.3 per ksf GFA whichever greater
q. Post Office	½ maximum	4.0 per ksf GFA
r. Professional Services	½ maximum	4.0 per ksf GFA
s. Studio – Art, dance, martial arts, music	½ maximum	4.0 per ksf GFA
t. Tattoo Shop	½ maximum	2.0 per station or 4.3 ksf GFA whichever greater
u. Vehicle Services – Maintenance/Body Work/Repair	½ maximum	2.7 per ksf GFA sales area, plus 2.0 per service bay, plus 1.5 per ksf balance of GFA
4. Retail/Restaurants		
a. Auto Parts Sales	½ maximum	2.7 per ksf GFA sales area, plus 2.0 per service bay, plus 1.5 per ksf balance of GFA
b. Bar/Tavern/Night Club	½ maximum	22.5 per ksf GFA
c. Drive-Thru Retail/Restaurants	½ maximum	15.0 per ksf GFA
d. Gas Station with Convenience Store	½ maximum	3.5 per ksf GFA
e. Neighborhood Retail/Restaurant – 2,000 sf or less	½ maximum	3.5 per ksf GFA retail; 16.0 per ksf GFA restaurant
f. General Retail – 10,000 sf or less	½ maximum	3.5 per ksf GFA
g. General Retail – 10,001 sf – 50,000 sf	½ maximum	6.0 per ksf GFA
h. General Retail – Greater than 50,000 sf	½ maximum	6.0 per ksf GFA
i. Restaurant	½ maximum	22.5 per ksf GFA
j. Shopping Center – Community Center	½ maximum	4.5 per ksf GLA
k. Shopping Center – Neighborhood Center	½ maximum	4.0 per ksf GLA
l. Sweepstakes Center	½ maximum	2.0 per machine
m. Vehicle/Heavy Equipment Sales	½ maximum	2.7 per ksf GFA sales area, plus 2.0 per service bay, plus 1.5 per ksf balance of GFA
5. Entertainment/Recreation		
a. Adult Establishment	½ maximum	1.0 per 3 persons permitted cap.
b. Amusements, Indoor – 5,000 sf or less	½ maximum	1.0 per 3 persons permitted cap.
c. Amusements, Indoor – 5,001 sf – 20,000 sf	½ maximum	1.0 per 3 persons permitted cap.
d. Amusements, Indoor – Greater than 20,000 sf	½ maximum	1.0 per 3 persons permitted cap.
e. Amusements, Outdoor	½ maximum	1.0 per 3 persons permitted cap.
f. Cultural or Community Facility	½ maximum	1.0 per 3 persons permitted cap.
g. Meeting Facilities	½ maximum	0.25 per person permitted cap.
h. Recreation Facilities, Indoor	½ maximum	1.0 per 3 persons permitted cap.
i. Recreation Facilities, Outdoor	½ maximum	1.0 per 3 persons permitted cap.
j. Theater, Live Performance	½ maximum	0.4 per seat
k. Theater, Movie	½ maximum	Single screen; 0.5 per seat, 2-5 screens: 0.33 per seat, 6 -10 screens: 0.3 per seat,

		Over 10 screens: 0.27 per seat
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6. Manufacturing/Wholesale/Storage		
a. Agribusiness	½ maximum	4.0 per ksf GFA
b. Laboratory - medical, analytical, research & development	½ maximum	1.5 per ksf GFA
c. Laundry, dry cleaning plant	½ maximum	2.0 per ksf GFA
d. Manufacturing, Light	½ maximum	1.5 per ksf GFA
e. Manufacturing, Neighborhood	½ maximum	1.5 per ksf GFA
f. Manufacturing, Heavy	½ maximum	2.0 per ksf GFA
g. Media Production	½ maximum	1.5 per ksf GFA
h. Metal Products Fabrication, machine or welding shop	½ maximum	2.0 per ksf GFA
i. Mini-Warehouses	½ maximum	0.25 per ksf GFA
j. Quarrying and Stone Cutting	½ maximum	2.0 per ksf GFA
k. Research and Development	½ maximum	1.5 per ksf GFA
l. Storage - Outdoor storage yard as a primary use	½ maximum	4.0 per ksf GFA
m. Storage - Warehouse, indoor storage	½ maximum	0.7 per ksf GFA
n. Wholesaling and Distribution	½ maximum	2.0 per ksf GFA
7. Civic/Institutional		
a. Campground	1.0 per campsite	n/a
b. Cemeteries	½ maximum	4.0 per ksf GFA
c. Colleges/Universities	*	*
d. Hospital	*	*
e. Public Safety Facility	*	*
f. Religious Institutions	½ maximum	0.6 per seat
g. Schools – Elementary & Secondary	½ maximum	0.35 per student
h. Schools – Vocational/Technical	*	*
8. Infrastructure		
a. Airport	*	*
b. Transit, Road & Ground Passenger Services	½ maximum	4.0 per ksf GFA
c. Wireless Telecommunication Facility-Stealth	n/a	n/a
d. Wireless Telecommunication Facility-Tower	n/a	n/a
e. Utilities-Class 1 & 2	n/a	n/a
f. Utilities-Class 3	n/a	n/a

D. Vehicular Accommodation Area and General Site Lighting: General site lighting and lighting for vehicular accommodation areas shall have an average horizontal illumination as specified in the tables in Section 11.6 “Lighting Levels”, and shall meet the following additional standards:

1. **BUG Rating:** LED or other BUG-rated fixtures exceeding 7,250 initial delivered lumens or 9,000 source lumens as may apply, shall not exceed a rating of B3, U0, G2.
2. **Circumstances Requiring Forward Throw:** Parking area lighting fixtures within 25 feet of any public street right-of-way or a commercial to residential/group care facility property line must be a forward throw fixture (*type IV light distribution as defined by IESNA*).

O. Child/Adult Day Care Center (6 or more People) (RR, UR, RMX, NMX) (2.3C(3)f)

1. In addition to meeting the requirements of Section 4.8, fencing enclosing any required recreation space shall be a minimum of four (4) feet in height and constructed with gates in such a manner that maximum safety to the person is ensured.
2. Day care centers shall be located on lots which provide ample outdoor play area. A fenced recreation area of a minimum of 2,250 square feet shall be provided in the rear or side yard. Required buffer yards may not be counted towards this requirement.
3. Hours of operation shall be permitted only from 6:00 am until 9:00 pm.

P. Child/Adult Day Care Home (Fewer than 6 People) (RR, GR, UR, RMX, NMX, TC, TND) (2.3C(3)e)

1. Rear yards shall be fenced or walled. In addition to meeting the requirements of Section 4.8, the minimum height for such walls or fences shall be six (6) feet.
2. All equipment shall be stored in the rear yard. Front yards shall not be used as playground areas.
3. Hours of operation shall be permitted only from 6:00 am until 9:00 pm.

MM. Research and Development (HB) (2.3C(6)k)

1. All materials or equipment shall be stored within an enclosed building, or stored within an outdoor storage area enclosed by an opaque fence or wall that meets the requirements of Section 4.7 and is restricted to the rear yard.
2. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.

NN. Rooming or Boarding House (RMX, NMX, TC, TND) (2.3C(2)c)

1. All parking areas shall be screened from any residence or off-site view from a public street by a Type-B buffer yard (*Section 8.6B(2)*).
2. On-site staff supervision shall be provided at all times.
3. All guest rooms shall only be accessed from an interior hallway after passing through a supervised lobby area.
4. In addition to meeting the requirements of Chapter 12, signs shall be limited to one (1) wall sign with a maximum sign area of four (4) square feet.

OO. Schools – Elementary & Secondary (RR*, GR*) *Special Use (2.3C(7)g)

No additional standards other than approval through a Special Use Permit process (Section 15.13).

PP. Storage – Outdoor Storage Yard as a Principal Use (MI) (2.3C(6)l)

1. Outdoor storage areas shall be enclosed by an opaque fence or wall, restricted to the rear yard, and screened from off-site view from a public right-of-way with a Type-B buffer yard (*Section 8.6B(2)*).

QQ. Storage - Warehouse, Indoor Storage (RR, TC, HB, MI) (2.3C(6)m)

1. An indoor storage facility is limited to 5,000 square feet per floor in the TC and RR districts.
2. Outdoor storage is not permitted.
3. In the RR District, all areas shall be screened from any pre-existing adjacent residence (other than the owner's) by a Type-A buffer yard (*Section 8.6B(1)*).

RR. Sweepstakes Center (MI*) *Special Use (2.3C(4)l)

1. Hours of operation shall be permitted only from 6:00 am until 11:00 pm.
2. A maximum of 20 machines/terminals/computers for sweepstakes operations are permitted per licensed location.
3. No portion of the lot for a sweepstakes center shall be located within a 500-foot radius of the property line of another sweepstakes center, existing residential dwelling unit, group care facility, day care center, religious institution or school.

SS. Tattoo Shop (HB, MI) (2.3C(3)t)

1. Hours of operation shall be permitted only from 6:00 am until 11:00 pm.
2. A tattoo shop's exterior customer entrance(s) shall not be situated within a 1,000-foot radius of another tattoo shop's exterior customer entrance(s).

TT. Transit, Road and Ground Passenger Services (TC, HB, MI) (2.3C(8)b)

1. Outdoor storage areas shall be enclosed by an opaque fence or wall, restricted to the rear yard, and screened from off-site view from a public right-of-way with a Type-B buffer yard (*Section 8.6B(2)*). No outdoor storage is allowed in the TC District.
2. 2. Temporary fleet vehicle storage areas shall conform to the dimensional, design and landscaping standards set forth for parking areas in Chapters 8 and 10.
3. 3. Maintenance of fleet vehicles, related materials and equipment is restricted to the rear yard and shall be within an enclosed building or outdoor storage area enclosed by an opaque fence or wall.
4. 4. All vehicles shall be operable and suitable for driving. Any vehicle not meeting this criterion shall be removed within seven (7) calendar days. Any visibly damaged vehicle or vehicle with missing parts must be removed within three (3) calendar days.
5. 5. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.

UU. Utilities – Class 3 (RR*, HB*) *Special Use (2.3C(8)f)

No additional standards other than approval through a Special Use Permit process (Section 15.5E).

VV. Vehicle / Heavy Equipment Sales (TC, HB, MI) (2.3C(4)m)

1. No equipment for sale or rent may be displayed in any front yard, nor shall such displays be permitted to encroach on any required landscaping areas or buffer yards.
2. Vehicle display areas shall conform to the dimensional, design and landscaping standards set forth for parking areas in Chapters 8 and 10.
3. All vehicles shall be operable, suitable for driving and ready for sale. Any vehicle not meeting this criterion shall be removed within seven (7) calendar days. Any visibly damaged vehicle or vehicle with missing parts must be removed within three (3) calendar days.
4. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

WW. Vehicle Services –Maintenance/Repair/Body Work (TC, HB, MI) (2.3C(3)t)

1. All vehicles, materials or equipment shall be stored within an enclosed building, or within an outdoor storage area enclosed by an opaque fence or wall that meets the requirements of Section 4.7 and restricted to the rear yard. Outdoor storage is not permitted within the TC District.

2. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
3. No vehicle may be kept or used for parts for other vehicles.
4. No vehicle may be stored in an unrepaired state for more than 30 calendar days.

XX. Wholesaling and Distribution (HB*, MI) *Special Use (2.3C(6)n)

1. All vehicle storage areas shall be enclosed by an opaque fence or wall, restricted to the rear yard, and screened from off-site view of a public right-of-way by a Type-A buffer yard (*Section 8.6B(1)*).
2. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

YY. Wireless Telecommunication Facility – Stealth/Camouflage (GR, UR, RMX, NMX, TC, HB, MI, MHD, TND) (2.3C(8)c)

1. All antennas and related mechanical equipment placed on structures other than towers (*a stealth/camouflage facility*) shall be concealed. Antennas located on top of buildings or other structures shall not exceed 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.
2. Stealth facilities, including antenna and supporting electrical and mechanical equipment, shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate so as to make the antenna and related equipment as visually unobtrusive as possible.
3. Applications for co-locations on existing towers shall be classified as “stealth” so long as they do not constitute a substantial modification as defined by N.C.G.S. 160A-400.51 (7a).

ZZ. Wireless Telecommunication Facility – Towers (RR*, MI) *Special Use (2.3C(8)d)

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Knightdale to allow Wireless Telecommunication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Knightdale. Wireless Telecommunication Facilities may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

1. Radio, television or similar reception for adjoining properties shall not be disturbed or diminished.
2. No telecommunication tower shall exceed 200 feet in height.
3. Towers shall be sited to contain all on-site ice-fall or debris from tower failure. The minimum distance from the tower's base to the property line shall be equal to the tower's fall radius.
4. Towers must be set back from any residential district a minimum of 200 feet.
5. Towers shall be monopole construction.
6. Tower lighting shall not exceed the minimum standards established by the FAA in Advisory Circular No. 70/7460-1J dated November 29, 1995, and as may be amended from time to time. All towers that require lighting by the FAA shall utilize a dual system consisting of red lights for nighttime hours and high or medium intensity flashing white lights for daytime and twilight hours.
7. A property identification sign (*Section 12.4F*) shall be displayed in a visible location near the tower. The purpose of the sign is for use by law enforcement departments to contact the company operating the equipment in the event of an emergency. The sign shall contain a number to be assigned to the company and a telephone number for 24-hour emergency contact. No other signs shall be permitted on the facility.
8. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade fence of a minimum of eight (8) feet in height.
9. A vegetative screen consisting of two (2) staggered rows of evergreen trees shall surround the perimeter of the property containing the base of the tower and related equipment. Evergreen vegetation shall be of sufficient density to serve the purpose of an opaque screen to keep the tower area itself from being visible from any public right-of-way or adjacent property.
10. If the tower equals or exceeds 100 feet in height, but is less than 150 feet in height, the tower shall be engineered and constructed to accommodate a

minimum of two (2) telecommunication users. If the tower equals or exceeds 150 feet in height, but is less than 180 feet in height, the tower shall be engineered and constructed to accommodate a minimum of three (3) telecommunication users. If the tower equals or exceeds 180 feet in height, but is less than 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of four (4) telecommunication users. For each potential user there shall be a minimum of 600 square feet reserved on the approved plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.

11. If the new tower is approved, the owner shall provide written authorization to the Administrator that the tower and its accessories may be shared by other telecommunication antenna(s). The owner shall record in the register of deeds' office a letter of intent prior to the issuance of the building permit. This letter shall bind all subsequent owners of the approved tower.
12. If the town determines that the proposed tower will be situated in a location that will enhance the town's telecommunication system, the permit applicant shall agree to allow the town to, at fair market value, co-locate its telecommunication equipment prior to the issuance of the building permit.
13. The output power from the tower shall not exceed federally-approved levels for exposure to electronic magnetic force (EMF).
14. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the tower and related structures shall to the extent possible use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
15. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
16. No antenna shall extend above the highest point of the tower.
17. Evidence must be presented to the Administrator that the proposal complies with all applicable FAA and FCC regulations.
18. The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower and with such sureties as are deemed sufficient by the Town to assure the faithful performance of the terms and requirements of the UDO and conditions of any Special Use Permit issued pursuant to this UDO. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary

site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.

19. Each calendar year, the antenna owner shall provide the town with a copy of any FCC and FAA license issued.
20. Any wireless telecommunications tower that ceases to be used for a period of at least 365 consecutive days shall be removed at the expense of the property owner or Special Use Permit holder within 30 days of notification by the Administrator. Failure to remove the tower within the specified 30 day period shall constitute a violation of this ordinance, subject to the provisions of Chapter 18.

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 19th day of August, 2015.

ATTEST:

Russell B. Killen, Mayor

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney