



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

www.knightdalenc.gov

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

ORD #11-04-04-004
AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF KNIGHTDALE,
REGARDING TECHNICAL EDITS AND CLARIFICATIONS OF INTENT FOR CHAPTERS 3 AND 4

WHEREAS, the Town of Knightdale has received a petition to amend Chapters 3 and 4 of the Unified Development Ordinance with technical edits for consistency of language and referencing, clarifications of intent and interpretation, and the removal of redundant text; 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*):

(See Attachments for Chapters 3 & 4)

Section 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.

Section 2.3C Use Matrix

	T1	T2	T3	T4	T5	T6	Assigned Districts		Planned Districts		
BASE DISTRICT	OSP	RR	GR	UR	RMX	NMX	TC	HB	MI	MHD	TND
(I) Residential											
a. Dwelling-Single Family	—	PS	P	P	P	P	P	—	—	P	P

	T1	T2	T3	T4	T5	T6	Assigned Districts		Planned Districts		
BASE DISTRICT	OSP	RR	GR	UR	RMX	NMX	TC	HB	MI	MHD	TND
b. Dwelling-Duplex	—	—	P	P	P	P	P	—	—	P	P
c. Dwelling-Multifamily 4 units/bldg or less	—	—	—	P	P	P	P	—	—	P	P
d. Dwelling-Multifamily more than 4 units/bldg	—	—	—	P	P	P	P	—	—	—	P
e. Dwelling-Secondary	—	PS	PS	PS	PS	PS	PS	—	—	—	PS
f. Family Care Home (6 or Less residents)	—	PS	PS	PS	PS	PS	PS	—	—	PS	PS
g. Home Occupation	—	PS	PS	PS	PS	PS	PS	—	—	PS	PS
h. Housing Service for the Elderly	—	—	PS	PS	P	P	P	—	—	—	----
i. Live-Work Units	—	—	—	PS	PS	PS	PS	—	—	—	PS
j. Manufactured Housing	—	PS	PS	—	—	—	—	—	—	PS	—
...											
(3) Office/Service											
a. Animal Services	—	SU	—	—	—	PS	PS	PS	P	—	----
b. ATM	—	—	—	—	PS	P	P	P	P	—	PS
c. Banks, Credit Unions, Financial Services	—	—	—	—	—	PS	P	P	P	—	P
d. Business Support Services	—	—	—	—	—	PS	P	P	P	—	P
e. Child/Adult Day Care Home (Fewer than 6 people)	—	PS	PS	PS	PS	PS	PS	—	—	—	PS
f. Child/Adult Day Care Center (6 or more people)	—	PS	—	PS	PS	PS	P	—	—	—	P
g. Community Service Organization	—	P	—	P	P	P	P	P	—	—	P
h. Cremation Facilities	—	—	—	—	—	SU	P	P	—	—	—
i. Drive Thru Service	—	—	—	—	—	SU	—	PS	PS	—	—
j. Equipment Rental	—	—	—	—	—	—	PS	PS	P	—	—
k. Funeral Homes	—	—	—	—	—	P	P	P	—	—	—
l. Government Services	P	P	P	P	P	P	P	P	P	—	P
m. Group Care Facility (More than 6 residents)	—	SU	—	—	—	SU	SU	—	—	—	—
n. Medical Services	—	—	—	—	P	P	P	P	P	—	P
o. Outdoor Animal Boarding/Equestrian Facilities	—	SU	—	—	—	—	—	—	SU	—	—
p. Personal Services	—	—	—	—	PS	PS	PS	PS	PS	—	PS
q. Post Office	—	—	—	—	P	P	P	—	P	—	P
r. Professional Services	—	—	—	—	P	P	P	P	P	—	P
s. Studio – Art, dance, martial arts, music	—	—	—	—	P	P	P	P	P	—	P
t. Vehicle Services – Maintenance/Body Work/Repair	—	—	—	—	—	SU	PS	PS	PS	—	—
...											
(7) Civic/Institutional											
a. Campground	SU	SU	SU	—	—	—	—	P	P	P	P
b. Cemeteries	PS	—	—	—	—	PS	PS	PS	—	—	—
c. Colleges/Universities	—	—	—	—	CD	CD	CD	—	—	—	—
d. Hospital	—	—	—	—	—	—	CD	CD	CD	—	—
e. Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P
f. Religious Institutions	—	P	P	P	P	P	P	P	—	P	P
g. Schools – Elementary & Secondary	—	SU	SU	CD	CD	CD	CD	—	—	—	P
h. Schools – Vocational/Technical	—	—	—	—	P	P	P	P	P	P	P

Section 5.4 General Building Design Requirements

(Insert new section and bump others down)

- L. **Satellite Dishes:** No satellite dish larger than eighteen inches (18") shall be mounted to the front façade of a building or a roof slope facing the street on a gable, hip, gambrel or mansard roof.

Section 8.9D Screening of Open Storage, Above Ground Utilities, and Enclosed Containment Areas for Trash and Recyclables:

Any open storage of merchandise, equipment, tractor trailers, materials or goods other than those on display for retail sales, above ground utilities and enclosed containment areas for trash and recyclables shall be screened from view from any street right-of-way in accordance with the ratios (but not necessarily the minimum dimension) prescribed for Type C Buffer Yards in Section

8.6.B.3, except for in the MI District where such areas shall be screened from view from any internal street right-of-way with a Type A Buffer yard as prescribed in Section 8.6.B.1.

(Insert new section and bump others down)

Section 13.5 Nonconforming Wireless Telecommunication Towers: Towers existing at the time of the ordinance may be replaced with a taller tower and reviewed for approval by the Administrator, provided that the tower shall conform to the standards detailed in Section 3.3YY(2), as well as the following:

- G. The height of the replacement tower may not exceed the height of the original tower by more than 50 feet, and the addition of up to 50 feet may occur only once.
- H. The replacement tower must be located in as close proximity to the base of the original tower as reasonably possible, but in no event more than 50 feet from the base of the original tower.
- I. The replacement tower must utilize monopole construction and must be designed and equipped with the technological and structural capability to accommodate at least one other wireless communication carrier or provider.
- J. The owner of the replacement tower must provide the planning director with an affidavit stating that at least one other wireless communications carrier needs a wireless communications facility within 1,250 feet of the subject site and that such carrier has agreed to co-locate on the replacement tower.
- K. The fall and debris radius requirement and setback requirement in Section 3.3YY(2) may be exempted provided certified drawings from an engineer are given attesting that the proposed replacement tower and debris would fall within the boundary lines on which the tower is located.
- L. The base of the replacement tower shall be screened to the extent practical on a case by case basis upon review and approval of the Administrator. A combination or option of solid screen (fencing) or vegetative screens shall be utilized based upon Section 8.6 of the Tree Protection and Landscaping regulations.

Section 15.12 Variances

- G. **Required Findings of Fact:** The Land Use Review Board may only grant a variance having first held a public hearing on the matter and having made the following determinations:
 - 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance; and
 - 2. That the variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
 - 3. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done; and
 - 4. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.
 - 5. That if the applicant complies with the provisions of this Ordinance, can secure no reasonable return from nor make any reasonable use of the property.

Flood Damage Protection Variances shall only be issued upon the additional findings of fact:

- 6. A showing of good and sufficient cause; and

7. A determination 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.

Variances to the minimum distance between adult establishments shall only be issued upon the additional findings of fact:

8. The proposed use will not be injurious to property or improvements in the affected area; and
9. The proposed use will not enlarge or encourage the development of a blighted condition within an area; and
10. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization.

Section 15.13 Special Use Permits

H. Rescission of Special Use Permits:

1. In General:

- a. The applicant must secure a valid building permit within a 12 month period from date of approval of the Special Use Permit unless otherwise specified.
- b. If such project is not complete, and a valid building permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of either such finding. Within 30 days of said notification, the Administrator shall make a recommendation concerning the rescission of the Special Use Permit to the Town Council. The Town Council may then rescind the special use, or extend the Special Use Permit for a specified period of time.

2. Adult Establishments: The Town Council may rescind a Special Use Permit after notice and hearing upon one (1) or more of the following grounds:

- a. Failure to comply with the additional standards specified in Section 3.3A; or
- b. 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 of the adult establishment; or
- c. Excessive criminal activity on or near the premises if the Town Council finds that the operation of the adult 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.

Section 19.2 Interpretation

- P. Fractional Requirements:** When calculations for any requirement of this Ordinance, including the determination of the number of dwelling units permitted on a lot, results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded.

Section 19.3 Definitions of Terms

Dwelling-Secondary 2.3C(1)e: A dwelling unit either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 800 square feet and located on a lot with an existing single-family dwelling.

Home Occupation 2.3C(1)g: An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, are seldom visited by clients, require little parking, have little or no signage, and have only one (1) or two (2) employees. They include, but are not limited to, professional services, workshops, sewing, music instruction, and hair styling. Home Occupations include day care centers where daytime care is provided to less than 6 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence. Home occupations do not include those occupations such as vehicle repair, service or sales; animal services; theaters; massage; storage; manufacturing or fabrication.

Manufacturing, Neighborhood 2.3C(6)e: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes, but is not limited to, medical and testing laboratories, small woodworking shops, craftsman shops and artisan shops. This use shall not include those that require frequent deliveries by truck with more than two (2) axles. (LBCS S2610)

Outdoor Animal Boarding/Equestrian Facilities 2.3C(3)o: A use or outdoor structure such as a kennel or run intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. This use also includes equestrian-related leisure activities including riding, mounting, horsemanship, and equestrian games, such as polo, hurdles, dressage training and show jumping; as well as the facilities for maintaining stables, feeding, caring, and housing horses. (LBCS F2700 and LBCS A7120)

Wireless Telecommunication Facility: Tower 2.3C(8)d: The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 90 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or
- Commercial or industrial satellite dishes that are less than 20 feet in height.

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 4th day of April, 2011.

Russell B. Killen, Mayor

ATTEST:

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney