



**Planning and Zoning Commission  
July 8, 2020 Meeting  
Staff Report**

**DATE:** June 26, 2020  
**TO:** Planning and Zoning Commission Members  
**FROM:** Gretchen Coperine, AICP, Assistant Planning Director  
**SUBJECT:** **Text Amendment – TA-2020-01 Article 4.16, Watershed Protection Overlay District, Table 4.16-3 Maximum Development Intensity**

Public Hearing to consider a text amendment to Table 4.16-3 of the Unified Development Ordinance (UDO) to allow use of high-density development option within watershed areas as allowed by State statute.

**A. Actions Requested by Planning and Zoning Commission Members**

1. Consider Resolution to Adopt a Statement of Consistency for TA-2020-01
2. Consider motion to recommend approval of proposed text amendments by City Council

**B. Decision and Required Votes to Pass Requested Action**

Article 3.8 of the UDO addresses the procedures for processing amendments to the text of the ordinance. Per Section 3.8.2, “*Any person, board, department, or commission may apply for a change in zoning ordinance text*”. The proposed text amendment was initiated by the Planning Department.

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

**C. Background**

Staff is proposing to amend Article 4.16, to allow us of high-density development option within watershed areas as allowed by State statute to allow for an increase in the maximum built-upon area.

The State of North Carolina allows development within watersheds under a low-density development option (which our UDO currently allows) and a high-density option (which our UDO does not currently allow). Staff is of the opinion that by aligning our current regulations with the State's regulations, development within watershed areas will:

- 1) not be unduly limited as long as all local and state regulations and requirements are met;
- 2) be to the benefit of property owners and the general public as land may be allowed to be developed in a sustainable and environmentally conscious manner.

**D. Fiscal Considerations**

None.

**E. Policy Issues**

The proposed text amendment to the UDO is **attached** as **additions and deletions**:

**F. Legal Issues**

None

**G. Alternative Courses of Action and Staff Recommendation**

The Planning and Zoning Commission may choose to recommend approval or denial of the text amendment as presented. The Commission may also add, delete, or change any of the language as proposed.

Based on the foregoing analysis, staff recommends **approval** of the proposed text amendments to **Article 4.16, Table 4.16-3** of the Unified Development Ordinance.

**The following actions are required to recommend approval of TA 2020-01**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2020-01
2. Consider motion to recommend approval of proposed text amendments by City Council.

**The following actions are required to recommend denial of TA 2020-01**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2020-01
2. Consider motion to recommend denial of proposed text amendments by City Council.

**H. Attachments**

1. Application for Text Amendment to the Unified Development Ordinance
2. Proposed UDO changes
3. Resolution to Adopt a Statement of Consistency

**I. Issue Reviewed By:**

City Manager  
City Attorney  
City Engineer  
Planning Director



Planning and Zoning Commission and Board of Adjustment
General Application Form
(Not for Site Plan Review Submittals)

Type of Action Requested (Check One):

- Variance
Conditional Use Permit
Subdivision Exception
Zoning Text Amendment (checked)
Appeal
SIA Application
Nonconformity Adjustment
Watershed Boundary Modification
Zoning Map Amendment
Conditional Zoning Map Amendment

Applicant: Zachary D. Gordon, AICP Planning Director
Owner:
Address: 401 Laureate Way Kannapolis, NC 28081
Telephone: 704-920-4355
Email: zgordon@kannapolisnc.gov

Legal relationship of applicant to property owner: N/A

Property Location/Address: N/A

Tax Parcel Number: N/A Zoning District: N/A Acreage of Site: N/A

Zachary D. Gordon
Applicant Name (Print) Property Owner Name (Print)

Applicant Signature & Date Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: N/A Receipt #: N/A

Application No.: TA-2020-01 Date Submitted (Complete): N/A



**CITY OF KANNAPOLIS**

**AN APPLICATION TO AMEND THE TEXT OF  
THE UNIFIED DEVELOPMENT ORDINANCE**

I Zachary D. Gordon, AICP, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Article 4.16 Watershed Protection Overlay District

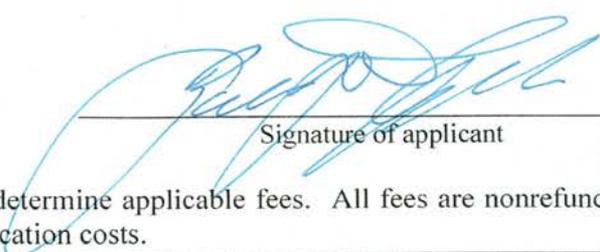
In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

**See attached Staff Report**

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State your reasons for amending the text of the Ordinance:

**See attached Staff Report**



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Signature of applicant

**Fee:** Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

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Table 4.16-3: Maximum Development Intensity

	<u>LOW DENSITY</u>				<u>HIGH DENSITY</u> * -
(A) DISTRICT	(B) MINIMUM LOT SIZE	(C) MINIMUM LAND REQUIRED PER DWELLING UNIT	(D) MAXIMUM DENSITY (DWELLING UNITS/ACRE)	(E) MAXIMUM BUILT- UPON AREA	<u>ALL TYPES</u>
Coddle Creek Reservoir WS-II CA	Determined by underlying zoning district, provided the limitations of Column C or D of this Table are complied with.	3 acres	0.33	6% <sup>(1)</sup>	<u>6% to 24%</u>
Coddle Creek Reservoir WS-II BW		1 acre	1.0	12%	<u>12% to 30%</u>
Dutch Buffalo Creek WS-II CA		2 acres	0.5	6% <sup>(1)</sup>	<u>6% to 24%</u>
Dutch Buffalo Creek WS-II BW		1 acre	1.0	12%	<u>12% to 30%</u>
Lake Concord WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>
Lake Concord WS-IV PA		20,000 sf	2.0	24%	<u>24% to 70%</u>
Lake Fisher WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>
Lake Fisher WS-IV PA		20,000 sf	2.0	24%	<u>24% to 70%</u>
Kannapolis Lake WS-III CA		40,000 sf	1.0	12%	<u>12% to 30%</u>
Kannapolis Lake WS-III BW		20,000 sf	2.0	24%	<u>24% to 50%</u>
Tuckertown Reservoir WS-IV CA		20,000 sf	2.0	24%	<u>24% to 50%</u>

Notes: <sup>(1)</sup> Applicable to non-residential development only.

**\* In accordance with 15A NCAC 02B .0624**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2020-01**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the text amendment to **Article 4, Watershed Protection Overlay District, Table 4.16-3, Maximum Development Intensity** of the Unified Development Ordinance (UDO) to allow use of high density development option within watershed areas as allowed by state statute; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on July 8, 2020 for consideration of text amendment Case# TA-2020-01 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2020-01 consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

**Adopted this the 8<sup>th</sup> Day of July 2020;**

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David Steele, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission