

## **Chapter 1. PURPOSE AND APPLICABILITY**

### **1.1 Title**

This appendix of the Knightdale Code of Ordinances shall be known as and may be cited as the “Unified Development Ordinance (UDO) for the Town of Knightdale,” and may be referred to as the “Knightdale Development Ordinance” or “Knightdale UDO”.

### **1.2 Authority**

The Knightdale UDO is hereby adopted under the authority and provisions in Chapter 160A, Article 19; Chapter 160A, Article 8; Chapter 160A, §§ 174 and 185; Chapter 143, Article 21, Part 1 and rules promulgated by the Environmental Management Commission thereunder; Chapter 143, Article 21, Part 6; Chapter 153A, Article 18; and Chapter 113A, Article 4 of the North Carolina General Statutes (N.C.G.S.); and Article 14, Section 5 of the Constitution of North Carolina.

Whenever any provision of this appendix refers to or cites a section of the N.C.G.S. and that section is later amended or superseded, the appendix shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### **1.3 Jurisdiction**

The Knightdale UDO shall be effective throughout the Town of Knightdale and its extraterritorial planning jurisdiction (ETJ). The planning jurisdiction of the Town may be modified from time to time in accordance with §160A-360 of the N.C.G.S.

### **1.4 Intent**

#### **A. Declaration of Necessity**

In order to protect and promote the health, safety, and general welfare of the town and its ETJ, the Knightdale UDO is adopted by the Town Council to regulate and restrict by means of zoning and subdivision regulations the height and size of buildings and other structures; the appearance and design of developments; the percentage of lots that may be covered or occupied; the dimensions of setbacks; the size of open spaces; the density of population; the allocation of municipal water capacity; the construction and installation of infrastructure; and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

#### **B. Purpose**

The purpose of the regulations set forth in the Knightdale UDO shall be to fulfill the goals and objectives of the Knightdale 2027 Comprehensive Plan, adopted July 7, 2003, as may be amended from time to time.

### **1.5 Required Conformance to Knightdale UDO Provisions**

- A. Conformance In General:** Except as otherwise specifically provided in the Knightdale UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Knightdale UDO.

**B. Certain Farmland Exempt:** Any tract of land that meets the following requirements shall be exempt from the provisions of this ordinance:

1. is at least three (3) acres in size under common ownership;
2. is used for dairying, the raising of agricultural products, the raising of horticultural products, timbering and silviculture, the raising of livestock or poultry; or houses facilities for the sale of onsite-produced products; and
3. has generated at least an average of \$1,000 in annual farm sales over the most recent three (3) year period.

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

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

**C. Alternate Means of Compliance:** As part of a Utility Allocation/Annexation Agreement (UAA) for a development project, the Town council may apply alternate means of compliance with otherwise applicable UDO design, connectivity, sign, landscaping, parking, lighting or similar standards allowing the ultimate intent or spirit of the Ordinance to be maintained. Alternate means of compliance should reflect the spirit and intent of the ordinance and are not provided to circumvent the variance procedures. Further the UAA shall be consistent with and include measures of the Water Allocation Policy. Alternate means of compliance shall only be approved if conditions are limited to impacts that are related to the development of the site and are intended to allow for voluntary alternate conditions to help further the goals and objectives of the Town Council not to alleviate hardships. The UAA shall act as a development agreement as defined in N.C.G.S. §160A-400.20.

## 1.6 Relationship to the Existing Zoning Ordinance and Subdivision Ordinance

### A. Continuation of Provisions

To the extent that the provisions of the Knightdale UDO are the same as the previously adopted provisions that they replace in the Zoning Ordinance and the Subdivision Regulations and the 1995 Unified Development Ordinance, they shall be considered as continuation thereof and not as new enactment unless otherwise specifically provided.

### B. Repeal of Existing Subdivision and Zoning Regulations

The existing subdivision regulations entitled "Subdivision Regulations for the Town of Knightdale, North Carolina" as adopted on June 6, 1977 and as subsequently amended are hereby repealed. The existing zoning regulations entitled "Zoning Ordinances for the Town of Knightdale, North Carolina" as adopted on February 28, 1974 and as subsequently amended are hereby repealed. The adoption of the Knightdale UDO, however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said regulations.

## 1.7 Conflict with Other Laws

When provisions of the Knightdale UDO impose higher standards than are required in any other statute or local ordinance or regulation, provisions of the Knightdale UDO shall govern. When the provisions of any other statute or local ordinance or regulation impose higher

standards than are required by the provisions of the Knightdale UDO, the provisions of that statute or local ordinance or regulation shall govern.

### **1.8 Prior Final Approvals, and Complete Applications**

All projects for which a complete application was submitted and approved by the Town of Knightdale prior to the effective date of this ordinance shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, apart from those post-construction runoff provisions in the preceding 1995 UDO.

### **1.9 Comprehensive Plan**

It is the intention of the Council that the Knightdale UDO implements the planning policies adopted for the Town and its ETJ, as reflected in the 2027 Comprehensive Plan and other related planning documents. While the Council reaffirms its commitment that the Knightdale UDO and any amendment to it, be in conformity with adopted planning policies, the Council hereby expresses its intent that neither the Knightdale UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

### **1.10 Violations Continue**

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under Chapter 18, unless the use, development, construction or other activity complies with the provisions of this ordinance.

### **1.11 Effective Date**

These regulations shall become effective on November 16, 2005. Upon adoption, these regulations shall supercede, repeal, and replace the Knightdale UDO, as made effective on August 14, 1995.

Many provisions herein are a restatement of provisions of the Knightdale Subdivision Regulations or the Zoning Ordinance, adopted May 6, 1991, or the 1995 Knightdale UDO with an effective date of August 14, 1995 and are hereby continued without interruption. All other provisions of this Ordinance shall become effective November 16, 2005.

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