



# TOWN OF KNIGHTDALE

## PLANNING DEPARTMENT

[www.ci.knightdale.nc.us](http://www.ci.knightdale.nc.us)

950 Steeple Square Court  
Knightdale, NC 27545  
(v) 919.217.2245  
(f) 919.217.2249

**ORD #07-09-04-002**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
OF THE TOWN OF KNIGHTDALE,  
REGARDING THE INVOLVEMENT OF TOWN COUNCIL IN THE DEVELOPMENT APPROVAL  
PROCESS, TO CLARIFY ISSUES RELATED TO THE SUBMITTAL OF LIGHTING PLANS, TO AMEND  
THE REQUIREMENTS FOR BANNER SIGNS, AND TO FURTHER DEFINE PUBLIC PARKS**

WHEREAS, the Town of Knightdale has received a petition to amend the Unified Development Ordinance in regard to the involvement of Town Council in the development approval process, to clarify issues related to the submittal of Lighting Plans, to amend the requirements for banner signs, and to further define public parks; and

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

WHEREAS, the proposed zoning text changes comply with the goals of the Town's Comprehensive Plan because the proposed changes are necessary to more clearly define the general objectives of the Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows (*explanatory notations in italics*):

**Section 7.3(C)** Finally, this matrix has been developed with regard to the availability of accessible open space in close proximity to the proposed development. Developments within a ¼ mile (5 minute) walk (along sidewalks or other pedestrian access within a public right-of-way or public easement) to existing publicly dedicated recreational open space (parks, greenways, etc.) are granted a reduction in required recreational open space dedication of 25%. Similarly, developments that are adjacent to existing publicly dedicated recreational open space are granted a 50% reduction in required dedication. Publicly dedicated recreational open space means that the property has been dedicated to the Town of Knightdale or other government agency, is actively maintained through a maintenance agreement or acceptance for maintenance by the government agency, and has been improved as provided for in Section 7.2(B).

## RECREATIONAL OPEN SPACE DEDICATION MATRIX

	Gross Dwelling Units per Acre				Proximity to Publicly Dedicated Recreational Open Space
	0-2	2-6	6-10	+10	
<b>Estimated Number of Bedrooms</b> <b>X</b>	500	520	550	580	Base
	375	390	413	435	Within ¼ mile
	250	260	275	290	Adjacent
<i>All figures are in square feet</i>					

**Section 12.8** (Insert new section and bump all others down). **Banner Signs**

Banner signs may be permitted via the submission of a Special Event Permit to the Land Use Administrator. Except for those banners erected by a governmental agency, banner signs may not be placed in any public rights-of-way. Banners for commercial units shall be attached to the wall or structure of the unit to which the message of the sign is applicable, provided such banners do not exceed one (1) sign per commercial unit on a single lot and provided each sign does not exceed 32 square feet of sign area. Banners for non-profit community events shall be mounted on the ground and located a minimum of five (5) feet behind the street right-of-way, provided the event sponsor has secured the permission of the property owner to post the sign, and provided such banners do not exceed two (2) per event and do not exceed 32 square feet of sign area each. For both commercial and non-profit community events, banners shall be permitted for no more than four (4) events per calendar year with a maximum time period for each event of 14 calendar days.

**Section 12.8(J)(1) Banner Signs:** Although temporary in nature, banner signs are subject to the requirements of Section 12.8 and may not be used as a primary wall sign on a commercial unit and/or building.

**Section 15.2(I) Administrative Permits Requiring a Master Plan**

1. Within 90 days from the submittal of a Master Plan application, the TRC shall review the Site Plan (Section 15.5) or Major Subdivision Plan (Section 15.8), the comments and recommendations of the Administrator, and the necessary criteria for Master Plan Requirements as laid out in Section 16.5. The TRC 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 TRC within the described time period shall be deemed a denial.
2. The TRC may defer the decision on the Master Plan application to the Town Council when any two members (voting or non-voting) deem that one or more of the necessary criteria for Master Plan Requirements may not be met by the proposed plan. In such event, the Town Council shall proceed as set forth in Section 15.2(I)(4) below.
3. Once the TRC 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.
4. The applicant or any aggrieved party with standing may appeal any decision of the TRC to the Town Council as laid out in Section 15.11.

**Section 15.11(B) Applicant with Standing:** An appeal may be made by any aggrieved party or by any officer, department or board of the Town of Knightdale who has received a ruling from the Administrator or Technical Review Committee upon the submission of a completed application. An appeal to the Land Use Review Board shall be made within 10 days of the decision, order, determination or interpretation made by the Administrator. Likewise, an appeal to the Town Council shall be made within 10 days of the decision, order, determination or interpretation made by the TRC. An appeal must be placed on the appropriate board agenda within 30 days of filing. The filing of any application stays all proceedings unless the Administrator certifies that a stay in his/her opinion will cause imminent peril to life or property, or that because the violation charges is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order which may be granted by the Land Use Review Board (Administrator Appeals), Town Council (TRC Appeals), or by a judicial court of law.

**Section 15.11(C) Board Powers and Responsibilities:** The Land Use Review Board or Town Council 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 Land Use Review Board or Town Council shall have all the powers of the Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal. For appeals concerning administrative permits requiring a Master Plan, the Town Council must make the following findings in order to approve the Master Plan:

1. The plan is consistent with Comprehensive Plan goals and objectives and all other Town Council adopted development policies.
2. The plan complies with all applicable requirements of this Ordinance, including but not limited to the development and design standards of Chapters 4 and 5 as well as the dedication and improvements provisions of Chapter 17.
3. 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;
4. The plan provides harmony and unity with the development of adjacent and nearby properties;
5. The plan provides safe conditions for pedestrians and motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
6. The plan provides safe ingress and egress for emergency services.

**Section 15.11(D) Supermajority Required:** The concurrent supermajority vote of four-fifths (4/5) of the board's voting members shall be necessary to make an interpretation of the Ordinance, reverse any order, requirement, decision or determination of the Administrator or TRC. In all matters coming before the Land Use Review Board or Town Council, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. All decisions of the Land Use Review Board or Town Council shall be in writing and filed with the Administrator.

**Section 16.6(B)**

The following Certificate shall be placed on the Landscape Plan sheets for Construction Drawings for Site Plans and Preliminary Plats for Major Subdivisions if a lighting plan has not yet been able to be procured from the lighting utility provider:

**(3) Lighting Plan Certification:** I hereby certify I am the Master Plan applicant and that a Lighting Plan shall be submitted by the utility provider to the Knightdale Planning 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 sections 8.8 and 16.9 as well as Chapter 11 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

**Section 16.9**

... The above required plans and descriptions shall be sufficiently complete to enable the Administrator to readily determine compliance with the requirements of Chapter 11. 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. If a Lighting Plan cannot be procured from the lighting utility provider prior to Construction Drawing/ Preliminary Plat submission, please refer to Section 16.6(B).

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 4<sup>th</sup> day of September, 2007.

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Douglas M. Boyd, Mayor

ATTEST:

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Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

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Clyde Holt, III; Town Attorney