



**Planning and Zoning Commission  
June 5, 2019 Meeting**

**Staff Report**

**DATE:** May 29, 2019

**TO:** Planning and Zoning Commission Members

**FROM:** Gretchen Coperine, AICP, Senior Planner

**SUBJECT: Text Amendment – TA-2019-03 Article 4, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts and Appendix A, Definitions**

- Public Hearing to consider a text amendment to Article 4, Table 4.6-1 of the Unified Development Ordinance (UDO) to allow Medical Waste Facilities in the I-1 (Light Industrial) District as a Conditional Use Permit (CUP) with specific standards; and
- Public Hearing to consider a text amendment to Appendix A, Definitions, of the UDO, to add definitions for “Medical Waste” and “Medical Waste (Disposal) Facility.”

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

1. Hold Public Hearing
2. Consider Resolution to Adopt a Statement of Consistency for TA-2019-03
3. 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, Table 4.6-1, to include Medical Waste Facilities as a use permitted with a conditional use permit with specific standards in the I-1 (light Industrial) zoning designation. Currently, Solid Waste Collection and/or Disposal (Hazardous) uses are permitted with a Conditional Use Permit in the I-2 zone. This text amendment proposes to 1) add Medical Waste Facilities to the Solid Waste Collection and/or Disposal use category and 2) permit the use within the I-1 district as a Conditional Use Permit, subject to the Hazardous Waste Facilities standards in Article 5.11 of the UDO (see attached for reference). Staff is of the opinion that by requiring a Conditional Use Permit, staff and the Board of Adjustment will be able to evaluate the location and site adequacy for any proposed medical waste facility on a case by case basis.

In addition, staff is recommending the addition of a definition for “Medical Waste” and “Medical Waste (Disposal) Facility” to Appendix A of the UDO.

### **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, Table 4.6-1, and Appendix A** of the Unified Development Ordinance.

#### **The following actions are required to recommend approval of TA 2019-03**

1. Consider Resolution to Adopt a Statement of Consistency for TA 2019-03
2. Consider motion to recommend approval of proposed text amendments by City Council.

#### **The following actions are required to recommend denial of TA 2019-03**

1. Consider Resolution to not Adopt a Statement of Consistency for TA 2019-03
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. Section 5.11 of the UDO for reference
4. 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 (with signature) 5/22/2019
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: Receipt #

Application No.: Date Submitted (Complete):



**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, Table 4.6-1 and Appendix A

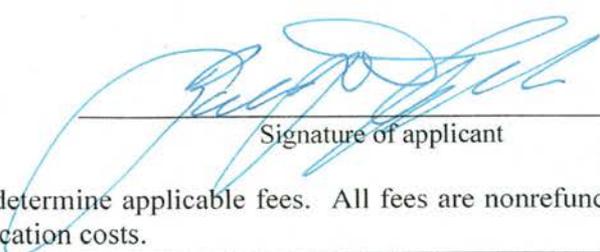
In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

**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 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS**

\* All uses permitted in the CC, CD, and I-1 Districts are subject to supplemental design regulations in Article 11 of this Ordinance.

P - Permitted Use

S - Permitted Use with Supplemental Regulations in Article 5 and/or Article 11 (see "§ 0.00" for reference)

C - Conditional Use

(-) Prohibited Use

**ZONING DISTRICTS**

USE	NAICS	AG	RE	RL	RM-1	RM-2	RV	RC	B-1	O-I	CC*	C-1	C-2	CD-R^	CD*	I-1*	I-2
Electronic Shopping & Mail-Order Houses	4541	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Equipment Manufacturing (all types)	333, 336, 3391	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Fabricated Metal Product Manufacturing	332	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Fastener, Button, Needle & Pin Manufacturing	339993	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Food Manuf. (excl. Animal Slaughtering & Processing)	311	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Food Manuf. - Animal Slaughtering & Processing	3116	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Furniture & Related Products Manufacturing	337	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	P
Gasket, Packing & Sealing Device Manufacturing	339991	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Glass/Glass Product Manufacturing	3272	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P
Industrial Launderers	812332	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Jewelry & Silverware Manufacturing	33991	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Landfill - Demolition & Inert Debris (§ 5.14)	-	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Lime & Gypsum Product Manufacturing (excl. quarrying)	3274	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P
Mineral Wool/Fiberglass Insulation Manufacturing	327993	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P
Mining/Extraction Industries (§ 5.19)	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/S
Musical Instrument Manufacturing	339992	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Office Supply (excl. Paper) Manufacturing	33994	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Paper/Paper Product Manufacturing	322	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Petroleum, Asphalt & Coal Manufacturing	324	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Plastics & Rubber Manufacturing	326	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C
Primary Metal Processing/Manufacturing	331	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Printing and Related Support Activities	323	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P
Sign Manufacturing (with indoor storage)	33995	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P
Sign Manufacturing (with outdoor storage)	33995	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/S	P/S
Solid Waste Collection and/or Disposal (Non-Hazardous)	562111, 56221	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Solid Waste Collection and/or Disposal (Hazardous, <u>including Medical Waste Facilities</u> ) (§ 5.11)	562112, 562211	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/S	C/S
Sporting & Athletic Goods Manufacturing	33992	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Textile Mills & Apparel Manufacturing	313-316	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Toy, Doll & Game Manufacturing	39993	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Transportation Equipment Manufacturing	336	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	P
Waste Remediation/Recovery Serv. (incl. salvage/junk yard) (§ 5.13)	5629	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/S
Wood Products Manuf. (excl. Sawmills, Manuf. Home, Furniture)	321	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	P
Wood Products Manuf. - Manufactured Homes	321991	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Wood Products Manuf. - Sawmills	321113	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Vending Machine Operators	4542	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES USES</b>																	
Air Transportation & Support Facilities <sup>(1)</sup>	481, 4881	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C

## APPENDIX A – DEFINITIONS

MEDICAL WASTE - any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological matter, but does not include any hazardous waste identified or listed pursuant to the most current North Carolina General Statutes, radioactive waste, household waste as defined in Federal Regulations or those substances excluded from the definition of “Solid Waste” in the latest General Statutes. In the event that the definition of “Medical Waste” as defined therein is amended to include additional wastes within the definition of “Medical Waste”, this definition shall be automatically amended to include said additional wastes.

MEDICAL WASTE (DISPOSAL) FACILITY - is a building, structure or use of land devoted, or intended to be devoted, to the storage, treatment or disposal of medical waste and that contains process equipment for the treatment of medical waste.

## **5.11. HAZARDOUS WASTE FACILITIES**

### **5.11.1. PURPOSE AND INTENT.**

The purpose and intent of this Section is to provide supplementary guidance and standards for the issuance of conditional use permits for hazardous waste facilities. State law restricts the extent to which local zoning may regulate hazardous waste facilities, the General Assembly recognizes that the reasonable concerns of local governments may be considered. NCGS §§ 130B-3, 130B-4.

### **5.11.2. ZONING DISTRICTS.**

To the extent not preempted by NCGS § 130A-293, hazardous waste facilities shall be permitted only in the zoning districts indicated in Table 4.6-1 (See Article 4).

### **5.11.3. CRITERIA.**

Consistent with NCGS § 130B-20, no zoning compliance permit shall be approved until a conditional use permit application has been filed. Prior to the filing of any application for a zoning compliance permit, the site designation review committee established pursuant to NCGS § 130B-9 and 4 NCAC § 18.0305 shall examine the criteria for issuance of a conditional use permit and shall submit its recommendation to the North Carolina Hazardous Waste Management Commission. No conditional use permit or zoning compliance permit shall be issued unless the applicant complies in all respects to the above-referenced regulations.



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2019-03**

**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, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts and Appendix A, Definitions** of the Unified Development Ordinance (UDO) to allow Medical Waste Facilities in the I-1 (Light Industrial) Zoning District as a Conditional Use Permit (CUP) with specific standards, and add a definition for “Medical Waste” and “Medical Waste (Disposal) Facility”; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on June 5, 2019 for consideration of text amendment Case# TA-2019-03 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-2019-03 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan Outcome 5.5, Flexible Industrial Space*, because it allows for flexibility in the location of uses within the industrial sector, 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 5<sup>th</sup> Day of June 2019;**

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Scott Trott, Chairman  
Planning and Zoning Commission

Attest:

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Pam Scaggs, Recording Secretary  
Planning and Zoning Commission