



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

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ORD #13-02-20-001
AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF KNIGHTDALE,
REGARDING THE ACCEPTANCE OF PAYMENTS IN LIEU OF STREET RIGHT-OF-WAY
IMPROVEMENTS

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 17 (Infrastructure Improvement Requirements) of the Unified Development Ordinance by allowing for the Town's acceptance of payment-in-lieu of otherwise required street right-of-way improvements under prescribed circumstances; and

WHEREAS, the application includes the amendment of other remaining chapters of the Unified Development Ordinance that may be affected by the proposed amendment to Chapter 17, such as updating code section references and locations, the ordinance table of contents and index, as well as adding/amending definitions in Chapter 19 for consistency; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.6B establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes are reasonable in that while the changes do not advance a specific objective stated within the Comprehensive Plan, the allowance of a payment in lieu of construction in these defined instances will not negatively impact the Town's ability to achieve the objectives of coordinating transportation options and facilities with surrounding public and private entities to achieve a well-connected and accessible regional transportation network or encouraging land use development patterns and connectivity that will shorten average trip times across all modes of transportation; thereby reducing congestion and delay; and

WHEREAS, the proposed zoning text changes are furthermore not inconsistent with the overall goal of providing for balanced and responsible planning and development;

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

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

Section 9.5C2(a)iii The Town may require temporary turnarounds to be constructed at the end of such streets pending their extension. Where a temporary turnaround is required that

precludes the completion of street right-of-way improvements to the property line, please see Section 17.2B2.

Section 17.2 Required Improvements for all Development Plans

A. Improvement Types

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| 1. Water Supply Distribution System | 7. Curb and Gutter |
| 2. Sanitary Sewer Collection System | 8. Street Lights |
| 3. Stormwater Collection System | 9. Underground Wiring |
| 4. Public Streets (Paved) and Other Public Rights-of-Way | 10. Dedicated Open Space |
| 5. Utility Easements | 11. Landscaping |
| 6. Sidewalks and Greenways | 12. Traffic Control Signs & Pavement Markings |
| | 13. Street Signs |

B. Payments in Lieu of Construction: The Town Council has determined that it is in the best interest of the citizenry for the Town to accept a payment in lieu of constructing the following according to the standards set forth herein. All fee payments made in lieu of constructing the improvements stated herein shall be made at the time of Construction Document approval. Failure to submit the required payment along with Construction Document applications will delay approval of such submissions until payment is rendered.

- 1. Payment in Lieu of Median Construction:** A payment in lieu of median construction may be accepted when all of the following findings have been made by the Administrator:
- The street classification has been made and involves a street cross-section that includes a median; and
 - The full right-of-way dedication will not be obtained through the approval process for the subject development application; and
 - The construction of the median is deemed impractical at the time.

The fee shall be equal to half of the present cost estimate for full median construction with said estimate having been found acceptable by the Town Engineer. All fees received for payments in lieu of median construction shall be used exclusively for median construction at such time as the full median-divided street cross-section is installed.

- 2. Payment in Lieu of Street Right-of-Way Improvements:** A payment in lieu of street right-of-way improvements (*i.e. roadway, curb and gutter, sidewalks*) may be accepted when the Administrator determines that one of the following conditions exists:
- a. a new street stub may not practically be extended to the property line due the need for a culvert, bridge or other structure(s) which prevents the roadway from being completed within the bounds of the subject property;
 - b. a Town infrastructure project for the same improvements has received a commitment of funding through the Town's Capital Improvement Plan or through Federal and/or State grant programs; or

c. a temporary turnaround has been required by the Fire Marshal.
The fee shall be equal to the full present cost estimate for construction of the street right-of-way improvements with said estimate having been found acceptable by the Town Engineer. All fees received for payments in lieu of street right-of-way improvements shall be used exclusively toward the construction of transportation improvements within the Town of Knightdale.

(Section 17.3G removed)

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 20th day of February 20, 2013.

ATTEST:

Russell B. Killen, Mayor

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney