



# TOWN OF KNIGHTDALE

## PLANNING DEPARTMENT

[www.knightdalenc.gov](http://www.knightdalenc.gov)

950 Steeple Square Court  
Knightdale, NC 27545  
(v) 919.217.2241  
(f) 919.217.2249

**ORD #11-04-04-001**  
**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE**  
**OF THE TOWN OF KNIGHTDALE,**  
**REGARDING ADMINISTRATOR USE INTERPRETATIONS OF THE USE MATRIX**

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 2 of the Unified Development Ordinance in regard to clarifying how the Use Matrices may be interpreted by the Land Use Administrator; 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 they are reasonable in that they advance the stated objective of better managing the development of the community by improving the clarity and consistency of the UDO's language and formatting, as well as being consistent with the Comprehensive Plan's stated goal of providing responsible urban design, 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 2.3B Interpretation of Use Matrices**

1. Any use not listed in the Use Matrix is prohibited unless the Administrator determines that it falls within the same class as a listed use as set forth below.
2. Uses not listed as permitted (P), permitted with additional standards (PS), or requiring a special use permit (SU) or conditional district (CD) are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, upon application filed with the Planning Department, the Administrator shall determine whether a materially similar use exists in this Chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be documented in writing as part of the "UDO Interpretation Log". Should the Administrator determine that a materially similar use does not exist, the proposed use shall be prohibited. This Chapter may be amended to establish a

specific listing for the use in question. Written notice of any interpretation made by the Administrator pursuant to this Section 2.3B shall be mailed to the applicant and the owners of all adjacent property within 100 feet of the parcel that is the subject of the application. Such notice of interpretation shall reference the procedure for appealing Administrative decisions set forth in Section 15.11, including specifically the deadline for filing an appeal of the decision.

3. The Administrator may determine that a use is materially similar if both of the following are met:

- a. According to the Land-Based Classification Standards (LBCS) coding system of the American Planning Association [Reference: <http://www.planning.org/lbcs/>], the proposed use falls under a higher Structure or Function classification that is already enumerated in the Use Matrix (Section 2.3C); and
- b. The proposed use shall not generate average daily trips that exceed the average daily trips generated by other similar uses permitted in the zoning district by more than ten percent (10%), as determined by the most recent edition of the Institute of Transportation Engineers', *Trip Generation* manual (the "ITE Manual"), which document is hereby incorporated by this reference.

*Note: If the trip generation for the proposed use is not listed in the ITE Manual, then the trip generation data associated with the use that most closely approximates the proposed use shall be utilized.*

4. In order to assist in interpretation of the Use Matrix, the LBCS code classifications are noted in Chapter 19: Definitions, where applicable. In interpreting the Use Matrix, the following rules shall apply:

- a. When a general/higher level use (e.g. LBCS 'F1000') and one of its associated more specific/lower level uses ('F1010') are both listed separately in the Use Matrix, the more specific Use Matrix listing governs when applicable. The permissions listed by the Use Matrix for the general/higher use ('F1000') do not apply to the more specific/lower use ('F1010') simply because they share a similar LBCS code classification. In all cases, the most specific/lowest applicable LBCS code classification listed in the Use Matrix governs.
- b. When two (2) uses (e.g. '2.3C9a' and '2.3C9b') are listed separately in the Use Matrix, but have the same LBCS code classification ('F1000'), the individual Use Matrix listings govern. The permissions listed by the Use Matrix for Use '2.3C9a' do not apply to Use '2.3C9b' simply because they share the same LBCS code classification ('F1000') and vice versa.

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 April, 2011.

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Russell B. Killen, Mayor

ATTEST:

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Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

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Clyde Holt, III; Town Attorney