



# TOWN OF KNIGHTDALE

## PLANNING DEPARTMENT

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

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### ORD #10-08-18-001

## AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING CONDITIONS UNDER WHICH THE TOWN COUNCIL MAY ACCEPT A PAYMENT IN LIEU OF THE CONSTRUCTION OF A REQUIRED MEDIAN OR PORTION THEREOF

WHEREAS, the Town of Knightdale has received a petition to amend the Unified Development Ordinance in regard to conditions under which the Town Council may accept a payment in lieu of the construction of a required median or portion thereof; 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 coordinating public and private investment by recognizing the logistical issues associated with median construction at certain times and providing a mechanism for achieving the best possible result for all parties; as well as being furthermore consistent with Comprehensive Plan's stated goal of providing balanced and 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 italics*):

### **Section 17.3 General Provisions** (*Insert the following and bump remaining sections down*)

**F. Payment in Lieu of Median Construction:** As noted in Section 17.4(A), new developments with frontage on an existing publicly maintained street are required to upgrade said frontage to meet the standards of the Chapter. Some streets prescribe a center median for which a development that only embraces one side of an existing publicly maintained street would be responsible for half of said median. Therefore, 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 median construction 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 fee payments made in lieu of median construction 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. All funds received for payment in lieu of median construction shall be used for public street improvements around the Town as prioritized within the Town's Capital Improvement Program.

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 7<sup>th</sup> day of September, 2010.

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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