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Chapter 12. Administrative Standards

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12.1. Administrative Agencies and Boards

A. **Purpose and Intent.** For the efficient and effective administration of this Ordinance, the agents, boards, and committees described herein are established along with their respective rules, procedures, duties and responsibilities.

B. **Land Use Administrator.** The authority to establish a Land Use Administrator for the Town of Knightdale is granted under the provisions of N.C.G.S. §160D-402. The various provisions of this Ordinance shall be administered by the Knightdale Development Services Department under the primary direction of the Development Services Director. Administrative decisions may be appealed to the Board of Adjustment (see Section 12.1 (C)(2)). For the purposes of the administration of this Ordinance, the Development Services Director and subordinate staff are collectively referred to as the Land Use Administrator. In addition to any general actions necessary for the administration of the requirements of this Ordinance, the Land Use Administrator shall have the following specific duties and responsibilities.

1. **Record and File Management.** To maintain records in accordance with municipal records retention laws adopted by the General Assembly;
2. **Planning Process Applications.** To establish application requirements and schedules for submittal and review of applications and appeals;
3. **Plan Review.** To review and approve, approve with conditions, or disapprove plan applications submitted pursuant to this Ordinance;
4. **Recommendations.** To review and make recommendations to the Town Council on applications involving legislative matters;
5. **Professional Assistance.** To provide expertise and technical assistance to the Town Council, upon request;
6. **Ordinance Interpretation.** To make determinations and render interpretations of this Ordinance;
7. **Code Enforcement.** To enforce the provisions of this ordinance in accordance with Chapter 14 Violations and Penalties;
8. **Board and Committee Staff.** To serve as staff to the boards and committees established herein; and
9. **Delegation of Certain Duties.** To designate appropriate other person(s) who shall carry out the powers and duties of the Land Use Administrator.

C. **Floodplain Administrator**. The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.5 (E)(1) are met.
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9.5 (D)(3).
7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 9.5 (D)(3).
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 9.5 (D)(3).
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 9.5 (D)(3) and Section 9.5 (E)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When BFE data has not been provided in accordance with the provisions of Section 9.5 (B)(1), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Section 9.5 (E)(4) in order to administer the provisions of this ordinance.
12. When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 9.5 (B)(1), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Section 9.5 (C).
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.5 (B)(1) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

D. **Boards and Committees.** The authority to establish various boards and committees is found throughout Chapter 160A of the General Statutes, including N.C.G.S. §160D-301. The Town has established the following boards and standing committees which shall follow the rules of procedure as adopted by the respective board or committee.

- Board of Adjustment (BOA)
- Land Use Review Board (LURB)
- Development Review Committee (DRC)

1. **Board of Adjustment (BOA)**. For the purposes of this Ordinance, the Board of Adjustment shall be the decision making body for Appeals of administrative decisions and requests for Variances.

   a. **Appointment and Term**s.

      i. **Number**. There shall be a BOA consisting of five (5) members.

         a) **Town Members**. Three (3) members, appointed by the Town Council, shall reside within the corporate limits shall be named as quasi-judicial voting members of the Board of Adjustment.

b) **ETJ Members**. Two (2) members appointed by the Wake County Board of Commissioners, shall reside within the Town's extra-territorial jurisdiction. The Wake County Board of Commissioners appointees shall also be named as quasi-judicial voting members of the Board of Adjustment. If despite good faith efforts, enough residents of the ETJ cannot be found to fill the seats reserved for residents of such area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the Town) to fill these seats. If the Wake County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them.

ii. **Board of Adjustment Alternates.** Two additional members not named as quasi-judicial voting members of the Board of Adjustment in subsections 1(a)(i) above shall serve as voting alternates. When not filling in as an alternate for absent or excused named voting members of the Board of Adjustment, the remaining members may participate in the quasi-judicial deliberations and fact-finding efforts; however, they may not vote.

iii. **Staggered Terms**. BOA members shall be appointed for three-year (3 year) staggered terms. Members shall continue to serve until their successors have been appointed.

iv. **Term Limits.** No person, either appointed or re-appointed by the Town Council, may serve more than two (2) consecutive full terms on the BOA. A person who has served two (2) consecutive full terms shall be eligible for re-appointment after a lapse in service of at least 12 months.

v. **Attendance.** In-town members of the BOA may be removed by the Town Council at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any twelve-month period or for any other good cause related to the performance of duties. ETJ members who fail to attend three (3) consecutive meetings or who fail to attend seventy-five (75) percent or more of the meetings within any twelve-month period or for any other good cause related to the performance of duties shall be recommended for removal to the Wake County Board of Commissioners.

vi. **Relocation.** If a town member moves outside the town, or if an ETJ member moves outside the extra-territorial planning jurisdiction, that shall constitute a resignation from the board.

b. **Officers.**

i. **Elections and Terms.** At the first regularly scheduled meeting following the annual appointment of members, the BOA shall select from among its members a Chair and Vice-Chair. These officers shall serve for a period of not more than two (2) consecutive 1-year terms in the same capacity.

ii. **Responsibilities and Duties.** The Chair shall preside over the BOA as a non-voting member (except in the case of breaking a tie) and decide all points of order or procedure using the latest edition of "Robert's Rules of Order." The Vice-Chair shall assume the duties of the Chair in his/her absence. The Chair and Vice-Chair may take part in all deliberations during the legislative segment.

iii. **Board Clerk Assigned.** The clerk to the BOA shall be a Town staff member assigned by the Land Use Administrator.

c. **Meetings.**

i. **Schedule.** The BOA shall establish a regular meeting schedule and shall meet frequently enough, at least monthly if necessary, so as to take action as expeditiously as possible on the items of business.

ii. **Open Meetings.** All BOA meetings shall be open to the public, and whenever feasible, the agenda for each meeting shall be made available in advance of the meeting

iii. **Rules of Procedure.** All meetings shall be conducted using the latest edition of "Robert's Rules of Order." The BOA may adopt rules of procedure governing its quasi-judicial procedures and operations not inconsistent with the provisions of this Ordinance.

iv. **Board of Adjustment Items.** The meetings of the BOA shall include but not be limited to final quasi-judicial decisions on appeals, variances, interpretations, and other items as required by this Ordinance.

d. **Responsibilities and Duties.**

i. **Board of Adjustment Cases**.

a) **Quorum**. A quorum for the quasi-judicial Board of Adjustment shall consist of a super-majority (four-fifths) of the Board of Adjustment membership (excluding vacant seats or disqualified members in the absence of qualified alternates) for Variance cases and equal to a simple majority of the Board of Adjustment membership for all others. A quorum is necessary for the BOA to take action.

b) A member who has withdrawn from the meeting without being excused shall be counted as present for purposes of determining whether a quorum is present.

c) Concurring vote of a super-majority (four-fifths) of the regular voting membership (excluding vacant seats or disqualified members in the absence of qualified alternates) shall be necessary to grant any Variance. All other actions during the quasi-judicial segment shall be taken by a simple majority vote of the eligible voting members.

d) Once a member is physically present during the BOA meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection "ii" below. If a quasi-judicial voting member is either absent from the BOA meeting or has been excused in accordance with this Ordinance, he or she shall be replaced by an alternate at any time during the quasi-judicial portion.

ii. A member shall be excused from voting on a particular issue by a majority vote of the remaining quasi-judicial voting members present under the following circumstances.

a) If the member has a direct financial interest in the outcome of the matter at issue; or

b) If the matter at issue involves the member's own official conduct; or

c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

d) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or

e) If a member has had undisclosed ex parte communications; or

f) If a member has a fixed opinion prior to hearing that matter that is not susceptible to change.

g) A roll call vote shall be taken upon the request of any member.

h) Annual Report. At least once a year, the Chair of the BOA shall submit to the Town Council an annual report summarizing its activities during the previous year.

2. **Land Use Review Board (LURB).** For the purposes of this Ordinance, the LURB shall serve as the Town's Planning Board, the Community Appearance Commission, and the Tree Board.

a. **Appointment and Term**s.

i. **Number**. There shall be a LURB consisting of seven (7) members.

a) **Town Members**. Five (5) members, appointed by the Town Council, shall reside within the corporate limits.

b) **ETJ Members**. Two (2) members appointed by the Wake County Board of Commissioners, shall reside within the Town's extra-territorial jurisdiction. If despite good faith efforts, enough residents of the ETJ cannot be found to fill the seats reserved for residents of such area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the Town) to fill these seats. If the Wake County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them.

ii. **Resident Planning Academy.** Prior to being seated with full voting rights, newly appointed members shall be required to attend and complete the Town's Resident Planning Academy or its training equivalent. The Academy is a function of the Town's Development Services Department and is also open to the general public. It shall be offered at least once each year to ensure that any LURB appointee will have the opportunity to take the class prior to attending their first LURB meeting.

iii. **Staggered Terms**. LURB members shall be appointed for two-year (2 year) staggered terms. Members shall continue to serve until their successors have been appointed.

iv. **Term Limits.** No person, either appointed or re-appointed by the Town Council, may serve more than three (3) consecutive full terms on LURB. A person who has served three (3) consecutive full terms shall be eligible for re-appointment after a lapse in service of at least 12 months.

v. **Attendance.** In-town members of the LURB may be removed by the Town Council at any time for failure to attend three (3) consecutive meetings or for failure to attend seventy-five (75) percent or more of the meetings within any twelve-month period or for any other good cause related to the performance of duties. ETJ members who fail to attend three (3) consecutive meetings or who fail to attend seventy-five (75) percent or more of the meetings within any twelve-month period or for any other good cause related to the performance of duties shall be recommended for removal to the Wake County Board of Commissioners.

vi. **Relocation.** If a town member moves outside the town, or if an ETJ member moves outside the extra-territorial planning jurisdiction, that shall constitute a resignation from the board.

b. **Officers.**

i. **Elections and Terms.** At the first regularly scheduled meeting following the annual appointment of members, the LURB shall select from among its members a Chair and Vice-Chair. These officers shall serve for a period of not more than two (2) consecutive 1-year terms in the same capacity.

ii. **Responsibilities and Duties.** The Chair shall preside over the LURB as a non-voting member (except in the case of breaking a tie), decide all points of order or procedure using the latest edition of "Robert's Rules of Order", and transmit reports and recommendations of LURB to the Town Council. The Vice-Chair shall assume the duties of the Chair in his/her absence. The Chair and Vice-Chair may take part in all deliberations during the legislative segment.

iii. **Board Clerk Assigned.** The clerk to the LURB shall be a Town staff member assigned by the Land Use Administrator.

c. **Meetings.**

i. **Schedule.** The LURB shall establish a regular meeting schedule and shall meet frequently enough, at least monthly if necessary, so as to take action as expeditiously as possible on the items of business.

ii. **Open Meetings.** All LURB meetings shall be open to the public, and whenever feasible, the agenda for each meeting shall be made available in advance of the meeting

iii. **Rules of Procedure.** All meetings shall be conducted using the latest edition of "Robert's Rules of Order". The LURB may adopt rules of procedure governing its quasi-judicial procedures and operations not inconsistent with the provisions of this Ordinance.

d. **Responsibilities and Duties.**

i. **Planning Board.** Subject to authorization, referral, or budget appropriation by the Town Council the LURB shall have the following legislative responsibilities and duties related to planning and zoning:

a) To develop plans and prepare studies for the orderly growth and development of the Town of Knightdale and its environs. Such plans shall set forth goals, objectives, and policies designed to manage the quantity, type, cost, location, timing and quality of development and redevelopment in the Knightdale community;

b) To seek to coordinate the activities of individuals and public or private agencies and organizations whose plans, activities and programs bear on the general development of the community;

c) To formulate and recommend to the Town Council the adoption or amendment of ordinances that, in the opinion of the LURB will serve to promote the orderly development of the community in accordance with the Comprehensive Plan;

d) To conduct public meetings and hearings, giving reasonable notice to the public thereof;

e) To review and make recommendations to the Town Council on proposed amendments to the zoning map, UDO, or Comprehensive Plan.

f) To exercise such other powers and to perform such other duties as are authorized or required elsewhere in this Ordinance, the N.C.G.S., or by the Town Council;

g) To review and make recommendations to the Town Council on proposed applications for Conditional Districts, and Vested Rights.

ii. **Community Appearance Commission.** Subject to authorization, referral, or budget appropriation by the Town Council the LURB shall have the following legislative responsibilities and duties related to the appearance and beautification of the Town:

a) To initiate, promote and assist in the implementation of programs for general community beautification within the Town's corporate limits and ETJ;

b) To seek to coordinate the activities of individuals and public or private agencies and organizations whose plans, activities and programs bear on the appearance of the community;

c) To provide leadership and guidance in matters of community design and appearance to individuals and public or private agencies and organizations;

d) To direct the attention of appropriate Town officials to needed enforcement of any ordinance that may affect the appearance of the community;

e) To seek voluntary adherence to the standards and policies of its plans.

f) To formulate and recommend to the Town Council the adoption or amendment of ordinances (including the UDO and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to conserve the Town's natural beauty, visual character, and charm by ensuring that structures, signs, and other improvements are properly related to their sites, and surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to the exterior appearance of structures, signs and other improvements.

iii. **Tree Board.** Subject to authorization, referral, or budget appropriation by the Town Council the LURB shall have the following legislative responsibilities and duties related to the protection and planting of trees within the Town.

a) To develop, implement and update a written plan for the care, preservation, growth, planting, protection, and removal of trees within street rights-of-way, public parks, and other municipal properties;

b) To support and facilitate the planting, growth, and protection of trees within the Town, organizing and enlisting both public and private resources;

c) To conduct periodic surveys of street trees and other trees within the community to determine the composition and condition;

d) To provide, sponsor and facilitate the organization of workshops, the preparation of publications and the dissemination of information to the public, tree companies and public utilities concerning the proper care, pruning, protection, planting, and removal of trees, particularly street trees and other trees on municipal property; and

e) To provide advisory assistance to private property owners concerning the appropriate care and planting of trees.

e. **Quorum and Voting.**

i. **Legislative Items**.

a) **Quorum.** A quorum shall be the simple majority of the LURB membership excluding vacant seats. A quorum is necessary to take official action.

b) A member who has withdrawn from the meeting without being excused shall be counted as present for the purposes of determining whether a quorum is present.

c) All actions of the LURB during the legislative portion shall be taken by a simple majority vote of those present and voting, a quorum being present.

d) All members of the LURB shall serve as voting members during the legislative portion except the Chair as noted in subsection "1b" above.

e) Once a member is physically present during the legislative portion of a LURB meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused.

f) Since the legislative portion of the LURB has advisory authority, it need not conduct its meetings strictly in accordance with quasi-judicial procedures. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

g) During the legislative portion of the LURB meeting, the entire Board shall formulate recommendations on matters referred to it by the Town Council. Such matters shall include but not be limited to Zoning Map Amendments, Zoning Text Amendments, and amendments to the Comprehensive Plan.

3. **Development Review Committee (DRC**).

a. **Responsibilities and Duties.** The Development Review Committee shall have the following duties and responsibilities.

i. **Preliminary Plat/Site Plan Approval**. Upon reviewing the plans for adherence to the UDO, the DRC may take the following action with regard to preliminary plat subdivisions and site plans:

a) Approve or deny the preliminary plat subdivision or site plan; or

b) Recommend major and/or minor changes to the preliminary plat or site plan to be considered by the developer; or

c) Conditionally approve preliminary plats or site plans subject to final review by the Land Use Administrator; or

d) Table the preliminary plat or site plan for further study or additional information; or

e) Forward the preliminary plat or site plan to the Town Council for further consideration.

Any of the preceding actions taken that involves a final decision by the DRC may be appealed to the Town Council (see Section 12.2 (F)(2)).

ii. **Schedule.** The DRC shall establish a regular meeting schedule and shall meet frequently enough, at least monthly if necessary, so as to take action as expeditiously as possible on the items of business.

iii. **Planning Process Application Technical Requirements.** The DRC shall establish the technical requirements for all applications including submission schedules, size, and number of drawings, type of media, etc.

b. **Membership.** The DRC shall be chaired by the Development Services Director and consist of the following additional members.

- Three (3) Development Services Department Representatives
- Town Police Chief or Designee
- Town Fire Chief or Designee
- One (1) Public Works Department Representative
- One (1) Stormwater Utility Representative
- One (1) Parks and Recreation Department Representative
- Town Engineer or Designee
- One (1) Administration Representative
- One (1) Public Utility Representative

12.2. Development Processes

A. **Purpose and Intent.** In order to provide a clear and comprehensible development process that is fair and equitable to all interests, including the petitioners, affected neighbors, Town staff and related agencies, the LURB, and the Town Council; this Chapter establishes guidelines and procedures for the development of land within the jurisdiction of the Town of Knightdale. These guidelines and procedures are specifically intended:

- To ensure that land, parcels, and lots are subdivided in a manner that supports the compliance of future land uses and development with all applicable requirements of this Ordinance;
- To ensure that development is generally harmonious with surrounding properties and does not endanger the health, safety, and general welfare of existing, prospective or future owners or users of surrounding and adjoining properties, or of the public; and
- To provide for the adequate and efficient construction of facilities and infrastructure; including but not limited to, buildings, utilities, streets, sidewalks, landscaping, and recreational open space; as well as the provision of dedicated land, rights-of-way, and easements in such a manner so as not to burden the fiscal resources of the Town.

B. **Applicability.** The provisions of this Chapter shall be applicable to all development activity under the jurisdiction of the Town of Knightdale. No building, sign, or other structure (except as otherwise provided in this Ordinance) shall be erected, moved, extended, enlarged, or structurally altered, nor shall the use conducted within the building

change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Land Use Administrator has issued an applicable permit for such work. Failure to obtain the applicable permit(s) shall be considered a violation of this Ordinance and shall be enforced in accordance with the provisions of Chapter 14.

C. **General Provisions.**

1. **Names.**

a. **Development and Subdivision Names** shall be assigned by the developer subject to the approval by resolution of the Town Council.

b. **Street Names** shall be assigned by the developer subject to the approval of both the Town Council and Wake County and shall adhere to the rules that follow.

i. Proposed streets which are continuations of existing streets shall be given the same name.

ii. New street names shall not duplicate or be phonetically similar to existing street names in Wake County.

2. **Completeness Review.**

a. **Authorized Representative**. Applications may only be submitted by persons having the legal authority to take such action, and the Land Use Administrator shall require an applicant to provide evidence of said authority to submit the specified application.

b. **Preliminary Review of Application**. Prior to formal submission of an application, the Land Use Administrator may review the application and confer with the applicant as appropriate to ensure:

i. That the applicant understands the interpretation of the applicable requirements of this Chapter;

ii. That the applicant has submitted all of the information intended for submission; and

iii. That the application represents precisely and completely what the applicant proposes to do.

iv. That the applicant understands the desires of the Town regarding the overall design goals and considerations pertaining to Stormwater and associated control measures (SCMs).

c. **Applications to be Complete before Processing.** No application shall be accepted by the Land Use Administrator unless it contains all of the information that is necessary for the permit-issuing authority to determine whether or not the development, if completed as proposed, will comply with all of the requirements of this Chapter. Applications that are not complete shall be returned forthwith to the applicant with a notation of deficiencies in the application.

3. **Neighborhood Meetings.** Where pre-submittal neighborhood meetings are required they shall meet the following criteria:

a. 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 in accordance with Section 12.2 (C)(4).

b. 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.

c. 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.

4. **Public Notification Requirements**.

   a. **In General.** Notification of all public hearings required by this Ordinance shall be as follows.

   b. **Legal Ad.** A notice shall be published in a newspaper having general circulation in the Town once a week for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than 25 days prior to the date established for the hearing. The notice shall indicate the nature of the public hearing, as well as the date, time, and place at which the hearing is to occur.

   c. **First-Class Mail Notice**. A notice of the proposed action shall be sent by first-class mail, as applicable, from the Land Use Administrator to the affected property owner and to all contiguous property owners and any property within two-hundred (200) feet of the affected property. Person(s) mailing the notices shall certify to the Town Council that fact and the certificate(s) shall be deemed conclusive in the absence of fraud.

   d. **Sign Posted.** A prominent sign shall be posted on the subject property(ies), as applicable, beginning not less than ten (10) days nor more than 25 days prior to the date established for the hearing. Such posting shall list a phone number to contact during regular business hours for additional information. The sign shall remain posted until after the decision-making authority has rendered its final decision.

Table 12.2(C)(4) Public Notice Requirements			
Application Type	**First-Class Mail**	**Posted Sign**	**Legal Ad**
Variances	Y	Y	Y
Special Use Permit	Y	Y	Y
Zoning Text Amendment	Y	N	Y
Zoning Map Amendment	Y	Y	Y

5. **Re-Zoning More than 50 Properties**. When a zoning reclassification action directly affects more than 50 properties owned by a total of at least 50 different property owners, the preceding general public hearing notice requirements may be altered as follows.

   a. **Newspaper Notice**. The Town shall publish a notice once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area with a map showing the boundaries of the area affected by the proposed re-zoning. The map shall not be less than one-half (½) of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.

   b. **First-Class Mail Notice**. Property owners who reside outside of the Town's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to Section 12.2 (C)(4). Person(s) mailing the notices shall certify to the Town Council that fact and the certificate(s) shall be deemed conclusive in the absence of fraud.

   c. **Sign(s) Posted**. In addition to the published and mailed notices, the Town shall post one (1) or more prominent signs on or immediately adjacent to the subject property area reasonably calculated to give public notice of the proposed re-zoning. These signs shall remain posted until after the decision-making authority has rendered its final decision.

6. **Modification of Application at Hearing.** In response to questions or comments from persons appearing at the hearing or to questions or comments from the Town Council, BOA, or LURB, the applicant may offer to modify the application, including the submitted plans and specifications. Unless modifications are deemed to be so substantial or extensive that the board may not reasonably be expected to perceive the nature and impact

of the modifications without having revised plans submitted, the board may approve an application with a condition that the permit shall not be issued until plans reflecting the agreed-upon modifications are submitted to the Land Use Administrator.

7. **Written Decision**. Any decision made by the Town Council, BOA, or the LURB regarding an appeal, variance, Special Use Permit, Special Use Permit modification, Zoning Map Amendment or Zoning Text Amendment shall be reduced to writing, signed by the board Chair or other duly authorized board member, and served upon the applicant and all other persons who make a written request for a copy. Decisions are deemed as served when delivered in person, or when sent via electronic mail or first-class mail. Unless otherwise stated, all decisions shall be effective upon filing with the clerk to the board. As applicable, the written decision shall include.

   a. A statement of the ultimate disposition of the case by the board;

   b. Findings and conclusions of the board;

   c. Supporting reasons or facts; and

   d. Other information deemed appropriate.

8. **Compliance and Violations.** Permits are issued on the basis of approved dimensional plans that authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized by any permit or approval process enumerated in this Chapter shall be deemed a violation of this Ordinance and shall be subject to civil penalties as specified in Chapter 13.

9. **As-Built Drawings**. Prior to the issuance of a Certificate of Occupancy associated with a Site Development Approval or prior to the acceptance of public infrastructure for maintenance in Major Subdivisions, as-built drawings of all water, sewer, and stormwater management facilities illustrating their layouts and connections to existing systems must be produced. Such plans shall show all easements and rights-of-way to demonstrate that the facilities are properly placed and shall indicate the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves.

   For any stormwater control measure the drawings shall also show a recently surveyed location, size, depth and planted vegetation of all controls and devices. Deviations must be requested from the Stormwater Administrator and approved by the Town. All approved deviations in size, shape, or depth must be noted on the As-Built Drawings, and demonstrate the same capacity and treatment of the original design. These documents will serve as the basis of the Town's Stormwater Operation and Maintenance agreement and serve as the framework for future annual inspections.

   A copy of all as-built pages must be submitted at the same time using the open Portable Document Format (pdf) standard in a digital format.

D. **Administrative Permits and Approvals**. Administrative permits and approvals are those that may typically either be granted by the Land Use Administrator or the DRC as enabled by the Town Council.

1. **General Provisions.**

   a. **Permit or Approval Not Required.** Notwithstanding any other provisions of this Ordinance, including the possibility of zoning violations and penalties (Chapter 14), an administrative permit is not required for the following uses and/or activities.

      i. Street construction or repair by NCDOT or the Town of Knightdale.

      ii. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines; wires or pipes, together with supporting poles or structures located within a public right-of-way for maintenance or non-development-related capital expansions.

iii. Specific signs exempted in Chapter 8.

iv. Individual property mailboxes, newspaper boxes, decorative walls under forty-eight (48) inches in height, birdhouses, flag poles, pump covers, and doghouses.

b. **Review of Applications**.

i. **In General.** The Land Use Administrator shall approve, approve with conditions or deny the application. Applications that are denied shall have the reasons for denial, in writing, attached to the application. All administrative permits shall:

a) Be issued in the name of the property owner;

b) Identify the property involved and the proposed use;

c) Incorporate by reference the plans submitted; and

d) Contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

ii. **Master Plan Applications.** Within ninety (90) days from the submittal of a Master Plan Application, the DRC shall review the site development permit (Section 12.2 (D)(5)) or Major Subdivision Plan (Section 12.2 (D)(6)), the comments and recommendations of the Land Use Administrator, and the necessary criteria for Master Plan requirements as laid out in Section 12.3 (E). The DRC shall either approve or deny the Master Plan application within this time period unless the applicant has caused additional delay by failing to provide necessary or accurate information. Failure to act by the DRC within the described time period shall be deemed a denial.

The DRC may defer the decision on the Master Plan Application to the Town Council when any two (2) members (voting or non-voting) deem that one (1) or more of the necessary criteria for Master Plan requirements may not be met by the proposed plan.

Once the DRC takes action, the reasons for the denial, approval or deferral to the Council shall be stated in the record of action on the Master Plan Application.

c. **Right of Appeal**. If a request for an administrative permit is denied, or if a ruling of the Land Use Administrator or DRC is questioned, any aggrieved party may appeal such ruling to the BOA.

d. **Certificate of Occupancy.** No structure shall be erected, moved, structurally altered, used, or occupied until a Certificate of Occupancy (CO) has been issued by the Town of Knightdale. Any CO issued shall state that the structure or portion of a structure has.

i. Complied with the information stated on the permit;

ii. Complied with all applicable provisions of this Ordinance; and

iii. Received final inspection approval for compliance with the N.C. Building Code, as applicable.

iv. Where certain infrastructure elements have not been installed (i.e. landscaping due to time of year), a Temporary CO may be issued by the Land Use Administrator subject to collection of a completion surety as outlined in UDO Section 10.

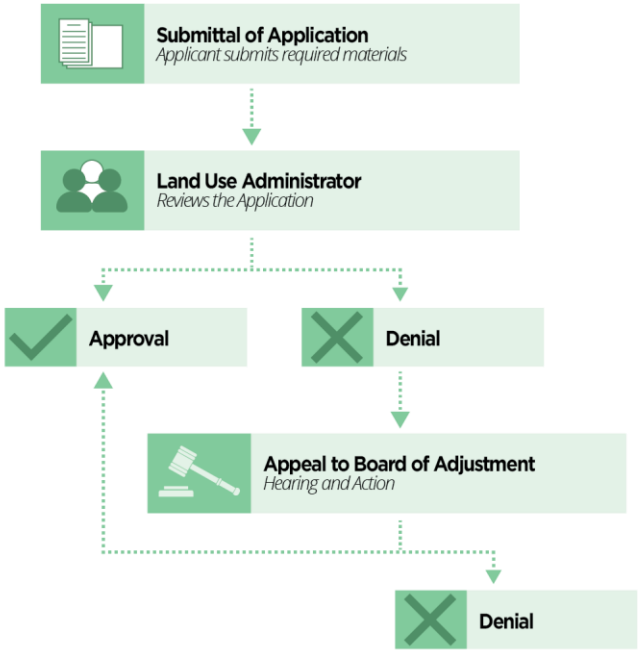
2. **Zoning Compliance Permits.**

   a. **Applicability.** A zoning compliance permit (ZCP) is required for the approval of all applications for single-family homes, certain home-based businesses such as Child/Adult Day Care Homes, new businesses, and all other development not otherwise covered by other procedures in this Chapter.

   b. **Procedure:**

Table 12.2(D)(2)(b) Zoning Compliance Permit Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
ZCP Application	Land Use Administrator	ZCP Issued -**or**- Denied	BOA

Figure 12.1: Zoning Compliance Permit Process



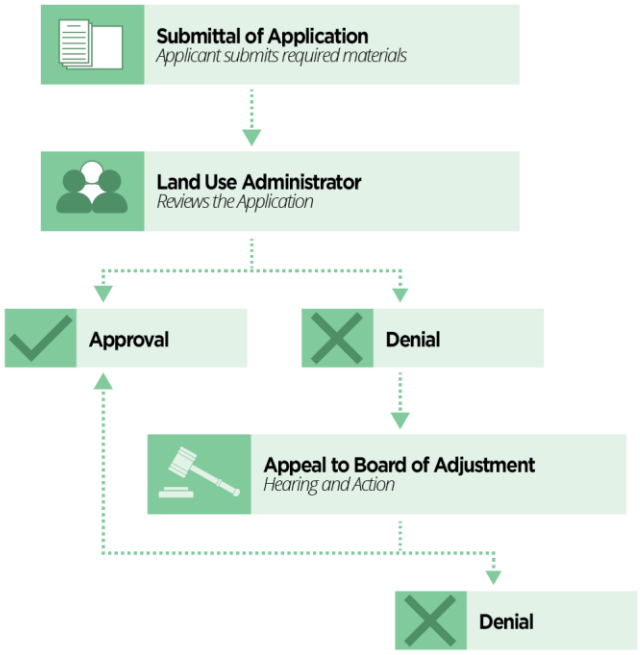
3. **Sign Permits.**

   a. **Applicability.** A sign permit (SP) is required for the erection, alteration, construction, re-location, conversion or enlargement of any sign, except as may be provided in Section 8.4.

   b. **Procedure:**

Table 12.2(D)(3)(b) Sign Permit Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
SP Application; Sketch Plan (12.3.D) As Needed *	Land Use Administrator	SP Issued -or- Denied	BOA
Note:			
* Commercial Building Permit also required for most signs, except for those in which only the sign face is being replaced.			

Figure 12.2: Sign Permit Process



4. **Floodplain Development Permits**.

   a. **Applicability.** A floodplain development permit (FDP) with an accompanying Elevation Certificate shall be required prior to the commencement of any development activities within the Special Flood Hazard Areas and Future Conditions Flood Hazard Areas determined in Section 9.5 (B)(1). FDPs shall be approved by the Floodplain Administrator.

   No structure or land shall be located, extended, converted, or structurally altered without full compliance with the term of this Chapter and Section 9.5. In addition to those federal, state, and local government agency approvals, the applicant must also be in compliance with the Town of Knightdale Erosion and Sedimentation Control Ordinance, as amended.

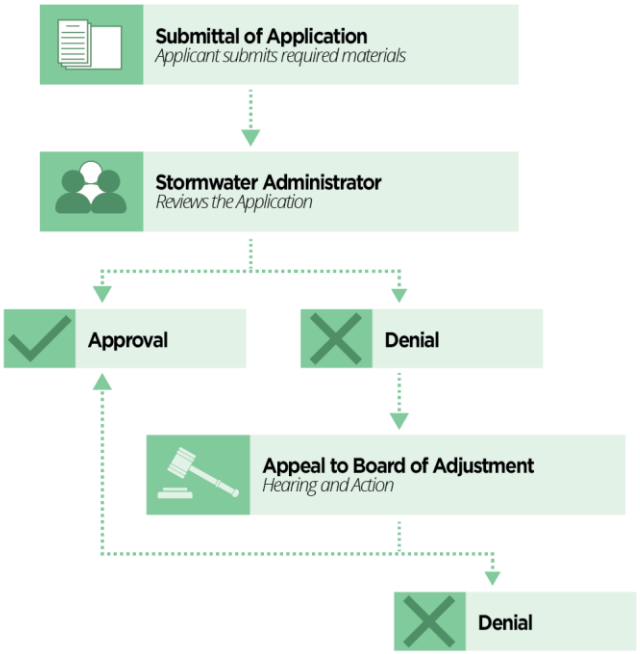
   Any activity which differs from that authorized by the FDP shall be deemed a violation of this Ordinance and shall be subject to civil penalties as specified in Chapter 14.

   b. **Procedure.** Review will specifically verify the actual elevation (in relation to NAVD 1988) of the lowest floor (including basement) and the actual elevation to which the new or substantially improved buildings have been flood-proofed. Certification from the property owner's or developer's NC-licensed Professional Engineer or Surveyor must accompany this application.

Table 12.2(D)(4)(b) Floodplain Development Permit Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
FDP Application (12.3.C)	Floodplain Administrator	FDP Issued -or- Denied	BOA

Figure 12.3: Floodplain Development Permit Process



5. **Administrative Site Plan.**

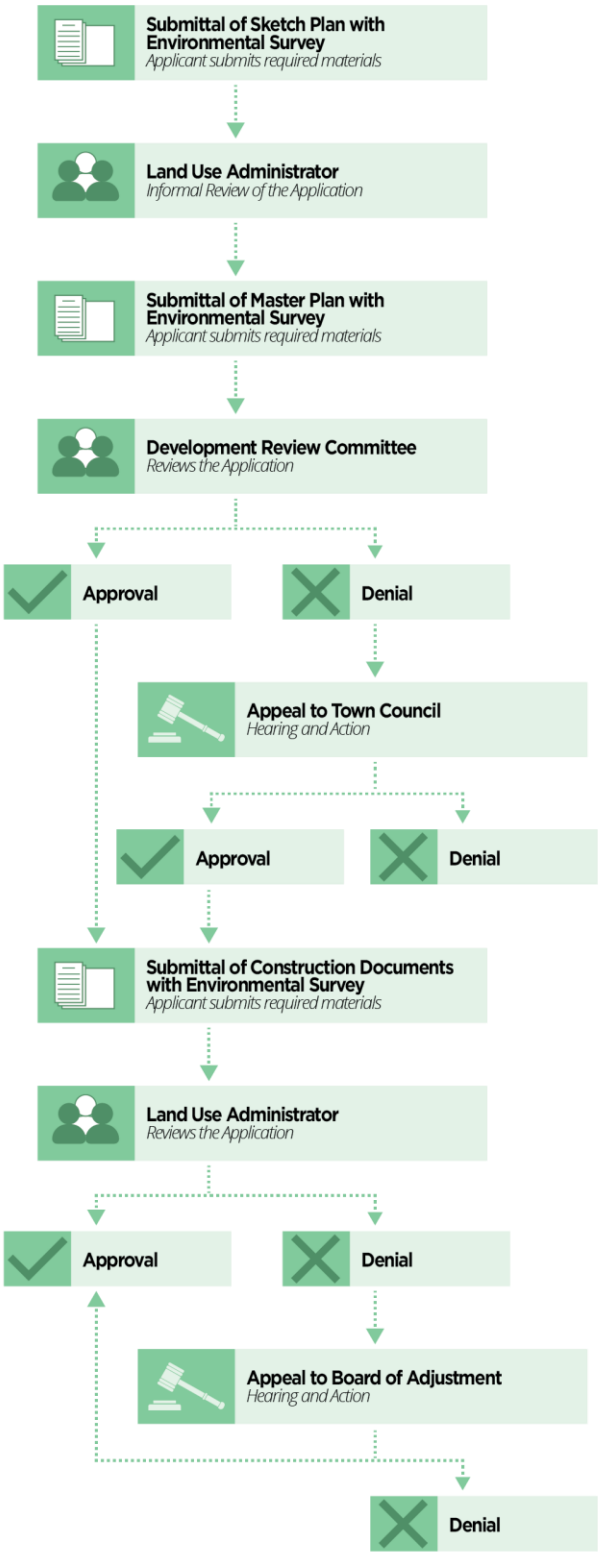
   a. **Applicability.** An Administrative Site Plan Approval and associated construction improvement permit (CIP) are required for an individual building or buildings on previously platted lots.

   b. **Procedure**. To receive Administrative Site Plan approval and a CIP, a completed Master Plan Application must be submitted for review.

Table 12.2(D)(5)(b) Administrative Site Plan Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Sketch Plan (12.3.D) w/Environmental Survey (12.3.B)	Land Use Administrator	For Non-Binding Review Only	n/a
Master Plan (12.3.F) w/Environmental Survey (12.3.B)	DRC	Review for Completeness & Ordinance Compliance; Master Plan Approved -**or**- Denied	Town Council
Construction Drawings (12.3.G) w/Environmental Survey (12.3.B)	Land Use Administrator	Review for Completeness & Ordinance Compliance; CIP Issued -**or**- Denied	BOA

Figure 12.4: Administrative Site Plan Approval Process



6. **Subdivision Approvals.**

a. **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.

b. **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. 160D-802(a)(1)-(5) which include recombination plats. Exempt plats are reviewed according to the following procedure:

Table 12.2(D)(6)(b) Subdivision Exempt Plat Approval Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
Final Plat (12.3.H)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued -**or**- Denied	BOA
A Sketch Plan and review is not required, but can be scheduled with the Development Services Department if it is desired.			

c. **General Provisions**.

i. **Notice to Proceed with Construction Activity**. Only after receiving Final Plat approval for a Family/Minor Subdivision or Construction Drawing approval for Major Subdivisions as prescribed by this Chapter and other written approval and necessary permits from the appropriate regulating agencies, shall the developer begin tree clearing, grading, soil erosion, and infrastructure construction for the development.

ii. Construction Drawings.

a) **Approval Duration.** Approved Construction Drawings are valid for one (1) year from the date of approval by the Town of Knightdale. Reasonable and necessary extensions may be granted at the Town Council's sole discretion if a written request by the developer is made to the Town Council forty-five (45) days prior to the one- (1) year anniversary of Construction Drawing approval. A 1-year extension may be granted from the date when the approved Construction Drawings would otherwise expire.

b) **New Application Required**. Should Construction Drawing approvals expire, a new application for subdivision approval will be required in accordance with the processes outlined within this Chapter before development may re-commence and any Final Plats be approved and/or recorded.

c) **Multiple Phases Not Approved**. Approval of Construction Drawings constituting an individual phase of a multi-phase project which has not been entirely approved does not constitute approval by the Town of any remaining phases.

d) **Infrastructure Required within One (1) Year**. All required infrastructure improvements within the Construction Drawings shall be in place within one (1) year of issuance of a CIP unless the improvement has been guaranteed in accordance with Section 10.1. If circumstances beyond the control of the developer do not allow for the commencement of the required work within the 1-year period, or the size of the phase is such that one (1) year is insufficient time to commence all required work, then the developer may file a written request for an extension with the Land Use Administrator no later than 45 days prior to the 1-year anniversary of CIP approval by the Town as provided above. If infrastructure work is not commenced within one (1) year and/or no extension request is filed with the Land Use Administrator and approved, CIP approval becomes null and void on the day of the one (1) year anniversary and a new application will be required.

iii. **Final Plats**.

a) **Review Period**. The developer shall initiate the final subdivision plat approval process by submitting the Final Plat and copies of any required surety or improvement guarantees (as specified in Section 10.6 (A)) to the Land Use Administrator or other departments as required. The Land Use Administrator will then have 45 calendar days to approve or deny the Final Plat. During the review period, the Land Use Administrator will confirm the accuracy of the Final Plat. If substantial errors are found, including inconsistencies with the approved Construction Drawings, the Final Plat shall not be approved and the review period suspended until the applicant has corrected such errors. A list of the needed corrections and/or conditions shall be provided to the applicant. Any corrections and/or conditions placed by the Town on the approval of the Final Plat shall be addressed by the developer within 45 days. Failure of the developer to meet the 45 day response period shall cause the conditional approval of the Town to be null and void. Once complete, the Final Plat shall be approved or denied by the Land Use Administrator within 30 calendar days of the date of final completed submission.

b) **Improvements Required**. The Final Plat shall constitute all portions of the approved Construction Drawings. No Final Plat shall be approved unless and until the developer has installed in that area all improvements required by this Ordinance or has posted any required improvement guarantees approved by the Town Council and prescribed by this Ordinance in Section 10.6 (A).

c) **Plats to be Recorded**. Approved Final Plats must be filed by the applicant for recording with the Wake County Register of Deeds within thirty (30) days of the date of approval by the Land Use Administrator; otherwise, such approval shall be null and void. After recordation, the developer shall provide prints (number to be determined by the Land Use Administrator) of the registered plat to the Town for distribution to the various state and local government agencies and public utilities along with one (1) electronic copy in Portable Document Format (PDF) for permanent file in the Development Services Department.

d. **Family Subdivisions**

i. **Purpose & Definition**. The specific purpose of a family subdivision is to allow the creation of lots from larger tracts where lots are conveyed to or developed for building purposes by members of the lineal family. A family subdivision shall be defined as the division of land into not more than five (5) parcels (or lots) from the original tract as it existed on January 1, 2000, for the purpose of conveying the resultant parcels or lots to the grantee or grantees who are in any degree of lineal kinship to the grantor.

ii. **Procedure**. The request for family subdivision approval shall be filed by submitting an application for Final Plat to the Land Use Administrator. This application shall include a prescribed statement satisfying the Land Use Administrator that such subdivision is in fact a "family subdivision" not meant to circumvent the provisions of this Ordinance, and shall meet the standards of subsection "iii" that follows.

Table 12.2(D)(6)(d) Family Subdivision Approval Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
Final Plat (12.3.H)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued -**or**- Denied	BOA
A Sketch Plan and review is not required, but can be scheduled with the Development Services Department if it is desired.			

iii. **Minimum Standards.**

a) **Parent Tract**. The original tract as it existed on January 1, 2000, must be a minimum of 10 acres, and a plat of the original tract is required to be on file with the Land Use Administrator so that the department can determine the number of lots subdivided.

b) **Conveyance**. Only lineal family members acting personally or through their legal representatives, including but not limited to. estate executors, trustees, attorneys-in-fact, or legal guardians; may be grantees of the land from the grantor as stated in the definition of family subdivision in subsection "i" above. Any immediate transfer of land from the grantee to a non-lineal family member is considered a violation, which is subject to any and all penalties, including the requirement of the subdivision to come into compliance with any or all minor or major subdivision requirements.

c) **Deeds**. The deed for each lot in a family subdivision must contain an express statement that the conveyance is a conveyance of a lot within a family subdivision and must contain an express grant of a public or private right of way to a public street.

d) **Zoning Conformity**. All lots proposed under the family subdivision section shall conform to the zoning requirements of the zoning district in which the subdivision is located, including, but not limited to, minimum lot size and width.

e) **Street Frontage**. All lots proposed for subdivision, including the original tract, shall front on a dedicated private or public right of way of at least fifty-four (54) feet in width which connects to a public street. The final plat is required to show this right of way.

f) **Street Standards**. All lots proposed for subdivision, including the original tract, shall front on a street built to the following standards:

(i) If determined by the Town to be a logical location for a street, a 54-foot public or private right-of-way is required.

(ii) If determined by the Town to be an area where the future street location is not determined a 54-foot private easement or right-of-way is required.

(iii) All access streets shall be constructed to a minimum NCDOT standard with base course, but are not required to be constructed with pavement, curb, gutter, or sidewalk.

(iv) A note is to be added to the plat that maintenance is to be the responsibility of all adjacent property owners of said right of way and unimproved street. A maintenance agreement is required to be recorded at the Wake County Register of Deeds and approved by the Town Attorney.

g) **Public Utilities.** If any lot proposed by the family subdivision is within 300 feet from the public water line and/or public sewer system, the lot shall connect to the public water system and/or public sewer system if a residence is proposed. A voluntary annexation petition is required to be submitted if connecting to Town water and/or sewer.

h) **Development Fees**. Family subdivision lots shall be exempt from paying development fees as outlined in the Town's Fee Schedule. The subdivider shall be responsible for payment to the Town of all fees and charges required by the Town including, but not limited to, the costs of permits, inspections, utility taps, and capital facility fees, at such times as payments are specified under the various codes, fee schedules, or resolutions of the Town.

i) **Additional Right-of-Way Dedication**. Family subdivision lots fronting on an existing public street, which is identified as a thoroughfare or collector street as identified on the Town's Arterial and Collector Street Plan and which are not currently constructed to the ultimate cross-section shall not be required to build the street to the standard section and shall not be required to pay a fee in lieu of such street construction, but shall be required to dedicate the ultimate required right-of-way.

j) **Right-of-Way Reservation**. Where a planned NCDOT or Town of Knightdale street is located within the boundaries of the family subdivision land, a reservation of the right of way is required to be shown on the plat to reserve the land for the future street.

e. **Minor Subdivisions**.

i. **Purpose & Definition**. Minor subdivisions are those that involve the creation of not more than four (4) lots fronting on an existing street that meets all of the requirements of this UDO, and do not involve any of the following:

a) The construction of any new street or prospectively requiring any new street for access to interior property; or

b) The extension of public sewage or water lines to serve properties at the rear; or

c) The creation of any new or residual parcels not conforming to the requirements of these regulations and related ordinances.

ii. **Procedure.** The request for a minor subdivision approval shall be filed by submitting an application for Final Plat to the Land Use Administrator.

iii. **Expedited Review**. Except as regulated above the following subdivisions should be exempt from the sketch plan requirements and may only be required to submit a plat for recordation:

a) The tract or parcel to be divided is not exempt under Section 12.2 (D)(6)(b) of this ordinance.

b) No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division.

c) The entire area of the tract or parcel to be divided is greater than five acres.

d) After division, no more than three (3) lots result from the division.

e) After division, all resultant lots comply with all of the following:

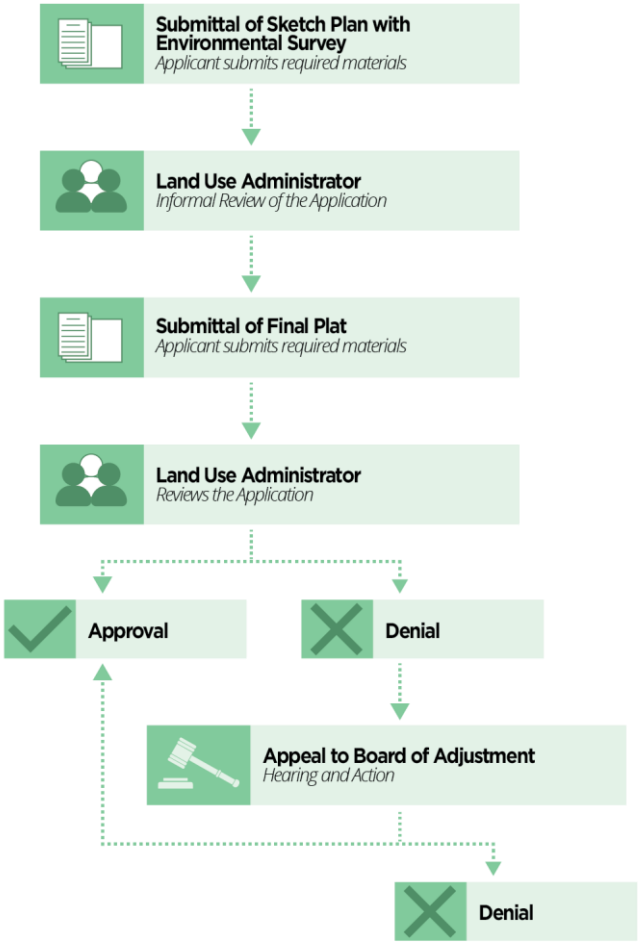
(i) Any lot dimension size requirements of the applicable land-use regulations,

(ii) The use of the lots is in conformity with the applicable zoning requirements, and

(iii) A permanent means of ingress and egress is recorded for each lot.

Table 12.2(D)(6)(e) Minor Subdivision Approval Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
Sketch Plan (12.3.D) w/Environmental Survey (12.3.B)	Land Use Administrator	For Non-Binding Review Only	n/a
Final Plat (12.3.H)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued -**or**- Denied	BOA

Figure 12.5: Minor Subdivision Process



f. **Major Non-PUD Subdivisions.**

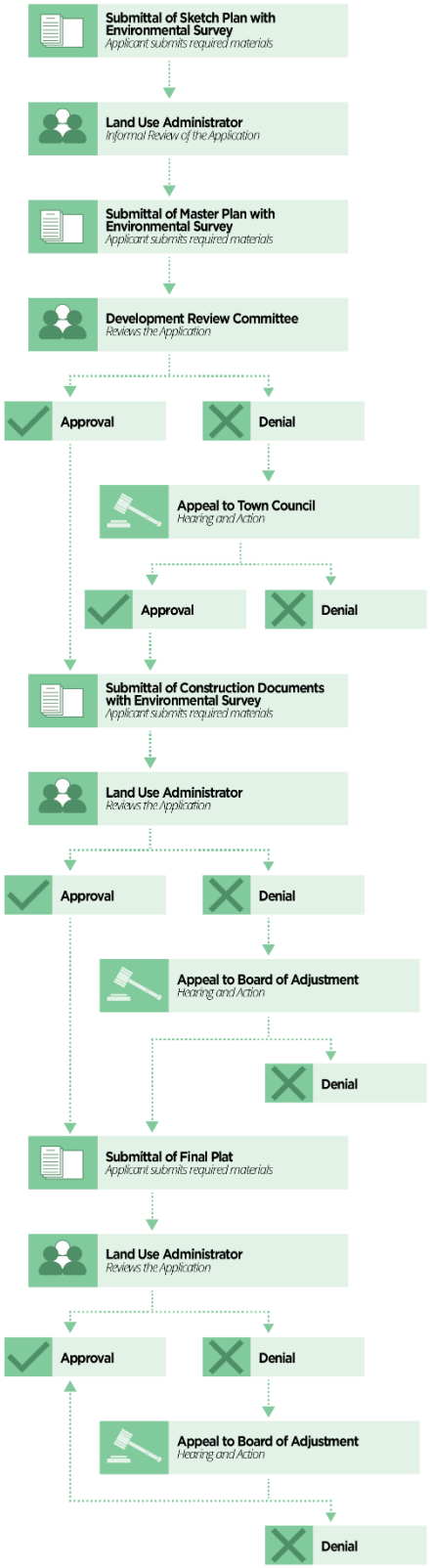
i. **Purpose & Definition**. A Major Non-PUD Subdivision is a subdivision of land that is not residential and does not meet the definition of an Exempt Plat, Family Subdivision, or Minor Subdivision.

ii. **Procedure**. To receive Major Subdivision approval and a CIP, a completed Master Plan Application must be submitted to the Land Use Administrator for review.

Table 12.2(D)(6)(f) Major Subdivision Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Sketch Plan (12.3.D) w/Environmental Survey (12.3.B)	Land Use Administrator	For Non-Binding Review Only	n/a
Master Plan (12.3.F) w/Environmental Survey (12.3.B)	DRC	Review for Completeness & Ordinance Compliance; Master Plan Issued -**or**- Denied	Town Council
Construction Drawings (12.3.G) w/Environmental Survey (12.3.B)	Land Use Administrator	Review for Completeness & Ordinance Compliance; CIP Issued -**or**- Denied	BOA
Final Plat (12.3.H)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Final Plat Issued -**or**- Denied	BOA

Figure 12.6: Major Non-PUD Subdivision Process



E. **Administrative Modification of Dimensional Standards.**

1. The administrator is authorized to approve requests that deviate from required setbacks set forth in this Ordinance by up to ten (10) percent of the required setbacks or 24 inches, whichever is greater, upon determination that one or more of the following conditions exists:

   a. There are site or structural conditions that preclude strict adherence to the setback requirements, including but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structures is physically in line with an existing, legally established wall or walls of a principle structure already within the minimum setback area.

   b. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety Ordinance, flood hazard reduction, Americans with Disabilities Act standard or other public safety Ordinance requirements.

   c. The proposed structure will allow the preservation of significant existing vegetation.

   d. A good faith error was made in the location of a building foundation due to either construction or survey error.

2. The authority given to the Administrator to grant such modification shall be construed to be permissive and not mandatory, and the Administrator may decline to make such modification. In the event this occurs, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance to these requirements.

3. Nothing in this section shall be construed as limiting the Administrators' duties and rights under this Chapter, or an applicant's right to appeal the decision of the Administrator to the Board of Adjustment.

F. **Quasi-Judicial Procedures**. This Section provides for the evaluation of certain applications by requiring that certain decisions be made using a quasi-judicial procedure with the right of the parties to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial, and material evidence.

1. **General Provisions**.

   a. **Re-Hearings**.

      i. **Applicability**. An application for a re-hearing shall be made in the same manner as provided for an original hearing within fifteen (15) days after the date of the BOA, LURB or Town Council decision. In addition, specific information to enable the applicable board to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically.

      ii. **Procedure.** A re-hearing shall be denied by the applicable board if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held to consider holding such a re-hearing. Approval of said consideration shall, however, require an affirmative vote of at least four-fifths (4/5) of the voting members. In the event that the applicable board finds that a re-hearing is warranted, it shall proceed as in the original hearing except that the application fee shall be waived.

b. **Right of Judicial Appeal.** Every quasi-judicial decision of the BOA or the Town Council shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the effective date of the decision, or after a written copy is served in accordance with the provisions of Section 12.2 (C), whichever is later. In the event any decision is served via first-class mail, three (3) days shall be added to the allowed time in which to file a petition for review.

2. **Administrative Appeals.**

a. **Applicability.** The BOA shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Land Use Administrator or DRC, respectively, and apply such interpretation to particular fact situations.

b. **Applicant with Standing.** The following persons and entities shall have standing to file an appeal under this section:

i. Any person meeting any of the following criteria.

a) Has an ownership interest in; a leasehold interest in; or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed; or

b) Has an option or contract to purchase the property that is the subject of the decision being appealed; or

c) Was an applicant before the decision-making authority whose decision is being appealed.

ii. Any other person who will suffer special damages as the result of the decision being appealed.

iii. An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one (1) of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of an appeal.

iv. The BOA when it believes the Land Use Administrator or DRC, respectively, has been inconsistent with the proper interpretation of the Ordinance.

c. **Filing.** An appeal by the property owner to the appropriate board shall be made within thirty (30) days of receipt of the written notice stating the decision, order, determination, or interpretation made by the Land Use Administrator or DRC. An appeal by any other person with standing shall be made within thirty (30) days of the receipt of any actual or constructive notice regarding the decision, order, determination, or interpretation made by the Land Use Administrator or DRC.

i. **Timely Hearing and Decision**. An appeal must be placed on the appropriate board agenda within 30 days of filing, and a decision shall be reached within a reasonable amount of time.

ii. **Witness**. The Land Use Administrator or their successor shall appear as witness in the appeal.

iii. **Enforcement Proceedings Stayed**. The filing of any application stays all enforcement proceedings unless the Land Use Administrator certifies by facts stated in an affidavit that a stay in his/her opinion will cause imminent peril to life or property, or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance. In that event, enforcement proceedings shall not be stayed except by a restraining order granted by a judicial court of law.

a) **Expedited Hearing.** If enforcement proceedings are not stayed the appellant may request from the Land Use Administrator an expedited hearing, in which case, the BOA shall conduct said hearing within 15 days after such request has been filed.

iv. **Other Review Proceedings Not Stayed**. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with this Ordinance shall not stay further review of an application for permits or permissions to use such property. In said situations, the appellant may request and the BOA may grant a stay of any final decision concerning permit applications or building permits affected by the appeal.

d. **Board Powers and Responsibilities**. The appropriate board may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed. The appropriate board shall have all the powers of the Land Use Administrator in making any order, requirement, decision, interpretation, or determination with reference to an appeal. For appeals of DRC decisions involving administrative permits requiring a Master Plan, the Town Council must make the following findings to overturn the original decision.

i. The plan is consistent with Comprehensive Plan goals and objectives and all other Town Council adopted development policies;

ii. The plan complies with all applicable requirements of this Ordinance, including but not limited to the development and design standards of chapters 6 and 7 as well as the dedication and improvements provisions of chapters 7 and 10;

iii. The plan adequately protects other adjacent or nearby property, or residential uses located on the same property, from the potential adverse effects of the proposed development;

iv. The plan provides harmony and unity with the development of adjacent and nearby properties;

v. The plan provides safe conditions for pedestrians and motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and

vi. The plan provides safe ingress and egress for emergency services.

e. **Simple Majority Required.** The concurrent simple majority vote of the appropriate board's voting members shall be necessary to make an interpretation of the Ordinance or reverse any administrative order, requirement, decision, or determination. In all matters coming before either board, the applicant shall have the burden of providing clear, competent, and material evidence in support of the application.

3. **Variances.**

a. **Applicability**.

i. **In General.** When unnecessary hardships would result from carrying out the strict letter of this Ordinance and the required findings of fact set forth in Section 12.2 (F)(3)(d)(i) are made, the BOA shall vary any of the regulations or provisions of this Ordinance.

ii. **Flood Damage Protection**. Variances related to Flood Damage Protection may be issued for.

a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure; or

b) Functionally dependent facilities as defined in Chapter 15 provided such facilities are protected by methods that minimize flood damages; or

c) Any other type of development provided it meets the requirements stated in this section.

iii. **Items Not Cause for Variance**.

a) The request for a particular use expressly, or by inference, prohibited in the District involved.

b) Hardship resulting from personal circumstances.

c) Hardship resulting from conditions that are common to the neighborhood or the general public.

d) Any request that will cause a structure to be in violation of other Federal, State, or local laws, regulations, or ordinances.

e) Any request within any designated floodway or non-encroachment area where the variance would result in an increase in flood levels during the base flood discharge.

b. **Applicant with Standing**. A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf or a person having a written contractual interest in the affected property upon the submission of a completed application.

c. **Enforcement and Other Proceedings Stayed.** The filing of any application stays all proceedings unless the Land Use Administrator certifies by facts stated in an affidavit that a stay in his/her opinion will cause imminent peril to life or property, or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order granted by a judicial court of law.

d. **Board Powers and Responsibilities**.

i. **Required Findings of Fact.** The BOA, after having held a public hearing on the matter, may grant or deny a variance based on the following:

a) **General Required Findings of Fact**. The BOA must make the following determinations of fact for all variance requests.

(i) Unnecessary hardship would result from the strict application of the Ordinance;

(ii) The identified hardship is the result of conditions peculiar to the property, such as location, size and/or topography;

(iii) The identified hardship did not result from actions taken by the applicant or property owner; and

(iv) The variance is consistent with the spirit, purpose and intent of this Ordinance, such that public safety is secured and substantial justice is achieved.

b) **Flood Damage Prevention**.

(i) **Specific Procedures**. Variances to flood damage prevention requirements shall only be issued prior to development permit approval. To assure that any such variance is consistent with the spirit, purpose, and intent of the Ordinance, in passing upon variances to flood damage prevention requirements, the BOA shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this Ordinance including:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development; The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. The safety of access to the property in times of flood for ordinary and emergency vehicles;

9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions. The Land Use Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

(ii) **Additional Required Findings of Fact**. To assure that any such variance is consistent with the spirit, purpose, and intent of the Ordinance, Flood Damage Prevention variances shall only be issued upon the BOA determining the following findings of fact, in addition to those findings enumerated in Section 12.2 (F)(3)(d)(i).

1. That the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. That there is a showing of good and sufficient cause; and

3. That the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) **Adult Establishments and Sweepstakes Centers**. To assure that any such variance is consistent with the spirit, purpose, and intent of the Ordinance, variances to the minimum distance between adult establishments and/or sweepstakes centers shall only be issued upon the following findings of fact, in addition to those findings enumerated in Section 12.2 (E)(3)(d)(i)(a):

(i) The proposed use will not be injurious to property or improvements in the affected area;

(ii) The proposed use will not enlarge or encourage the development of a blighted condition within an area; and

(iii) The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement, or revitalization.

ii. **Conditions to Motion.** The BOA in granting a variance may impose appropriate conditions and safeguards in conformity with this Ordinance, provided such conditions are reasonably related to the variance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Chapter 14.

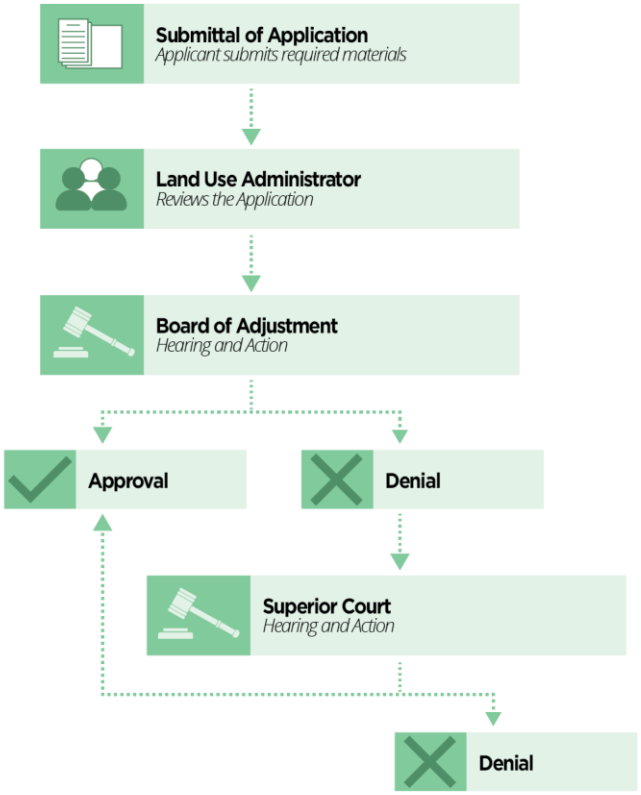
iii. **Supermajority Required for Decision**. The concurrent supermajority vote of four-fifths (4/5) of the voting members of the BOA shall be necessary to grant a variance. In all matters coming before the BOA, the applicant shall have the burden of providing clear, competent, and material evidence in support of the application.

iv. **Other Considerations**. It shall not be necessary for the applicant to demonstrate that, in the absence of a variance, no reasonable use can be made of the property. Additionally, the act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

v. **Time for Decision**. The BOA shall hold a public hearing on an application no later than 60 days after a complete application has been filed with the Land Use Administrator. The BOA shall decide on the matter which was presented at the public hearing within forty five (45) days of the close of the public hearing.

vi. **Time Limit on Approval**. If an application for a variance is approved by the BOA, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the variance or (ii) develop any other use listed as a "permitted use" for the District in which it is located. Unless otherwise authorized by the BOA and included in its decision to grant a variance, an order of the BOA in granting a variance shall expire if a building permit or CO (for a use for which a building permit is not required) has not been obtained within two (2) years from the date of its decision.

Figure 12.7: Variance Process



e. **Effect of Denial/Time to Resubmit**. Upon the denial of an original application, or upon the denial of an application from which a re-hearing has been conducted, a similar application may not be filed for a period of one (1) year after the date of denial of the original application.

f. **Procedure**.

Table 12.2(E)(3)(f) Variance Approval Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
Variance Application	Land Use Administrator	Review for Completeness & Ordinance Compliance	n/a
	BOA	Public Hearing	Superior Court

4. **Special Use Permits.**

a. **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 3.1) as required SUPs in a District may be authorized by the Town Council.

b. **Neighborhood Meeting**. A pre-submittal neighborhood meeting is required as outlined in 12.2(C)(3).

c. **Board Powers and Responsibilities**. The processing of a SUP shall be conducted by the Town Council. During the public hearing, all parties presenting testimony and evidence shall be duly sworn.

i. **Required Findings of Fact.** The burden of proof of producing evidence to support these Findings of Fact and to overcome any challenges that approval of the plan would be contrary to one or more of these Findings of Fact shall rest entirely with the applicant or landowner. The evaluation and approval of the SUP shall be based upon the sworn testimony and evidence both in favor and against the SUP application presented at the hearing relevant to the following Findings of Fact:

a) The use meets all required principles and specifications of the UDO and any adopted land use plans, is in harmony with the general purpose and intent and preserves its spirit;

b) The proposed plan as submitted and approved will be visually and functionally compatible with the surrounding area; and

c) The public health, safety, and welfare will be assured to not substantially injure the value of adjoining property and associated uses if located where proposed.

ii. **Conditions to Motion**. In approving an application for a SUP, the Town Council may attach fair and reasonable conditions on the location, nature, and extent of the proposed use which support the required Findings of Fact. The Town Council may not require the landowner to waive a vested right as a condition of the SUP approval. The applicant shall have up to thirty (30) calendar days to consider and respond to any additional requirements prior to approval or denial by the Town Council.

d. **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.

e. **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 Land Use Administrator if the special use still meets the intent of the standards established with the original approval.

f. **Time Limit on Approval**. The applicant must secure a valid building permit within a 24-month period from the date of approval of the SUP unless otherwise specified.

g. **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 Land Use Administrator and subsequent hearing upon one (1) or more of the following grounds:

   i. The project is not complete or a valid building permit is not in place at the end of the 24-month approval period; or

   ii. Failure to comply with the additional standards specified in Section 5; or

   iii. Operating an establishment disruptive of peace and good order as evidenced by lack of sufficient on-premises security and specifically by a conviction of a criminal offense, a material element of which occurred on the premises; or

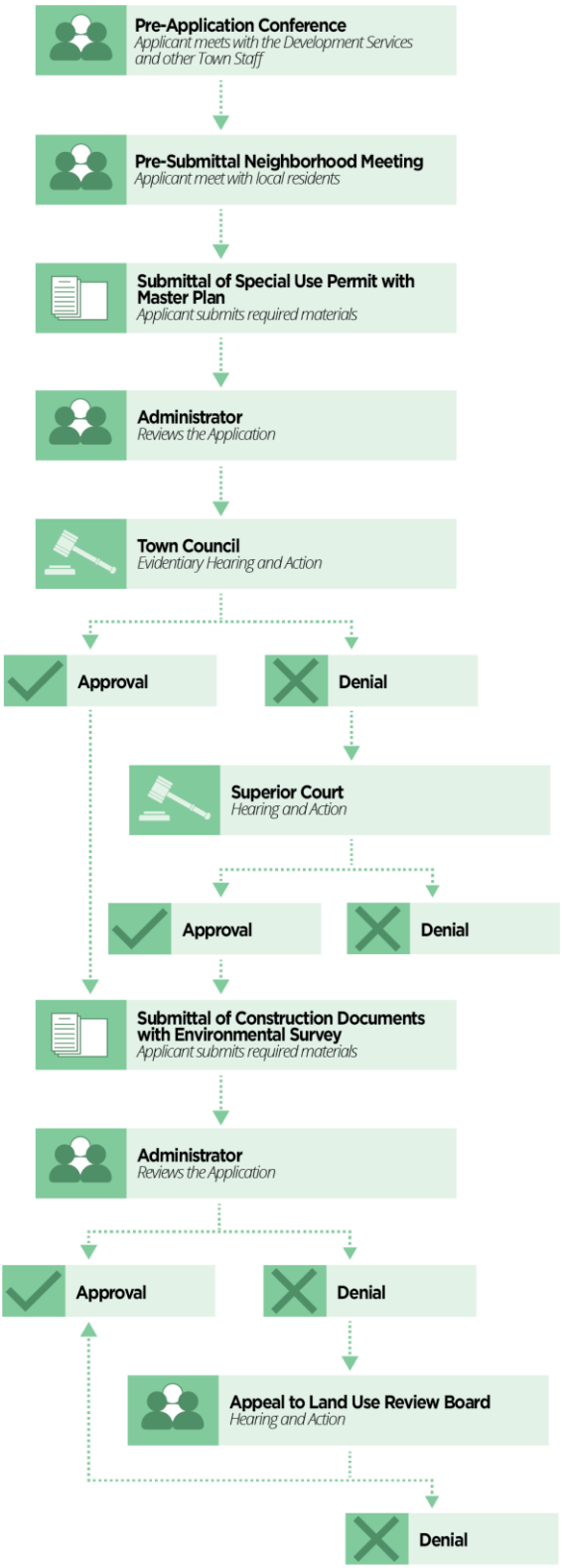
   iv. Excessive criminal activity on or near the premises if the Town Council finds that the operation of the establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

h. **Procedure**.

Table 12.2(E)(4)(h) Special Use Permit Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Sketch Plan (12.3.D) w/ Environmental Survey (12.3.B)	Land Use Administrator	For Non-Binding Review Only	n/a
Special Use Permit w/ Master Plan (12.3.F)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Issue Staff Report	n/a
	Town Council	Evidentiary Public Hearing; SUP Approved – **or** - Denied	Superior Court
Construction Drawings (12.3.G) w/Environmental Survey (12.3.B)	Land Use Administrator	Review for Completeness & Ordinance Compliance; CIP Issued -**or**- Denied	BOA

Figure 12.8: Special Use Permit Process



G. **Legislative Procedures**. This Section establishes uniform procedures for processing matters requiring a legislative approval process before the Town Council.

1. **General Provisions**.

a. **Town Council Decision**. Once the public hearing has been conducted, the Town Council shall refer the matter to the LURB for a recommendation. If no comments have been received from the LURB within thirty (30) days of referral from the Town Council, the Council may proceed with consideration of the proposal and render a decision.

b. **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 a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Town Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

c. **Re-Hearing**.

i. **Applicability**. An application for a re-hearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Town Council decision. In addition, specific information to enable the Town Council to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically.

ii. **Procedure.** A re-hearing shall be denied by the Town Council if, in its judgment, such change in facts, evidence, or conditions have not been proven. A public hearing shall not be required to be held by the Town Council to consider holding such a re-hearing. Approval of said consideration shall, however, require an affirmative vote of at least four-fifths (4/5) of the voting members. In the event that the Town Council finds that a re-hearing is warranted, it shall then proceed as in the original hearing except that the application fee shall be waived.

d. **Appeals**. Every legislative decision of the Town Council shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Council is filed in the office of the Town Clerk, or after a written copy is delivered to every aggrieved party who has filed a written request for such copy with the Land Use Administrator at the time of the hearing of the case by the Town Council, whichever is later.

e. **Application Withdrawal**. The applicant may withdraw a legislative application by providing written notice to the Land Use Administrator in accordance with the following:

i. The petitioner may withdraw his/her application before submission of the public notice to the newspaper announcing the public hearing.

ii. After submission of such notice, an application may be withdrawn at the discretion of the Town Council at the public hearing.

iii. No more than two (2) withdrawals may occur on the same parcel or portion of land within a one (1) year period.

iv. No application shall be filed on the same parcel or portion of land within a one (1) year period after the date of the second withdrawal.

2. **Zoning Text Amendment.**

a. **Applicability**. A Zoning Text Amendment (ZTA) may be initiated by the Town Council, the LURB, the Land Use Administrator or any private citizen by filing an application with the Land Use Administrator.

b. **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 such hearing.

c. **Decision**. A decision concerning the petition to amend the text of this Ordinance shall be as follows:

i. Adoption of the amendment as written; or

ii. Adoption of the amendment as revised by the Land Use Administrator, LURB, or Town Council; or

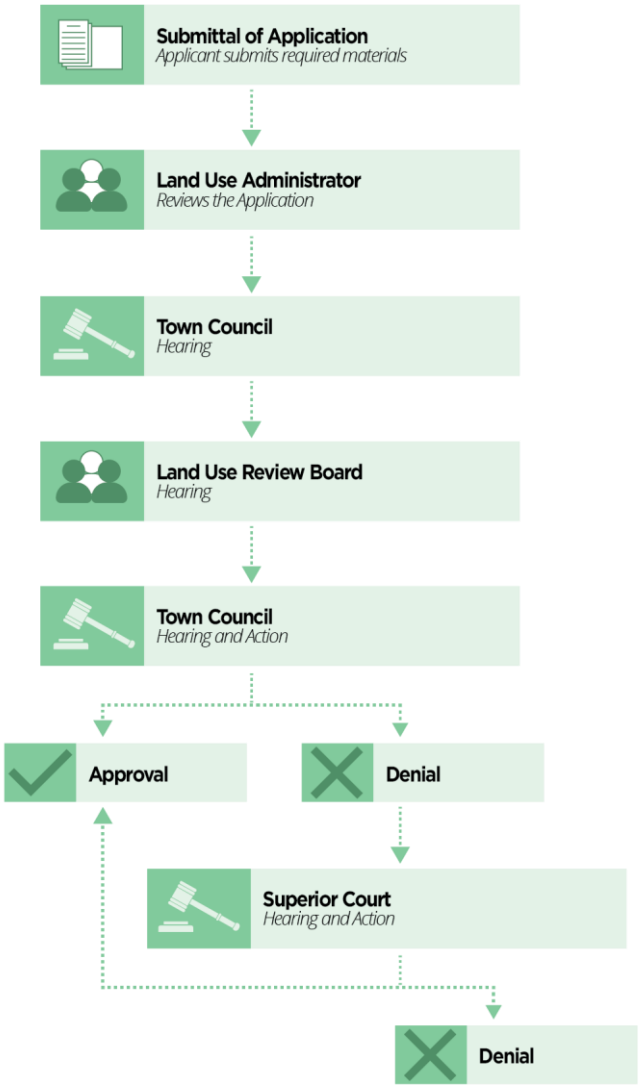
iii. Rejection of the amendment.

d. **Procedure**.

Table 12.2(F)(2)(d) Text Amendment Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Text Amendment Application	Land Use 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	ZTA Approved – **or** – Denied	Superior Court

Figure 12.9: Zoning Text Amendment Process



3. **Zoning Map Amendments (Re-Zonings**).

   a. **Applicability**. An amendment to the Official Zoning Map, or "Zoning Map Amendment" (ZMA) may be initiated by the Town Council, the LURB, the Land Use Administrator, or any private citizen by filing an application with the Land Use Administrator.

   b. **Neighborhood Meetings.** A pre-submittal neighborhood meeting is required for all applications for a Zoning Map Amendment as outlined in 12.2 (C)(3).

   c. **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.

   d. **General Re-Zoning**.

      i. **Decision**. A decision concerning a petition for re-zoning shall be as follows:

         a) Grant the re-zoning as requested; or,

         b) Grant the re-zoning with a reduction in the area requested; or,

         c) Grant the re-zoning to a more restrictive general zoning district; or,

         d) Grant the re-zoning with a combination of "ii" and "iii" above; or,

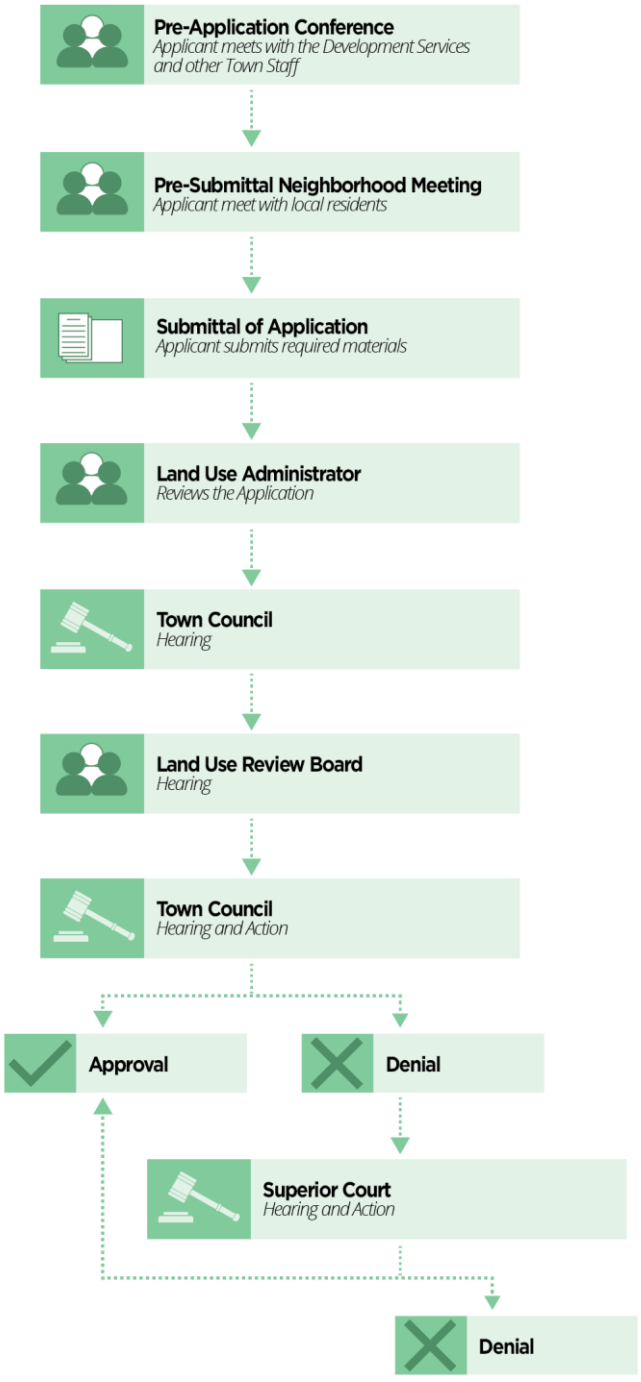
         e) Deny the application.

   e. **Procedure.**

Table 12.2(F)(3)(e) Map Amendment (Re-Zoning) Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Map Amendment Application	Land Use 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	ZMA Approved – **or** – Denied	Superior Court

Figure 12.10: Map Amendment Process



f. **Re-Zoning.** The Conditional District (ZMA-CD) re-zoning process provides a procedure for the re-zoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. This process affords a degree of certainty in land use decisions not possible when re-zoning to a general category allowing many different uses.

i. **Specific Requirements**.

a) **Applicant.** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included.

b) **Standards of Corresponding General District to be Met**. All standards and requirements of the corresponding General District shall be met, except to the extent that the conditions imposed are more restrictive than those standards. However, when a Conditional District is a requirement of Section 3.1, petitioners may also ask that certain standards identified be decreased. Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed on the Conditional District in the approval of the re-zoning.

c) **Content of Application**. The Master Plan, as a site-specific Conditional Zoning Plan, is itself a condition of the ZMA-CD. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted by right or special use, allowed in the General District upon which the Conditional District is based. Uses not otherwise permitted within the General District shall not be permitted within the Conditional District.

d) **Fair and Reasonable Conditions**. At the request of the applicant, the LURB may recommend and the Town Council may attach reasonable and appropriate conditions including but not limited to the location, nature, hours of operation, and extent of the proposed use. The applicant will have a reasonable opportunity to consider and agree to any additional requirements proposed by either the LURB or the Town Council prior to final action.

ii. **Substantial Changes**. Any substantial change to a Master Plan that results in a net increase to the number of lots or to the heated floor area shall be reviewed by the LURB and approved or denied by the Town Council as an amended Conditional District.

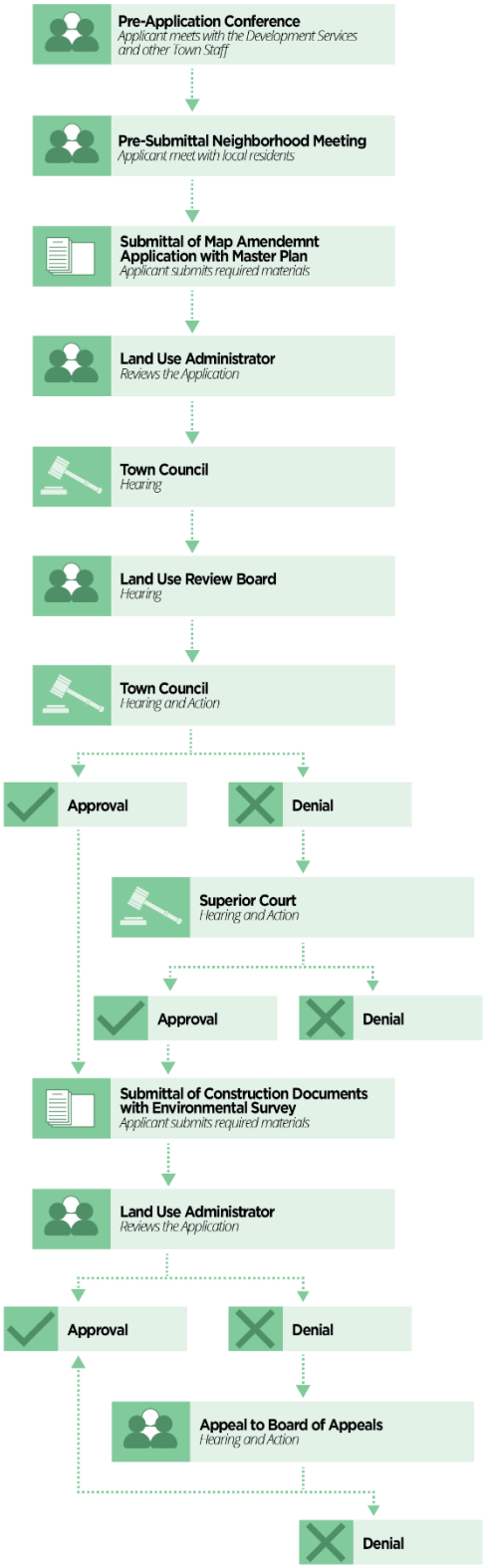
iii. **Time Limit on Approval**. The Applicant must secure a valid building or construction permit(s) within a 24-month period from date of approval of the ZMA-CD unless otherwise specified.

iv. **Rescission of Conditional Districts**. If such project is not complete and a valid building or construction permit is not in place at the end of the 24-month period, the Land Use Administrator shall notify the applicant of either such finding. Within sixty (60) days of notification, the Land Use Administrator shall make a recommendation concerning the rescission of the ZMA-CD to the Town Council. The Town Council may then rescind the ZMA-CD or extend the life of the ZMA-CD for a specified period of time.

v. **Procedure**.

Table 12.2(F)(3)(f)(v) Conditional District Re-Zoning Approval Procedure			
SUBMITTAL REQUIREMENTS	**REVIEWING AUTHORITY**	**ACTION TO BE TAKEN**	**APPEAL PROCESS**
Sketch Plan (12.3.D) w/ Environmental Survey (12.3.B)	Land Use Administrator	For Non-Binding Review Only	n/a
Map Amendment Application w/ Master Plan (12.3.F)	Land Use 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	ZMA-CD Approved -**or**- Denied	Superior Court
Construction Drawings (12.3.G) w/Environmental Survey (12.3.B)	Land Use Administrator	Review for Completeness & Ordinance Compliance; CIP Issued -**or**- Denied	BOA

Figure 12.11: Conditional District Rezoning Process



g. **Planned Unit Development Overlay District Rezoning**.

i. **General Provisions**.

a) Each planned unit development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned unit development upon an already existing planned unit development except to the extent such planned unit development has been approved as part of a development master plan.

b) The burden of providing evidence and persuasion that any planned unit development is necessary and desirable shall in every case rest with the applicant.

ii. **Standards for Review**. Approval of development through a Planned Unit Development Overlay District rezoning, including modifications to the requirements of this UDO, is a privilege and will be considered by the Town only in direct response to the accrual of tangible benefits from the planned unit development to the Town or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural, or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned unit development, the LURB and/or the Town Council, as the case may be, shall be required to make certain findings based on the following standards:

a) **Required Findings**. No application for a Planned Unit Development Overlay District Rezoning shall be approved unless all the following findings are made about the proposal:

(i) **Comprehensive Plan**. The planned unit development shall conform with the general planning policies of the Town as set forth in the Comprehensive Plan and other adopted policy documents.

(ii) **Public Welfare**. The planned unit development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

(iii) **Impact on Other Property**. The planned unit development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.

(iv) **Impact on Public Facilities and Resources**. The planned unit development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned unit development shall include such impact donations as may be reasonably determined by the Town Council. These required impact donations shall be calculated in reasonable proportion to the impact of the planned unit development on public facilities and infrastructure.

(v) **Archaeological, Historical, or Cultural Impact**. The planned unit development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

(vi) **Parking and Traffic**. The planned unit development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.

(vii) **Adequate Buffering**. The planned unit development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

(viii) **Performance**. The applicant shall demonstrate a successful history of having completed one or more recent projects of comparable value and complexity to provide the Town with reasonable assurance that, if authorized, the planned development can be completed according to schedule as designed.

b) **Modification Standards**. In addition to the findings required above, the following standards shall be utilized in considering Site Development Allowances. These standards shall not be regarded as inflexible but shall be used as a framework by the Town to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

(i) **Place Making**.

(ii) **Integrated Design**. A planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

(iii) **Beneficial Common Open Space**. Common open space in excess of what is required by this UDO in the planned unit development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
2. Dedicated streets, alleys, and other public rights-of-way.
3. Vehicular drives, parking, loading, and storage area.
4. Irregular or unusable narrow strips of land less than fifteen (15) feet wide.
5. Land areas needed to provide required buffer yards as set forth in UDO Section 7.

(iv) **Location of Taller Buildings**. Taller buildings shall be located within the planned unit development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.

(v) **Functional and Mechanical Features**. Exposed storage areas, trash, and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned unit development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting, or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

(vi) **Visual and Acoustical Privacy**. The planned unit development shall provide reasonable visual and acoustical privacy for each dwelling unit or tenant space. Fences, insulations, walks, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noises.

(vii) **Energy Efficient Design**. A planned unit development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development.

(viii) **Landscape Conservation and Visual Enhancement**. The existing landscape and trees in a planned unit development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and landforms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.

(ix) **Drives, Parking and Circulation**. Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to location and limiting the number of access points to the public streets through the use of cross access connections, width of interior drives, and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

(x) **Surface Water Drainage**. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

c) **Site Development Allowances**. Notwithstanding any limitations on variances which can be approved as contained elsewhere in this UDO, site development allowances, i.e., deviations from the underlying zoning provisions set forth outside this Chapter may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this UDO, and is necessary for proper development of the site.

4. **Vested Rights Extensions**.

   a. **Applicability**. Pursuant to N.C.G.S. §160D-108(d) and not withstanding any other provision or amendment, a landowner may apply for approval of a Site-Specific Development Plan (Master Plan) as defined in the statute that shall entitle said landowner to develop the property over a period beyond the original five (5) year approval duration in accordance with the previously approved plan. All requests for Vested Rights shall be accompanied by a copy of the approved Site-Specific Development Plan (Master Plan) in accordance with the provisions of this Chapter.

   b. **Board Powers and Responsibilities**. A request to extend Vested Rights to a previously approved Site-Specific Development Plan (Master Plan) shall be reviewed and approved by the Town Council after notice and public hearing.

      i. **Decision.** The Town Council shall determine whether or not to grant or establish a Vested Right after the review and consideration of the LURB. The Town Council may not require the landowner to waive his Vested Right as a condition of development approval.

      ii. **Required Determinations**. The Town Council may approve the Vested Right for a period greater than five (5) years where it is determined that due to (i) the sizing and phasing of the development; (ii) the level of investment; (iii) the need for the development; (iv) economic cycles; or (v) due to market conditions, building permits for all phases of the development cannot be secured within the initial five (5) year approval duration period.

      iii. **Time Limit on Vested Right**. The maximum vesting term that may be granted by the Town Council may not exceed eight (8) years from the date of original Master Plan approval with the exception of multi-phase development of at least twenty-five (25) acres for which the Town Council may grant a maximum vesting term not to exceed seven (7) years.

   c. **Effect of Approval of Vesting**. A Vested Right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved Site-Specific Development Plan (Master Plan). The establishment of a Vested Right on a piece of property for a Site-Specific Development Plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the Vested Right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance. A Vested Right, once established shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property in accordance with the approved Site-Specific Development Plan (Master Plan), except under the conditions in subsection "e" below where such rights are terminated and revoked.

   d. **Establishment of Common Law Vesting Plans**. Previously approved Site-Specific Development Plans (Master Plans) shall be reviewed for compliance and consistency and subsequently approved by the Land Use Administrator or designee in accordance with the provisions of this Chapter, providing the proposed CDs for the SDA or Subdivision do not deviate from, and is subdivided/developed in accordance with the previously approved Site-Specific Development Plan (Master Plan). Substantial financial investment must be determined and a good faith effort made to develop proportionate to the approved statutory vested plan.

e. **Revocation of Vested Rights**. Once a Vested Right is granted to a particular Master Plan, nothing in this Section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are consistent with the original approval. Failure to abide by the terms and conditions placed upon such approval or with any other applicable portion of this Ordinance will result in the forfeiture of the previously granted or established Vested Right. As prescribed under the provisions of N.C.G.S. §160D-108.1, the Vested Right shall otherwise expire at the end of the approval period established by the Town Council. A building permit issued by the permit-issuing authority pursuant to N.C.G.S. §160D-1110 may not expire or be revoked because of the running of time on a piece of property while a plan has been approved and the Vested Right period has not otherwise expired. As noted in subsection "c" above, the presence of any of the following conditions shall cause such vested rights to be terminated and revoked:

i. The affected landowner provides written consent to the Town of his/her desire to terminate the Vested Right;

ii. The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety, and welfare if the project were to proceed as indicated in the plan;

iii. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred, including but not limited to. all fees paid in consideration of financing; and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid;

iv. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town Council of the plan; or

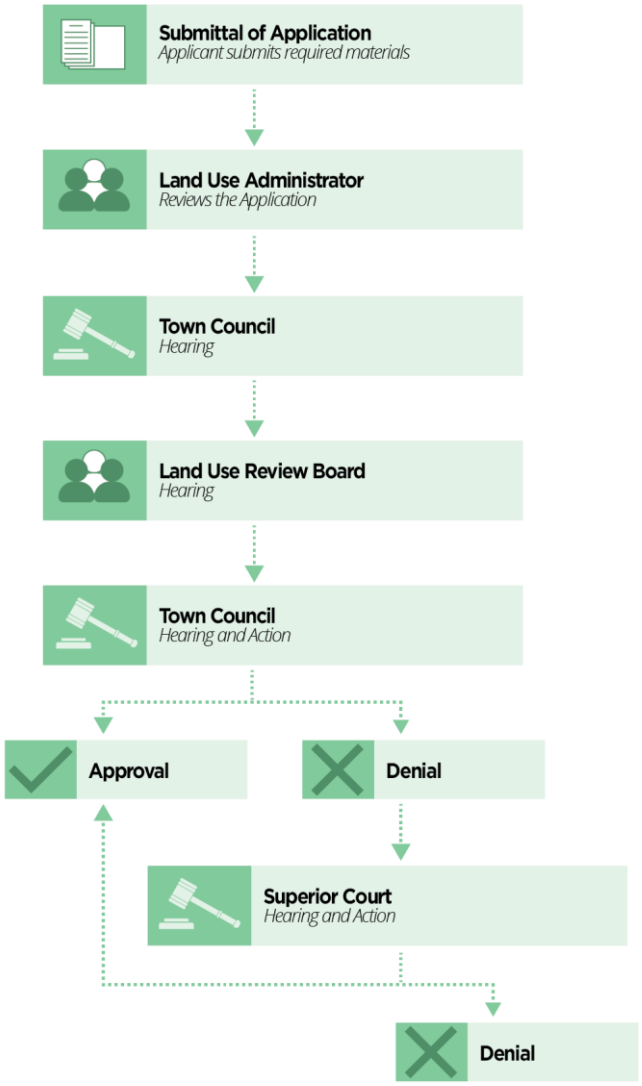
v. Upon the enactment of a State or Federal law or regulations which precludes development as shown in the plan. In such case, the Town may, after having advertised and conducted a public hearing, modify the affected provisions upon a finding that this change in State or Federal law has a fundamental effect on the plan.

f. **Procedure**.

Table 12.2(F)(4)(f) Vested Right Approval Procedure

SUBMITTAL REQUIREMENTS	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Vested Right Application w/Master Plan (12.3.F)	Land Use Administrator	Review for Completeness & Ordinance Compliance; Issue Staff Report	n/a
	Town Council	Public Hearing	n/a
	LURB	Review and Recommendation	n/a
	Town Council	Vested Right Approved -**or**- Denied	Superior Court

Figure 12.12: Vested Rights Extension Process



12.3. Development Plan Requirements

A. **Purpose and Intent**. This Chapter describes the information required for all development activity to ensure compliance with the standards found in this Ordinance. The submission of a complete application in accordance with this Chapter is necessary prior to any review being undertaken as described in Chapter 11 by the Land Use Administrator, DRC, LURB, and/or Town Council.

B. **Environmental Survey**. An environmental survey is intended to identify historic buildings, areas, and landscapes; to identify forest stands or trees of uniform size and species; specimen trees of varying sizes and species, particularly free-standing or open-grown or field-grown trees; a distinctive tree line or forest edge; existing watercourses and previously documented endangered species' habitats. Identification of existing trees, understory vegetation, endangered species and their supporting habitat, wetlands, perennial streams, floodplains, topographical features such as steep slopes and unique geologic features, and historic resources on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of environmentally sensitive areas. This requirement provides the Town and the applicant the ability to:

- Evaluate the proposed development in order to preserve vegetation;
- Improve the appearance of the proposed development;
- Encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation; and
- Encourage the preservation of cultural resources. Elements of this requirement may be waived by the Land Use Administrator if the site lacks qualifying natural features.

1. **Sketch Plan and Master Plan Submittal**. The use of digital geographic data obtained from the Town of Knightdale or Wake County is deemed to be sufficient for the Sketch Plan and Master Plan phases of submittal requirements.

2. **Construction Drawing Submittal.** For Construction Drawings, the Environmental Survey requirements are as follows.

   a. Provide a general written description of the significant vegetation, which includes specimen trees as well as any tree stand containing canopy trees twelve (12) inches DBH or greater and/or understory species two (2) inches or greater in caliper (e.g. dogwood, holly, redbud, etc.). For this significant vegetation, identify the species or general species composition, the general size and height, the average spacing (in tree stands) and the overall health and vigor of the tree(s).

   b. Denote the dripline of any existing tree stand, as measured between existing tree trunks six (6) inches or greater located at the edge of the stand.

   c. Identify all open-grown or field-grown specimen trees (see Chapter 15) standing alone in a field or on the edge of a tree stand that are located on the site 12" or greater DBH.

   d. Identify any tree on the site 24" DBH or greater.

   e. Denote the presence of any historic resources identified for preservation under Section 11.2.

f. Show all other important natural features influencing site design such as:

i. The location of wetlands, rock outcroppings, site topography at two-foot (2') contour intervals,

ii. Slopes steeper than fifteen (15) percent,

iii. Perennial streams, natural drainage ways, lakes, other water bodies and floodplains indicating both the flood fringe and the floodway. USGS and FEMA data shall be used to determine the location of perennial streams unless stream data determination has already been obtained from the North Carolina Division of Water Quality or from a licensed engineering firm.

g. Denote the presence of any known endangered species' habitats indicated in any surveys completed by Wake County, the State of North Carolina, or other governmental agency.

h. Show all NRB delineations as follows:

i. NRB boundaries including all undisturbed buffer zones must be clearly delineated on all Development Plans submitted for approval by the Town, including all Construction Drawings sets and specifically on grading and clearing sheets, erosion and sediment control plan sheets, and site plan sheets.

ii. NRB boundaries for all required undisturbed buffer zones must be clearly delineated on-site in the field prior to any land disturbing activities. Where existing trees are to be preserved in a buffer zone, limits of grading shall maintain a minimum 20-foot separation from the base of each tree on the upland side of the buffer or to the dripline, whichever is greater.

iii. NRB boundaries including all buffer zones as well as all buffer requirements must be specified on the final plat of record, on individual deeds and in property association documents for lands held in common.

C. **Floodplain Development Permit Requirements**. A floodplain development permit is required prior to the commencement of any development activities within the Special Flood Hazard Areas and Community Flood Hazard Areas as determined in Section 9.5 (B)(1). Application for a floodplain development permit shall be made to the Floodplain Administrator on furnished forms prior to any development activities proposed on site. All plans shall be submitted at a scale not less than 1 inch = 60 feet unless otherwise authorized by the Land Use Administrator. The following items/information shall be included in the application:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of:

i. The area of development/disturbance,

ii. Existing and proposed structures,

iii. The location of utility systems,

iv. Proposed grading/pavement areas,

v. Fill materials,

vi. Storage areas,

vii. Drainage facilities, and

viii. Other proposed development.

b. The boundary of the Special Flood Hazard Area as delineated on the FIRM, Community Flood Hazard Area, or other flood map as determined in Section 9.5 (B)(1) or a statement that the entire lot is within the Special Flood Hazard Area;

c. Flood zone(s) designation of the proposed development area as determined on the FIRM, by the Town, or other flood map as determined in Section 9.5 (B)(1);

d. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.5 (B)(1);

e. The Base Flood Elevation (BFE) where provided as set forth in Section 9.5 (B)(1), or by the Town;

f. The old and new location of any watercourse that will be altered or relocated as a result of the proposed development; and

g. Preparation of the plot plan for the original development of property by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area or Community Flood Hazard Area including but not limited to:

a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

b. Elevation in relation to NAVD 1988 to which any non-residential structure will be flood-proofed;

c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or flood-proofed;

3. If flood-proofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in Section 9.5 (D)(3)(b).

4. A foundation plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to.

a. Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers); and

b. Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Section 9.5 (E)(d);

5. Usage details of any enclosed space below the regulatory flood protection elevation.

6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

7. If floodplain development permit is issued for the placement of recreational vehicles and/or temporary structures, documentation to ensure Section 9.5 (E)(3)(g) and Section 9.5 (E)(3)(h) of this code are met.

8. If a watercourse is proposed to be altered and/or relocated:

a. A description of the extent of watercourse alteration or relocation,

b. An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream, and

c. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

D. **Sketch Plan Requirements.** Prior to submitting a Sketch Plan for Administrative review, the applicant shall schedule a pre-application submittal ("pre-app") meeting with the Land Use Administrator and Stormwater

Manager. In addition to the information required by the Environmental Survey (Section 12.3 (B)), the Sketch Plan shall show the proposed layout of streets, lots, buildings, public open spaces, and other features in relation to existing conditions based upon the size of the tract proposed for development. The size and number of completed applications shall be set by the Land Use Administrator. All plans shall be submitted at a scale not less than 1 inch = 60 feet unless otherwise authorized by the Land Use Administrator. Generally, a Sketch Plan will include the following information:

1. A sketch vicinity map, including north arrow, showing the location of the subdivision or site in relation to neighboring tracts, subdivisions, roads, and waterways;

2. The name, address, and telephone number of the property owner;

3. The name of the proposed subdivision;

4. The boundary lines of the property;

5. The total acreage;

6. The existing and proposed land uses and the existing land uses of adjacent properties;

7. The existing topographic and planimetric conditions of the property and a surrounding three hundred-(300) foot buffer area around the property including contours not exceeding five-(5) foot (5') intervals (Wake County or Town of Knightdale topographic information may be used to fulfill this requirement);

8. The location, names, and right-of-way width of any existing streets on or within three hundred (300) feet of the land to be subdivided; Lots of adjacent developed or platted properties;

9. The zoning classification of the land and adjacent properties;

10. Illustrative building elevations denoting general design elements and materials;

11. Watershed classification, if any;

12. A general graphic inventory of the natural resources (wetlands, lakes, ponds, forest cover, stream buffers, geologic features, native vegetative areas, etc.) at the site and surrounding area out to a radius of 300 feet around the subject subdivision or site as they exist prior to the commencement of development activities; and

13. A graphic concept plan of the proposed post-development stormwater management system including but not limited to swales, low-impact design elements, structural stormwater controls, flow paths, stream channel modifications, bridges, and culvert crossings.

14. A statement and any supporting documentation regarding how the proposed development will meet the Town of Knightdale Water Allocation Policy; thereby securing connection to the public water and sewer infrastructure.

15. Additional information may be required by the Land Use Administrator prior to the formal submittal of further development applications.

E. **Planned Development District (PDD) Plan Requirements**. All Planned Development Districts shall have a corresponding plan to include the following elements:

1. **Zoning Designation(s)**. The Planned Development District master plan shall include a request for a zoning designation(s) that matches the proposed density.

2. **Boundary & Significant Feature Survey**. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements, or other significant features of the tract;

3. **Scale & North Arrow**. Scale denoted both graphically and numerically with north arrow;

4. **Vicinity Map**. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the PDD with respect to adjacent streets and properties;

5. **Site Data.** Site calculations shall include total acreage, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.

6. **General Layout Map**. A map delineating the boundaries of proposed uses and building types. This map should include descriptive conditions indicating the use, density, and building type of each distinct area of the proposed district.

7. **Dimensional Standards**. Description of dimensional standards and any modifications to the general use regulations.

8. **Transportation**. Major streets and any collector/arterials required shall be shown on the PDD Plan. Any modifications to street sections or requests for modified street sections shall be included.

9. **Open Space and Public Gathering Space**. Recreational Opens Space and Public Gathering Space areas shall be shown and descriptive conditions shall be utilized to indicate the type of improvements contemplated.

10. **Phasing Plan**. If more than one phase is proposed the PDD shall establish a general phasing plan. In mixed-use proposals, the non-residential component shall be phased in association with a percentage of the total residential units not to exceed seventy five (75) percent.

11. **Design Guidelines.** Architectural elevations representative of the proposed structures and any proposed design guidelines shall be included in the PDD plan.

12. **Stormwater Management**. A generalized stormwater management plan.

13. **Comprehensive Plan Consistency**. A statement of consistency with the adopted Comprehensive Plan.

14. **UDO Consistency.** A statement of consistency with the Unified Development Ordinance. Any section of the UDO that is proposed to be modified shall be included as an additional section of the PDD plan.

F. **Master Plan Requirements**. All plans shall be submitted at a scale not less than 1 inch = 60 feet unless otherwise authorized by the Land Use Administrator. All plan pages must be submitted at the same time using the open Portable Document Format (pdf) standard in a digital format.

No processing or review of a Master Plan will proceed without all of the following information:

1. **Boundary & Significant Feature Survey**. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements, or other significant features of the tract;

2. **Scale & North Arrow**. Scale denoted both graphically and numerically with north arrow;

3. **Vicinity Map**. A vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the location of the subdivision with respect to adjacent streets and properties;

4. **Site Data Table**. Site calculations shall include total acreage of the tract, acreage in parks and other non-residential uses, total number and acreage of parcels, and the total number of housing units.

5. **General Site Information**. The proposed name of the development, street names, the owner's name and address, the names of adjoining subdivisions or property owners, the name of the Township, county, and state in which the development is located, the date of plan preparation, and the zoning classification of the tract to be developed, and of adjoining properties.

6. **Environmental Survey**. See Section 12.3 (B).

7. **Topography.** Original contours at intervals of not greater than two (2) feet for the entire area to be subdivided and extending into the adjoining property(ies) for a distance of three-hundred (300) feet at all points where street rights-of-way connect to the adjoining property and fifty (50) feet at all other points of common project boundaries. Wake County or Town of Knightdale digital topography may be used to satisfy this requirement but should be field-verified to ensure accuracy. This requirement may be waived for developments smaller than one (1) acre or where insufficient topographic changes warrant such information.

8. **Natural Development Constraints**. The location of any building restriction areas such as flood hazard areas, buffer locations, watershed protection districts and/or jurisdictional wetlands;

9. **Municipal & ETJ Boundaries**. Corporate limits and extra-territorial jurisdiction boundaries where applicable.

10. **Site Improvements & Dimensions**. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, site reservations (i.e. school sites), property lines, street dimensions, and tentative lot dimensions;

11. **Recreational Open Space Calculations**. The location and dimensions of proposed recreation areas, parks, open space, and required amenities and improvements including the calculated area of all required open space dedications in accordance with Section 11.2.

12. **Street Cross-Sections**. Typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include three hundred (300) feet of the existing roadway, with a cross-section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include three hundred (300) feet of the said adjoining tract.

13. **Two-Dimensional (2-D) Utility Plans**. Two-dimensional (2-D) utility plan showing the location of sanitary sewer lines, water distribution lines, storm sewer lines, manholes, clean-outs, fire hydrants, fire lines, valves, underground private utilities, backflow prevention devices showing make and model, meters, and pipe sizes. If applicable, also show well and septic locations, force mains, and pump stations.

14. **Construction Limits**. The proposed limits of construction for all proposed development activity.

15. **Phasing Plan & Timetable**. A phasing plan, including a timetable for estimated project completion for each phase proposed.

16. **Water Allocation Policy**. A statement and any supporting documentation regarding how the proposed development will meet the Town of Knightdale Water Allocation Policy; thereby securing connection to the public water and sewer infrastructure.

17. **Specific Plan Sheets**. Unless otherwise exempted by the Land Use Administrator, the following specific plan sheets are also required.

    a. Landscape Plan in accordance with Section 12.3 (I)(1);

    b. Lighting Plan in accordance with Section 12.3 (I)(2);

    c. Signs & Markings Plan in accordance with Section 12.3 (I)(3);

    d. Architectural Plans in accordance with Section 12.3 (I)(4); and

    e. Stormwater Management Plan in accordance with Section 12.3 (I)(5).

    In addition to the above required information, the following additional information may be required by the Land Use Administrator, the Land Use Review Board, or the Town Council on a site-specific basis.

18. Transportation Impact Analysis (if required) in accordance with Section 12.3 (J).

19. **Environmental Impact Statement**. An Environmental Impact Statement, pursuant to Article 113A of the North Carolina General Statutes, may be required if. the development exceeds two (2) acres in area, and; if the Town Council deems it necessary due to the nature of the land or peculiarities in the proposed design.

20. **Floodplain Development Permit**. FDP application with supporting documentation as may be required by the Knightdale Flood Damage Prevention Ordinance in Section 9.5.

G. **Construction Drawing Requirements**. All plans shall be submitted at a scale not less than one (1) inch = 60 feet unless otherwise authorized by the Land Use Administrator. The size and number of complete application submittal copies required shall be set by the Land Use Administrator. In addition, a copy of all plan pages must be submitted at the same time using the open Portable Document Format (pdf) standard in a digital format.

No processing or review of Construction Drawings/Preliminary Plats will proceed without all of the following information:

1. **Boundary & Significant Feature Survey.** The boundary, as determined by survey, of the area to be subdivided or built upon with all bearings and distances shown and the location and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements, bridges or other significant features of the tract. One corner of the tract shall be tied to the NC State Plane 1983 Coordinate System.

2. **Scale & North Arrow**. Scale in feet denoted both graphically and numerically with north arrow and declination.

3. **Vicinity Map**. A sketch vicinity map at a scale no smaller than one (1) inch equals 1,200 feet showing the relationship between the proposed subdivision or building site and the surrounding area.

4. **Site Data Table**. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, gross project density per acre, linear feet of streets and public greenway trails, public sidewalks, curb and gutter, and storm drainage and the accurate locations and descriptions of all monuments, markers, and control points.

5. **General Site Information**.

    a. The proposed names and addresses of the Development and streets,

    b. The owner's name and address,

    c. Signature of the owner or owner's duly authorized agent,

d. The surveyor's name,

e. The names of existing and proposed adjoining subdivisions or property owners,

f. The names of the township, county, and state in which the development is located,

g. The date of preparation,

h. The zoning classification of the tract to be developed and of adjoining properties, and

i. The names, widths, right-of-way dimensions, pavement design, utility and storm drainage locations of adjoining streets.

6. **Environmental Survey.** See Section 12.3 (B).

7. **Topography**. Existing topography and finish grading with contours drawn at two (2) foot intervals. This requirement may be waived for developments smaller than one (1) acre or where insufficient topographic changes warrant such information. Elevations to be based on North American Vertical Datum of 1988 (NAVD 88) with benchmark indicated.

8. **Natural Development Constraints.** The location of any building restriction areas such as flood hazard areas, watershed protection districts, and/or jurisdictional wetlands.

9. **Municipal & ETJ Boundaries**. Corporate limits and extra-territorial jurisdiction boundaries where applicable.

10. **Lots & Numbering.** Proposed lot lines, lot dimensions, lot and block numbers, and exact dimensions (for Major Subdivisions only).

11. **Dedications & Reservations**. The future ownership and location of common and public areas (dedication or reservation for public use to a governmental body; for owners to duly constituted homeowners' association, for tenants remaining in subdivider's ownership of recreation and open space lands).

12. **Water Allocation Policy**. A statement including an estimated calculation of sewer capacity requested in gallons per day along with the methodology for how such calculation was derived, and any supporting documentation regarding how the proposed development will meet the Town of Knightdale Water Allocation Policy; thereby securing connection to the public water and sewer infrastructure.

13. **Three-Dimensional (3-D) Utility Plans**. The plans and profiles for utility layouts including sanitary sewers, storm sewers and water lines, illustrating connections to existing systems. Specific data includes, but is not limited to.

a. Pipe material, size, length, and slope;

b. Drainage areas and run-off for each storm drain pipe;

c. Invert elevations and top elevations for structures;

d. Water meter locations and size;

e. Sewer service lateral locations and size;

f. Detailed pump station plans;

g. Volume and cycle time calculations, total discharge head calculations, pump selection curve, and hydrostatic uplift calculations for pump stations and force mains;

h. Easements;

i. Fire hydrant locations;

j. Valve, fittings, and blow-off locations;

k. Details for borings;

l. Temporary and permanent sampling station locations; etc.

All systems shall conform to current Town standards and the Knightdale Standards Specifications and Construction Details Manual.

14. **Easements**. Easements shall be provided on all Construction Drawings as follows:

a. **Utility Easements**. Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines, and shall be a minimum of ten (10) feet in width. Easements for water lines, sanitary sewers, and storm drains shall be centered on the pipe and a minimum of twenty (20) feet in width or as required by the Knightdale Standard Specifications and Construction Details Manual.

b. **Drainage Easements**. Where a development is crossed by a stream or drainage way, an easement shall be provided conforming to the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance. All easements located on private property outside of the designated ROW shall be labeled and recorded as private, with the responsibility for maintenance and upkeep falling to the designated property owner or association.

c. **Public Access Easements**. Public Access Easements shall be provided for sidewalks, trails, greenways, and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.

d. **SCM Access and Maintenance Easements**. Following the criteria listed in the NCDEQ SCM MDC, all easements and their associated paths shall be sized appropriately to ensure adequate access of equipment to all components of the designed facility.

15. **Off-Street Parking & Loading Areas**. The number, location, and dimensions of all off-street parking and loading spaces and the location and dimensions of all walkways indicating the type of surfacing, size, angle of stalls, and width of aisles.

16. **Recreational Open Space Amenities.** The location and dimensions of proposed recreation areas, parks, open space, and required amenities and improvements including the calculated area of all required open space dedications in accordance with Section 11.2.

17. **Street Improvements**. The location and dimensions of any sidewalks, curb and gutters to be installed along public street frontages, and other required street improvements designated in Chapters 7 and 11 of this Ordinance. Required right-of-way shall be drawn in the location shown on any official plan at the width specified in this Ordinance.

18. **Street Cross-Sections**. Typical cross-sections of proposed streets showing rights-of-way, pavement widths, grades, and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include three hundred (300) feet of the existing roadway, with a cross-section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include three hundred (300) feet of the said adjoining tract.

19. **Demolition Landfills**. The location of any existing or proposed demolition landfills in the site. Such sites shall not be used for building.

20. **Erosion & Sedimentation Control Permit**. A copy of the full soil erosion and sedimentation permit application including forms, plans and calculations to be submitted to the Town of Knightdale along with copies of all other local, State and Federal floodplain development permits required (i.e. Wetlands, Riparian Buffers, Mining, etc.); and a copy of all approval letters prior to Site Plan or Construction Drawing approval.

21. **Specific Plan Sheets.** Unless otherwise exempted by the Land Use Administrator, the following specific plan sheets are also required.

    a. Landscape Plan in accordance with Section 12.3 (I)(1)

    b. Lighting Plan in accordance with Section 12.3 (I)(2)

    c. Signs & Markings Plan in accordance with Section 12.3 (I)(3)

    d. Architectural Plans in accordance with Section 12.3 (I)(4)

    e. Stormwater Management Plan in accordance with Section 12.3 (I)(5)

    f. Lot to lot stormwater management / erosion and sedimentation control plans in accordance with Section 12.3 (I)(5)

22. **Additional Information**. In addition to the preceding required information, the following additional information may be necessary for specific sites as determined by the Land Use Administrator or the DRC:

    a. **Transportation Impact Analysis** (if required) in accordance with Section 12.3 (J).

    b. **Private Community Utilities**. Where a proposed water and sewer system does not contemplate the use of publicly owned and operated facilities, the proposed facility plans as approved by the appropriate agency shall be submitted with the Constructions Drawings.

    c. **Individual Well & Septic**. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Wake County Health Department shall be submitted with the Construction Drawings indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

23. **Certification Statements**.

    a. **Cover Sheet**. The following certifications must appear on the cover sheet for Construction Drawings for Site Plans and Major Subdivisions:

a. **Town Approved Standards Shall Control.** In the event of a conflict or inconsistency between these construction drawings and the Town of Knightdale's Approved Standards for this project, the Approved Standards shall control. Town of Knightdale Approved Standards shall mean all development documents necessary for approval for the Property including, but not limited to, any special use permit, subdivision plan, site plan, subdivision plat(s), phasing schedule, Development Agreement, Utility Allocation Agreement, Annexation Agreement, the Town of Knightdale Standard Specification and Details Manual and applicable provisions of the North Carolina State Building Code.

b. **Professional Design Engineer Certification.** These improvements shall be constructed in accordance with the following drawings and with the Standard Specifications of the Town of Knightdale. I, _____, PE, certify that the Standard Specifications of the Town of Knightdale have been thoroughly checked and found to be applicable to this project. All exceptions to the applicable Town standards have been previously approved by the Town of Knightdale and said exceptions are shown on Sheet(s) _____ of these drawings. Seal By: _____, PE Date: _____

b. **Each Sheet**. The following certification must appear on each sheet containing drawings for Construction Drawings for Site Plans and Major Subdivisions:

> **a. Town Certification.** This design has been reviewed by the Engineer for the Town of Knightdale, and to the best of my knowledge and belief, it conforms to the requirements established in the Standard Specifications of the Town of Knightdale.
>
> By: _____ Date: _____
> Town Engineer
>
> These plans are approved by the Town of Knightdale and serve as construction plans for this project.
>
> By: _____ Date: _____
> Land Use Administrator

c. **Landscape Plan Sheet(s):** The Land Use Administrator may allow the following Certificate to be placed on the Landscape Plan sheets for Construction Drawings for Site Plans and Major Subdivisions if a reasonable amount of time has passed, and a Lighting Plan has not yet been able to be procured from the lighting utility provider:

> **a. Lighting Plan Certification:** I hereby certify I am the applicant and that a Lighting Plan shall be submitted by the utility provider to the Knightdale Development Services Department for approval prior to the installation of all required lighting. The lighting plan shall designate the proposed location of all light poles and shall be in compliance with Section 7.7 of the Town of Knightdale UDO. If a proposed light pole location should present a conflict with existing or proposed vegetation according to the approved construction drawings, the Landscaping Plan shall be revised to comply with the Town of Knightdale UDO requirements. All revisions are subject to Town of Knightdale approval.
>
> _____ _____
> Date Applicant
>
> I (officer authorized to take acknowledgments) do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this ___ day of _____, A.D., ____ (year).
>
> _____
> Official Seal Notary
>
> _____
> Commission Expires

H. **Final Plat Requirements**. The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina, and shall constitute all portions of the site, which the subdivider proposes to record and develop at the time. Final Plats must be drawn to a scale of not more than 1 inch = 60 feet unless otherwise authorized by the Land Use Administrator, and shall meet the requirements of the Wake County Register of Deeds Office. The size and number of completed applications shall be set by the Land Use Administrator. In addition, a copy of all plan pages must be submitted at the same time using the open Portable Document Format (pdf) standard in a digital format.

No Final Plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this Ordinance and has submitted As-Built Drawings in accordance with Section 12.2 (C)(9) or has posted Improvement Guarantees in accordance with Chapter 10. Furthermore, submittal of any payment in lieu of dedicated recreational open space shall also be made prior to the approval of any Final Plat.

The Final Plat shall be drawn in black ink on mylar and shall contain the following:

1. **Title Block Information**. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat, and the words "Final Plat."

2. **Boundary Survey**. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract. One corner of the tract shall be tied to the NAD83 State Plane Coordinate System.

3. **Scale & North Arrow**. Scale denoted both graphically and numerically with north arrow and declination.

4. **Vicinity Map**. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

5. **Survey Points**. The accurate locations and descriptions of all monuments, markers, and control points

6. **Adequate Data & Dimensions**. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building footprint, easement line, and setback line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.

7. **Street and Lot Information.** The centerlines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses.

8. **Delineated Public Purpose Areas**. Easements, reservations, on-site demolition landfills, and areas dedicated to public purpose with notes stating their purposes.

9. **Utility Easements**. Underground and aerial utility easements shall be shown and indicated with dimensions and widths.

10. **Environmental Protection Boundaries**. The exact location of stream corridor buffer boundaries including all buffer zones as well as all buffer requirements and required tree cover areas must be specified on the record plat, on individual deeds, and in property association documents for land held in common.

11. **Residential Landscaping Notes**. All residential landscaping notes as required in Section 7.4 (K).

12. **SCM Maintenance & Access Easement.** All Final Plats that include a SCM Maintenance and Access Easement shall be noted with the following statement:

    "SCM Maintenance & Access Easement grants Town of Knightdale entry/access for inspections and should there be an issue, failure, emergency, etc. Otherwise, both the easement and SCM device are to be maintained by the owner/developer/HOA."

13. **Built Upon Area Limits.** All Finals Plats subject to BUA restrictions related to the Neuse Nutrient Management Strategy shall indicate maximum BUA limits for each lot.

14. **Finished Floor Elevations**. Minimum floor finish elevations shall be shown for each lot which wholly or partly lies within any floodplain boundary. All lots subject to flooding shall be noted with the following statement:

    "Any construction or use within the areas delineated as floodway are subject to the restrictions imposed by the Knightdale Flood Damage Prevention Ordinance."

15. **Certification Statements**.

    a. **All Final Plats**.

a. **Certificate of Survey and Accuracy.** I,_____, certify that this map was (drawn by me)(drawn under my supervision) from (an actual survey made by me)(an actual survey under my supervision)(deed description recorded in Book____, Page____, Book_____, Page____, etc.)(other); that the error of closure as calculated by latitudes and departures is 1:___, that the boundaries not surveyed are shown as broken lines plotted from information found in Book____, Page____; that this map was prepared in accordance with G.S. 47- 30 as amended. Witness my hand and seal this___ day of_____, A.D., _____ (year).

_____

Surveyor

_____

Official Seal License or Registration Number

b. Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and described, which is located in the subdivision jurisdiction of the Town of Knightdale and that I hereby adopt this plan of subdivision or lot recombination with my free consent, establish minimum building setback lines, preserve and protect all soils and vegetation in the tree protection areas as required in Section 7.4 of the Town of Knightdale Unified Development Ordinance, plant supplementary or replacement trees as required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Furthermore, I hereby dedicate all sanitary sewer and water lines that are located in public utility easements or rights-of-way to the City of Raleigh, and I hereby dedicate all storm sewer lines that are located in public utility easements or rights-of-way to the Town of Knightdale

_____ _____

Date Owner(s)

I (officer authorized to take acknowledgments) do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this ___ day of_____, A.D., _____ (year).

_____

Official Seal Notary

_____

Commission Expires

c. Certificate of Approval of the Design and Installation of Streets and Other Required Improvements. I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to the Town of Knightdale's *Standard Specifications and Details Manual* or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Knightdale has been received.

_____ _____

Date Town Engineer, Town of Knightdale

d1. Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance for the Town of Knightdale, North Carolina and that this plat has been approved by the Town of Knightdale for recording in the Office of the Register of Deeds of Wake County.

_____ _____

Date Land Use Administrator, Town of Knightdale

OR

(*The following certificate shall appear on all plats which do not meet the definition of subdivision as defined in this Ordinance, but which need approval from the Town for recording at the Wake County Register of Deeds Office. This Certificate is to be used in lieu of d1. above.)*

d2. Certificate of Approval for Recording. I hereby certify that the subdivision plat shown is exempt from the subdivision provisions of the Unified Development Ordinance for the Town of Knightdale, North Carolina, and is therefore exempt from its provisions. The plat has been found to comply with the zoning regulations of the Unified Development Ordinance for the Town of Knightdale, North Carolina, and has been approved by the Town of Knightdale for recording in the Office of the Register of Deeds of Wake County.

_____ _ _____

Date Land Use Administrator, Town of Knightdale

e. Review Officer Certification. State of North Carolina, County of Wake

I, _____, Review Officer of Wake County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

_____ _____

Date Review Officer

Town of Knightdale, Wake County

f. North Carolina Department of Transportation Certification.

Division of Highways

Proposed Subdivision Road

Construction Standards Certification

APPROVED:_____ DATE:_____

District Engineer

b. **Final Plats with Private or Individual Utilities**. The following Certificate shall be placed on the final plat only when the proposed subdivision is not to be connected to publicly owned and operated water supply and sewage disposal systems:

- **Certification of Approval of Water Supply and Sewage Disposal Systems.** I hereby certify that the water supply and sewage systems installed or proposed for installation in _____ Subdivision meet necessary public health requirements and are hereby approved.

_____ _____

Date County Health Officer or Authorized Representative

I. **Specific Plan Sheet Requirements**.

1. **Landscape Plan.** Prior to any site disturbance, a landscaping plan sheet(s) shall be required on all non-residential and multi-family uses in a residential district. The plan sheet(s) shall at a minimum contain the following information:

a. **Title Block.** Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow;

b. **Boundary Survey**. An accurate drawing of property boundaries;

c. **Building & Vehicle Accommodation Area Locations**. The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns

d. **Open Space/Public Gathering Space Plans**. The location of proposed open space/public gathering space, dimensions of open space/public gathering space, details and specifications on how the open space/public gathering space is proposed to be improved, dimensions of open space/public gathering space, the overall capacity of open space/public gathering space, and any applied reductions due to public park distance.

e. **Utility Locations**. The location of all overhead and underground utilities, including utility easements

f. **Existing Conditions**. See Section 12.3 (B) "Environmental Survey"

g. **Undisturbed Areas**. Identify existing plant materials and areas to be left in a natural state such as qualifying buffers and tree cover areas

h. **Tree Protection Devices**. Methods and details for protecting the critical root zone of existing plant materials during construction such as tree protections fences, etc.

i. **New Plant Materia**l. Locations, size, and labels for all proposed plants

j. **Plant List Table**. Plant lists with common name, botanical name, quantity, and spacing and size of all proposed landscape material at the time of planting

k. **Other Landscape Improvements**. Location and description of other landscape improvements, such as earth berms (with two-foot [2'] topography), walls, fences, screens, sculptures, fountains, lights, courtyards, walks or paved areas; and

l. **Planting Details**. Planting and installation details as necessary to ensure conformance with all required standards as referenced in Chapters 7 and 10.

2. **Lighting Plan**. Any person submitting an application that involves the installation of outdoor lighting fixtures shall submit evidence that the proposed work will comply with Section 7.7 in the form of a lighting plan sheet(s). The lighting plan sheet(s) shall at a minimum contain the following information.

a. **Title Block**. Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow

b. **Boundary Survey**. An accurate drawing of property boundaries

c. **Building & Vehicle Accommodation Area Locations**. A site plan drawn to scale showing the building(s), driveways, parking areas, required parking spaces and traffic patterns

d. **Landscaping Plan Elements.** The location of all undisturbed areas (Section 12.3 (I)(1)(g) new plant material Section 12.3 (I)(1)(i), and other landscape improvements (Section 12.3 (I)(1)(k)).

e. **Exterior Lighting Fixtures**. Locations of all pole-mounted and building-mounted exterior lighting fixtures;

f. One (1) of the following:

i. **Footcandle Grid**. A numerical point-by-point FC grid (photometric report) maximum of 10 feet by 10 feet for small and medium-size projects (less than two [2] acres) and 25-foot by 25-foot grid for large projects that indicates the minimum, maximum, and average FC levels within the lighted area of the site and the average to minimum ratio* for the determination of uniformity;

OR

ii. **Isolux Diagram**. An isolux lighting plan is also permitted in fulfillment of this Section, provided that it indicated the FCs at grade by contour diagram or grid points that cover the site and indicates the minimum, maximum and average FCs as well as the average to minimum uniformity ratio*; and

** The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the FC values of all points in the grid and dividing by the total number of points. This information is usually calculated by a computer program and is available from the manufacturer of the specified fixture.*

g. **Lighting Details.** Specifications that may include but are not limited to. manufacturers catalog cuts enlarged or reduced to the correct scale of the site plan, and drawings including sections where required; of the illuminating devices, lamps, supports, and other devices, including the IESNA cut-off classification of the fixture(s) used.

3. **Traffic Signs and Markings Plan.** A traffic signs and markings plan shall depict traffic sign and marking details of the proposed development and shall at a minimum contain the following information.

   a. **Title Block**. Name of the project, name and address of owner, name and address of engineer, scale, date, legend, and north arrow

   b. **Boundary Survey**. An accurate drawing of property boundaries

   c. **Sign Location & Details**. Location of all traffic and directional signs within the public right-of-way as well as private parking lots and drives, including sign and pole materials, text and dimensions; an

   d. **Pavement Marking Locations & Details.** Location of all pavement markings and striping within the public right-of-way as well as private parking lots and drives, including materials and dimensions.

4. **Architectural Plans.** Architectural plans do not include full construction drawings and interior arrangements are not considered as part of this review. Architectural plans shall depict architectural details of the proposed development and shall at a minimum contain the following information

   a. **Title Block.** Name of the project, name and address of owner, name and address of architect, scale, date, and legend

   b. **Building Elevations**. At Master Plan - preliminary color renderings of building elevations plus typical cross-sections to clearly define the character of the project as required by the Land Use Administrator, and at Construction Drawings - final proposed elevations of all non-single-family

   c. **Cross-Sections**. A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development; an

   d. **Materials Board**. An exterior building materials board.

5. **Stormwater Management Plan**. Prior to the issuance of a CIP, a stormwater management plan for all development and redevelopment must be properly submitted and reviewed, pursuant to this Section, unless otherwise exempted according to Section 9.4 (B)(2).

   a. **Purpose**. The stormwater management plan shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural BMPs and elements of site design for stormwater management other than structural BMPs. The plan is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this ordinance, whether the approach consists of structural BMPs or other techniques such as low-impact or low-density design. Further, the plan is intended to demonstrate lot-to-lot drainage and stormwater management to ensure adequate drainage between and behind all residential and non-residential lots.

b. **Preparer**. A qualified registered North Carolina professional engineer, surveyor or landscape architect shall prepare the stormwater management plan. The engineer, surveyor, or landscape architect shall perform service only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete plans, that the designs and plans are sufficient to comply with applicable standards and policies found in the Manual, and that the designs and plans ensure compliance with this ordinance

c. **Authority to File Stormwater Management Plans**. All stormwater management plans required pursuant to the Knightdale UDO shall be submitted to the Stormwater Administrator by the landowner or the landowner's duly authorized agent.

d. **Establishment of Plan Requirements and Fees**.

i. **Plan Contents and Form**. The Stormwater Administrator shall establish requirements for the content and form of all stormwater management plans and shall amend and update those requirements from time to time. At a minimum, the stormwater management plan shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all storm water facilities and practices, individual lot to lot drainage, and how the proposed project will meet the requirements of this ordinance, including Section 9.4 (E), Development Standards. Incomplete submittals shall be treated pursuant to Section 12.2 (C)(2) Completeness Review.

ii. **Approval.** If the Stormwater Administrator finds that the stormwater management plan complies with the standards of this ordinance, the Stormwater Administrator shall approve the plan. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

iii. **Fails to Comply**. If the Stormwater Administrator finds that the stormwater management plan fails to comply with the standards of this ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the plan fails to comply. The applicant shall have an opportunity to submit a revised application.

iv. **Revision and Subsequent Review.** A complete revised stormwater management plan shall be reviewed by the Stormwater Administrator after its re-submittal and shall be approved, approved with conditions or disapproved. Any re-submittal shall be made in accordance with the adopted Fee Schedule.

v. **Offsite Nutrient Credits.** Pursuant to Section 9.4 (G)(6), documentation and proof of purchase for offset credit options is required prior to construction.

J. **Transportation Impact Analysis (TIA).** A Transportation Impact Analysis (TIA) is required for any proposed Zoning Map Amendment (Section 12.2 (F)(3)) or Master Plan submittal (Section 12.3 (F)) if the nature of the proposed re-zoning or development is such that the number of trips it can be expected to generate equals or exceed 150 new peak hour trips. Trips are those occurring on peak days on the adjacent roadway(s).

1. **Preparer**. A traffic-engineering consultant licensed as a professional engineer shall prepare the TIA.

2. **Procedure**.

a. **TIA Scoping Meeting**. The applicant shall arrange for a TIA Scoping Meeting to discuss the project with the Town, NCDOT and the developer's traffic-engineering consultant. The applicant shall supply the following information for consideration and discussion at the TIA Scoping Meeting in a draft Memorandum of Understanding (MOU):

i. description of project

ii. site location map including entrance location(s),

iii. development site plan,

iv. proposed land uses including all relevant Institute of Transportation Engineers (ITE) Trip Generation Manual codes,

v. draft study network intersections,

vi. proposed traffic count collection days,

vii. proposed background growth annual percentage rate(s),

viii. projected build-out year including any phases,

ix. draft nearby development list for modeling in the background scenario. Background scenario development shall include growth that would add traffic to study network intersections that is expected to come online between the current year and the TIA development's build out year, and

x. trip assignment percentages at all study network intersection movements where trip assignment is expected. Trip assignment percentages shall be broken out by each land use category,

xi. a description of the anticipated Bicycle and Pedestrian Mode Analysis, if required,

xii. a proposed heavy vehicle percentage for industrial and warehouse developments,

xiii. a list of entrances where vehicle path turning movement diagrams will be included,

xiv. a list of intersections where roundabouts will be considered as a traffic control solution if capacity improvements are warranted,

xv. a list of entrances where sight distance analysis will be performed,

xvi. a description of the Bicycle and Pedestrian Mode Analysis infrastructure map and analysis to occur including any deviations from the standard ½ mile analysis approved by Development Services,

xvii. a description of the anticipated Crash Data Analysis, if required,

xviii. additional information may be required by the Land Use Administrator as part of the MOU.

The TIA Scoping Meeting will determine the appropriateness and extent of the individual TIA requirements as outlined in Subsection 4 below. TIA Scoping Meeting materials shall be submitted to Town and NCDOT staff five (5) business days ahead of the meeting. Following the meeting, the developer's traffic engineer shall submit an updated MOU with any revisions required by the Town and NCDOT. The Town staff must approve the MOU over email before the TIA moves forward and is submitted to the Town for review.

Submittal of TIA. Electronic copies of the TIA, appendices and traffic modeling files shall be emailed to Development Services and the Town's engineer. The TIA shall also be submitted electronically in the development review plans portal as part of the Master Plan submittal package. Town staff will review the TIA and determine if additional or revised information is needed upon initial review.

b. **Post-Submittal Conference**. After the completion of the study, the town and/or consultant may arrange a time to meet with the Applicant to discuss the study's findings and recommendations.

3. **Study Area Boundaries**. The extent of the study for the TIA depends upon the location and size of the proposed project and the prevailing conditions of the surrounding area as determined by the Land Use Administrator. The study area should include an analysis of all major intersections, site drives, and adjacent roadways, plus off-site intersections where site traffic will constitute (10) percent or more of any intersection approaching volume during the peak hour. Controlled access roadways are not included in the study area or analysis; however, controlled access ramp intersections with non-controlled access roadways are subject to

analysis. The Town may request the ten (10) percent analysis be included in the materials provided at the TIA Scoping Meeting, or after the TIA Scoping Meeting but before approval of the MOU, if agreement is not reached on study network intersections at the TIA Scoping Meeting.

4. **Contents**. The following is a general outline of issues to be addressed by the TIA. Specific components will be determined for each project during the TIA Scoping Meeting:

   a. **Site Description**. A detailed report, containing illustrations and narrative, shall describe the site's characteristics, adjacent land uses, as well as any anticipated development within the site's vicinity influencing future traffic conditions. The development's latest site plan shall be included in the TIA submittal.

   b. **Study Area**. The report shall indicate the geographic location of the study area, roadway segments, critical intersections, and access points to be analyzed.

   c. **Existing Traffic Conditions**. An analysis of the existing traffic conditions, including all data used for the analysis shall be provided in the report, including.

      i. Traffic count and turning movement information, including the date and source from which this information was obtained. New traffic counts are preferred but existing counts from the last twelve (12) months may be utilized if approved by the Town. All counts shall be collected on weekdays during typical traffic conditions. Weekend analysis may also be required for uses that generate significant weekend traffic;

      ii. Correction factors used to convert collected traffic data into representative average daily traffic volumes; and

      iii. Roadway characteristics, including.

         a) Design configuration of existing or proposed roadways;

         b) Existing traffic control measures;

         c) Existing driveways and turning movement conflicts in the vicinity of the site; and

         d) Existing Level of Service (LOS) for roadways and intersections without project development traffic (LOS shall be calculated for the weekday peak hour, and in the case of uses generating high levels of weekend traffic, the Saturday peak hour)

   d. **Horizon Year(s) and Background Traffic.** The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved, development impacts shall be examined for the first and tenth years after the development is completed.

   e. **Trip Generation, Trip Reduction, and Trip Distribution**. A summary of projected a.m. and p.m. peak hour and average daily trip generation for the proposed development shall be provided in addition to projected trip distribution to and from the site. The factors used to determine trip generation, reduction, and distribution are also to be included in the summary.

      Trip generation shall be measured based on the current edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual. In the case of a rezoning where the uses are not known, trip generation calculations shall assume the permitted use that generates the highest number of peak hour trips or a likely mix of uses agreed upon by the Land Use Administrator. Development Services may require traffic counts be conducted at similar facilities in the region if the Development Services determines an appropriate and representative ITE Trip Generation Manual code is not available.

f. **Traffic Assignment.** The report shall identify the projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study. Traffic assignment percentages shall be provided at all study network intersections where traffic was determined to travel in the approved MOU.

g. **Impact Analysis.** The report shall address the impact of projected horizon year(s) traffic volumes. It shall identify the methodology used to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

h. **LOS Standards, Mitigation, and Alternatives**. The study shall clearly indicate those recommended improvements and associated costs that are necessary to achieve a LOS "C" along new/planned roadway segments and LOS "D" along existing roadway segments. In addition, where the existing roadway segment LOS is currently below LOS "D", improvements must also be recommended that, at a minimum, attain or maintain the associated existing at-grade intersection levels of service as measured at each intersection approach along and adjacent to said roadway segment. Only the Town Council may grant exceptions to the LOS standards. If the recommended improvements do not meet the applicable LOS standards, one (1) or more of the following actions may be necessary.

    i. Reduce the size, scale, scope, or density of the development to decrease traffic generation

    ii. Divide the project into phases, allowing for only one phase at a time until traffic capacity is adequate for the next phase of development;

    iii. Dedicate right-of-way for street improvements;

    iv. Construct new streets;

    v. Expand the capacity of existing streets;

    vi. Redesign ingress and egress to the project to reduce traffic conflicts;

    vii. Alter the use and type of development to reduce peak hour traffic

    viii. Reduce existing traffic

    ix. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;

    x. Integrate non-vehicular design components (i.e. pedestrian and bicycle and transit improvements) to reduce trip generation;

    xi. Recommend denial of the application for which the TIA is submitted.

i. **Other Factors to Include in Study.** In each case, the issue as to whether adequate service levels will be maintained will be resolved by evaluating the projected impact of the proposed development on the public facilities in question at the time occupancy is expected to occur. This analysis will take into account not only the status of existing facilities and the impact of the proposed development but also the project impact of the following on the capacity of those facilities:

   i. Projected capital improvements either by the Town or NCDOT that will increase the capacity of the facilities in question;

   ii. Traffic from other nearby approved developments shall be included in the analysis; and

   iii. Those improvements related to other approved development projects.

   iv. The TIA shall include a Bicycle and Pedestrian Mode Analysis if the Town transportation planning staff determines the development will generate bicycle and/or pedestrian demand. The analysis shall include:

      a) An inventory of existing bicycle, pedestrian and transit infrastructure within ½ mile of the development boundaries. The ½ mile calculation shall be based on transportation infrastructure distances, not a linear buffer from the boundary. The analysis may be limited to collector and arterial roadways unless the Town identifies smaller roadways with anticipated bicycle and pedestrian concerns for inclusion.

      b) An inventory of bicycle and pedestrian attractions within ½ mile of the development boundary. The analysis of attractions shall include uses such as schools, activity centers, bus stops, and parks, as well as an analysis of potential demand between residential, commercial and industrial land uses. The inventory shall also document gaps in the bicycle and pedestrian infrastructure within the ½ mile analysis. Examples of gaps include sidewalks, crosswalks, bus stop amenities and bicycle facilities called for in the Comprehensive Transportation Plan. A map of the existing infrastructure and gaps shall be included in the final TIA.

      **Development Services may approve a deviation from the ½ mile analysis to reduce or extend the distance by up to ¼ mile depending on the development context and nearby attractions.*

   v. Sight distance analysis shall be provided at all proposed development entrances. The analysis shall document visibility conditions in all directions and note the existing conditions for sight distance based on speed limits, topography, roadway design, buildings, signage and any other constraining variables.

   vi. The TIA Scoping Meeting will discuss which intersections of the study network shall be modeled as a roundabout based on the Town's Comprehensive Transportation Plan and Safety Action Plan.

   vii. For industrial or commercial warehouse developments, the TIA shall include vehicle path turning diagram(s) for heavy vehicles at all entrances and any study network intersections where the Town or NCDOT anticipates challenges. The TIA Scoping Meeting MOU shall also include a section for heavy vehicle percentage for modeling in traffic simulation software. Vehicle path turning diagrams may also be required for fixed route buses for any land use type where transit service exists or is programmed.

   viii. The TIA shall include a Crash Data Analysis if the Town transportation planning staff determines the proposed development is located in an area with documented safety concerns. The determination of which study area intersections and/or corridors will be made during the TIA Scoping Meeting. The analysis shall include:

      a) A summary of crash data (type, number, year, severity, etc.) for the most recent five-year period for each relevant intersection or corridor. Traffic Engineering Accident Analysis System

(TEAAS) reports should be obtained from NCDOT or directly by the traffic engineering consultant with permission from NCDOT for purposes of performing the Crash Data Analysis.

ix. For locations with prevalent crash types, crash frequency, and/or high crash severity, a discussion shall be included describing factors that may be contributing to the incidents as well as potentially feasible mitigation measures and the Crash Modification Factors (CMFs) generally associated with those improvements

5. **Revisions.** If the Land Use Administrator determines that a significant change (including but not limited to new connectivity patterns or higher-intensity uses) in the project proposal has occurred that will possibly lead to different findings and mitigation measures, a revised TIA shall be required.