

KANNAPOLIS

DEVELOPMENT ORDINANCE

R E W R I T E

UDO ASSESSMENT



PUBLIC REVIEW DRAFT

This page intentionally left blank.

Contents

INTRODUCTION	I-1
Purpose of the Rewrite	I-1
Overview of the Assessment	I-2
Assessment Organization	I-3

DIAGNOSIS	II-1
Theme 1: Make the Regulations More User-Friendly	II-1
Make the Structure more logical and intuitive	II-1
Improve Use of Graphics and Tables	II-2
Improve Page Layout and Internal Reference system	II-4
Ensure standards and criteria are clear	II-5
Modernize, Update, and Refine Definitions	II-6
Streamline Review Procedures	II-7
Theme 2: Implement Move Kannapolis Forward 2030 Comprehensive Plan	II-18
Support Walkable, Mixed-Use Activity Centers in Appropriate Locations	II-19
Support Revitalization of Corridors	II-20
Support a Well-Connected and Walkable Downtown	II-21
Protect the Character of Established Neighborhoods	II-22
Ensure new neighborhoods are connected, are proximate to supporting uses, and include a variety of housing options	II-22
Support infill and redevelopment	II-24
Incentivize Green Building Practices	II-25
Theme 3: Update and Modernize the Regulations	II-26
Modernize and Align Zoning Districts with Move Kannapolis Forward	II-26
Modernize the Format for Updated Districts	II-38
Update Uses and Use Regulations	II-40
Modernize and Update Development Standards to Implement Move Kannapolis Forward	II-42

ANNOTATED OUTLINE	III-1
Article 1: General Provisions	III-1
Section 1.1. Title	III-1
Section 1.2. Authority	III-1
Section 1.3. General Purpose and Intent	III-1
Section 1.4. Applicability	III-1
Section 1.5. Comprehensive Plan	III-1
Section 1.6. Relationship with Other Laws, Covenants, or Deeds	III-2
Section 1.7. Zoning Map	III-2
Section 1.8. Transitional Provisions	III-2
Section 1.9. Vested Rights	III-3
Section 1.10. Severability	III-3
Section 1.11 Effective Date	III-3

Article 2: Administration	III-4
Section 2.1. Advisory and Decision-Making Bodies and Persons	III-4
Section 2.2. Standard Application Requirements and Procedures	III-7
Section 2.3. Application-Specific Review Procedures and Decision Standards	III-9
Article 3: Zoning Districts	III-12
Section 3.1. General Provisions	III-12
Section 3.2. Agricultural District	III-15
Section 3.3. Residential Districts	III-15
Section 3.4. Mixed-Use, Commercial, and Industrial Districts	III-15
Section 3.5. Planned Development Districts	III-16
Section 3.6. Overlay Districts	III-16
Article 4: Use Regulations	III-17
Section 4.2. Principal Uses	III-17
Section 4.3. Accessory Uses And Structures	III-19
Section 4.4. Temporary Uses And Structures	III-19
Article 5: Development Standards	III-21
Section 5.1. Mobility, Circulation, and Connectivity Standards	III-21
Section 5.2. Off-street Parking, Bicycle Parking, and Loading Standards	III-21
Section 5.3. Landscaping and Buffer Standards	III-21
Section 5.4. Open Space Set-Aside Standards	III-22
Section 5.5. Fence and Wall Standards	III-22
Section 5.6. Exterior Lighting Standards	III-22
Section 5.7. Development Form and Design Standards	III-22
Section 5.8. Neighborhood Compatibility Standards	III-22
Section 5.9. Sign Standards	III-22
Section 5.10. Street Design Standards	III-22
Section 5.11. Stormwater Management Standards	III-22
Section 5.12. Green Building Standards and Incentives	III-22
Article 6: Subdivision Standards	III-23
Section 6.1. General Provisions	III-23
Section 6.2. General Standards for Subdivisions	III-23
Section 6.3. Lot Design Standards	III-23
Section 6.4. Cluster Subdivision Standards	III-23
Section 6.5. Guarantees, Bonds, and Sureties	III-23
Article 7: Nonconformities	III-24
Section 7.1. General Applicability	III-24
Section 7.2. Nonconforming Uses	III-24
Section 7.3. Nonconforming Structures	III-25
Section 7.4. Nonconforming Lots of Record	III-25
Section 7.5. Nonconforming Signs	III-25
Section 7.6. Nonconforming Manufactured Home Parks	III-25
Section 7.7. Nonconforming Site Features	III-25
Section 7.8. Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose	III-26
Article 8: Enforcement	III-27
Section 8.1. Purpose	III-27
Section 8.2. Compliance Required	III-27

Section 8.3. Violations	III-27
Section 8.4. Responsible Persons	III-27
Section 8.5. Enforcement Generally	III-27
Section 8.6. Remedies and Penalties	III-27
Article 9: Rules For Construction, Interpretation, And Measurement.	III-28
Section 9.1. Rules of Construction.	III-28
Section 9.2. General Rules for Interpretation	III-28
Section 9.3. Rules of Measurement	III-28
Section 9.4. Use Classifications and Use Categories	III-29
Article 10: Definitions.	III-30

An aerial photograph of a city street intersection. In the foreground, a large, dark grey diagonal shape covers the bottom-left portion of the image. The text 'NOT FOR CONSTRUCTION' is written in large, white, sans-serif capital letters, oriented vertically and rotated 90 degrees clockwise, across the center of the image. In the background, a brick building with a prominent white steeple is visible. The street has traffic lights and a few cars. The sky is blue with some light clouds.

NOT FOR CONSTRUCTION

The City of Kannapolis is rewriting its Unified Development Ordinance (UDO). The current ordinance is outdated and needs to be comprehensively rewritten to better implement the city's recently adopted comprehensive plan, Move Kannapolis Forward. In addition, the project will focus on making the rewritten ordinance internally consistent, modernized, aligned with contemporary zoning and subdivision best practices, and more user-friendly.

INTRODUCTION

PURPOSE OF THE REWRITE

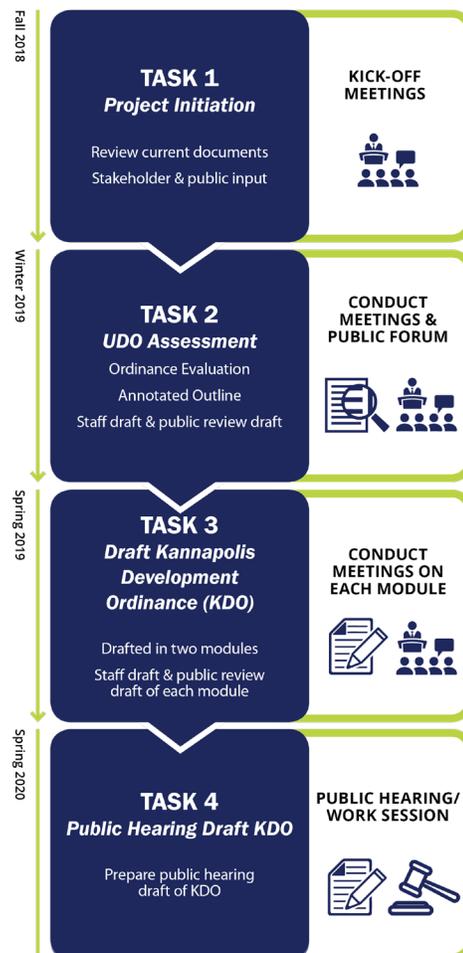
The City of Kannapolis is rewriting its Unified Development Ordinance (UDO). The effort will result in a modern, user-friendly set of regulations called the Kannapolis Development Ordinance (KDO). The rewrite is timely for two reasons:

- **The UDO is outdated.** The current UDO is almost 20 years old. Amendments over the years have added to its complexity. In some instances, cumulative changes have resulted in internal inconsistencies, or created obstacles to desired forms of development. In other cases, the provisions do not reflect current best practices for development regulations. At the same time, conditions in the city have changed substantially. Kannapolis has continued to grow, both in land and population, and has seen significant changes in its physical development. Given the city's location in the fast-growing Charlotte metropolitan area and the city's ambitious planning and development initiatives, the mismatch between the current regulations and the city's needs for regulating growth can only be expected to increase.
- **The city recently adopted the Move Kannapolis Forward 2030 Comprehensive Plan.** The plan, which was adopted on March 26, 2018, articulates the community's vision for a vibrant and connected, fiscally and economically balanced, and healthy and active city. Anticipating a more rapid pace of growth in the coming years, the plan establishes new policy direction for future growth patterns. There is a mismatch between that policy direction and the current UDO.

Comprehensively rewriting the UDO is a significant undertaking. To assist with the rewrite, the city has retained Clarion Associates, a nationally-recognized planning firm. The firm is working closely with the City of Kannapolis Planning Department, along with

other leaders and stakeholders in the public and private sectors. To ensure the project proceeds in an efficient, organized manner, the work is organized into four tasks, which are outlined below. It is expected to take a year and a half to complete.

The city encourages all members of the public to participate in the project and provide input. To assist in the effort, a project website, <http://www.kannapolisnc.gov/Government-Departments/Planning/KDO-Rewrite>, has been established. It includes general information about the project and a place where all work products will be placed for public review.

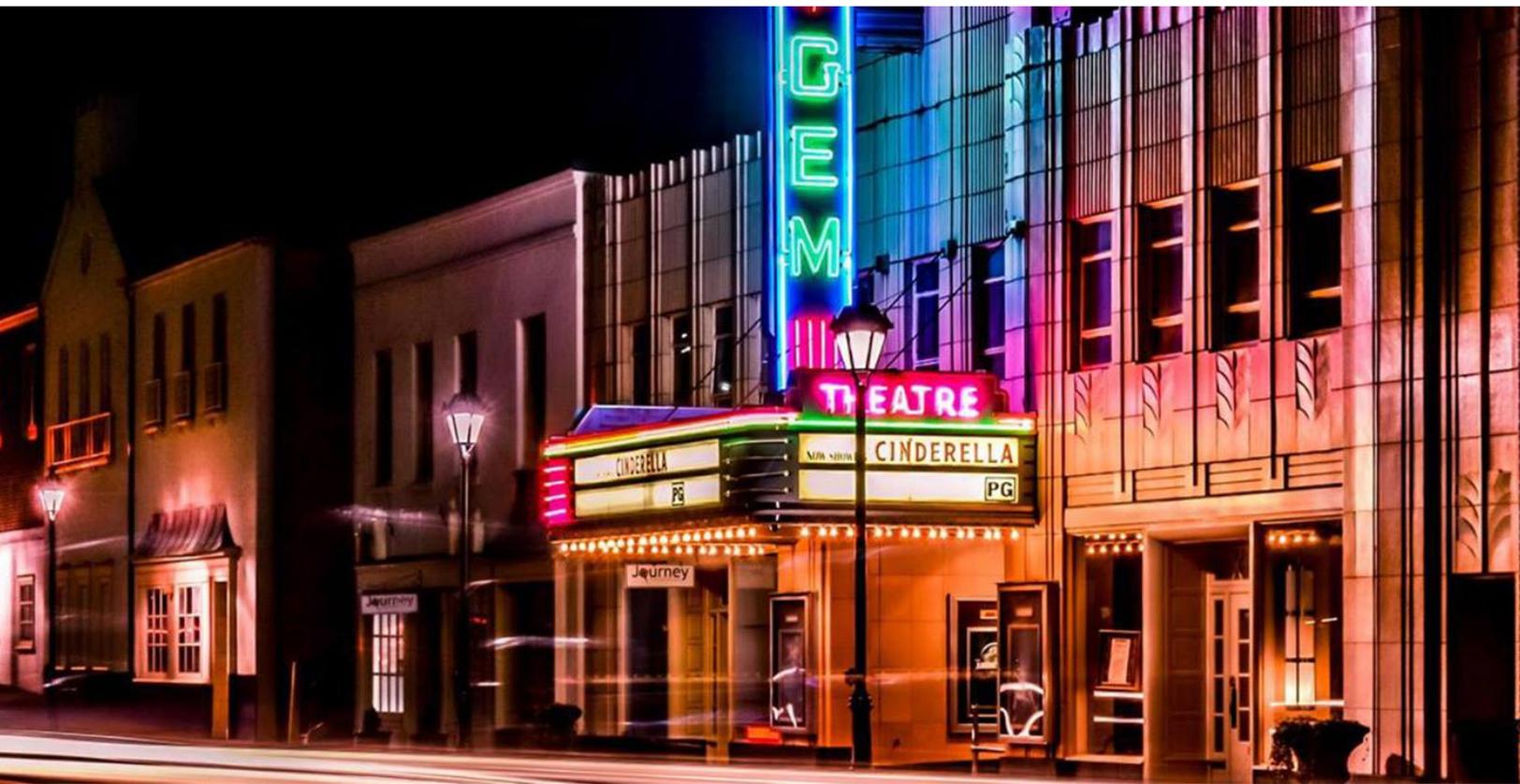


OVERVIEW OF THE ASSESSMENT

This Assessment is intended to be a starting point for discussions that need to take place about changes to the UDO. The Assessment:

- Synthesizes key goals identified by the Move Kannapolis Forward 2030 Comprehensive Plan, and by stakeholders during project kickoff meetings;
- Evaluates how well the current UDO performs in relation to those goals; and
- Suggests changes to the rewritten regulations if those goals are to be achieved.

The Assessment should not be read as a criticism of the current regulations, which have served the city well in many instances. Instead, it should be read as a report that, after evaluation of current policies and regulations, offers tools to help Kannapolis realize its vision and goals moving forward.



ASSESSMENT ORGANIZATION

- 1. INTRODUCTION**
- 2. DIAGNOSIS**
 - THEME 1: MAKE THE REGULATIONS MORE USER-FRIENDLY**
 - THEME 2: IMPLEMENT MOVE KANNAPOLIS FORWARD**
 - THEME 3: UPDATE AND MODERNIZE THE REGULATIONS**
- 3. ANNOTATED OUTLINE OF THE REWRITTEN KANNAPOLIS DEVELOPMENT ORDINANCE**

The Assessment is organized into three sections as shown above. Chapter 1 is this Introduction. Chapter 2 is a Diagnosis, which discusses the key goals for the rewrite effort, along with recommendations for how the key goals can be achieved. Chapter 3 includes an Annotated Outline for how the rewritten Kannapolis Development Ordinance (KDO) would be restructured if the key themes identified in the Diagnosis are implemented as recommended.

The new KDO will help facilitate high quality development and support the community's vision for livable neighborhoods, a vibrant downtown and commercial corridors, and economic development generally. This Assessment, and in particular the Annotated Outline, will serve as the road map for the drafting of the rewritten regulations. With input from city staff, business and property owners, the Planning and Zoning Commission, and direction from the City Council, the Assessment helps craft the framework for the new KDO.

Residents, business and property owners, elected and appointed officials, citizens, and all other stakeholders in the community are invited to read this Assessment and note the areas you agree with—as well as the areas that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of collaborating in order to achieve the community's desired goals for future growth and development.

2

DIAGNOSIS



The Diagnosis includes three themes for updating the current Unified Development Ordinance (UDO) to establish the new Kannapolis Development Ordinance (KDO). Those themes are:

- Theme 1** **Make the Regulations More User-Friendly**
- Theme 2** **Implement Move Kannapolis Forward**
- Theme 3** **Update and Modernize the Regulations**

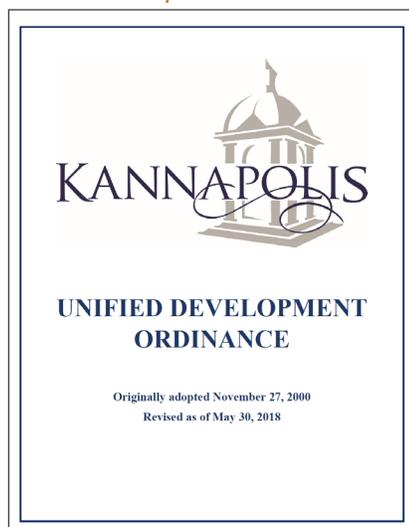
DIAGNOSIS

THEME 1: MAKE THE REGULATIONS MORE USER-FRIENDLY

Several concerns about the current UDO were raised during kickoff meetings, including that it is cumbersome, circular, or repetitive in some places, and vague or silent in other areas; has provisions that contradict each other; and is not organized in a way that makes it easy to find specific provisions. Our independent review of the UDO suggests that these concerns are valid. Specifically, the UDO:

- Is not as intuitive and logically-organized as it could be;
- Does not effectively integrate graphics and illustrations in order to communicate zoning concepts;
- Contains formatting that is difficult to navigate in some places;
- Includes some review standards that are imprecise or difficult to measure;
- Lacks definitions for some terms;
- Uses unnecessary legalese in places; and
- In many cases is not tailored to the needs of the Kannapolis community.

Current Kannapolis UDO



For these reasons, an important project goal should be to make the rewritten KDO more understandable and user-friendly for city staff, applicants, public officials, citizens, and readers generally. User-friendly regulations are easy to navigate, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. They use plain and precise language and graphics to illustrate complex zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different parts of the regulations. We suggest the current regulations can be made more user-friendly by:

- Reorganizing the structure of the KDO to make it more logical and intuitive;
- Incorporating new or revised graphics and tables to explain zoning concepts;
- Improving the page layout and internal reference system;
- Ensuring standards and criteria are clear;
- Modernizing, refining, and updating definitions; and
- Streamlining the review procedures, where appropriate.

Each recommendation is discussed below.

MAKE THE STRUCTURE MORE LOGICAL AND INTUITIVE

Years of amendments have added to the complexity and difficulty of using the current UDO, making its organization less logical and intuitive. For example, regulations for the various zoning districts are generally located in **Article 4: Zoning Districts and Dimensional Regulations**. However, the regulations for the two thoroughfare protection overlay districts are located in **Article 15: Corridor and Thoroughfare Protection Overlay Districts**, and supplemental regulations for the CC, CD, and I-1 districts are located in **Article 11: Site Design Standards**. In other

instances as well, provisions pertaining to similar topics are disjointed and require looking in multiple sections to find information to answer the same question.

Typically, modern ordinances address these problems by organizing the regulations in a hierarchy based on procedural and substantive relationships. This organization, which is recommended for the rewritten KDO, and is shown below, is set out in more detail in Section 3: Annotated Outline on page III-1.

Under the reorganized KDO structure, all procedures are proposed to be consolidated into one article (**Article 2: Administration**), and the provisions common to all procedures included in a standard procedures section. The zoning districts (**Article 3: Zoning Districts**) and use regulations (**Article 4: Use Regulations**) are consolidated into two integrated articles. Development standards are consolidated and their applicability to different types of development is organized in **Article 5:**

Development Standards. Subdivision standards are updated and carried forward in **Article 6: Subdivisions.** Nonconformity provisions are consolidated in an article on nonconformities (**Article 7: Nonconformities**). Enforcement provisions are consolidated into one article (**Article 8: Enforcement**). Rules for construction, interpretation, and measurement are consolidated into one article (**Article 9: Rules for Construction, Interpretation, and Measurement**) Finally, all definitions are consolidated into one article and located at the back of the regulations (**Article 10: Definitions**) since they typically serve as a reference tool rather than as a primary source of regulatory information.

IMPROVE USE OF GRAPHICS AND TABLES

One way to make regulations user-friendly is through the use of graphics, illustrations, photographs, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Tables, flowcharts, illustrations, graphics, and diagrams are also helpful in zoning regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text.

The current UDO includes a limited number of graphics. There are flowcharts for each of the procedures; however, they are not visually interesting and do not convey as much information as they could (see discussion below). There are also graphics within **Article 7: Landscaping and Buffering Standards**, **Article 8: Off-Street Parking and Private Driveway Standards**, and **Article 10: Street Improvement Standards**. The remaining regulations rely on text, and in some cases tables, to convey information. Overall, the UDO’s reliance on text misses an opportunity to visually communicate the desired intention behind the language.

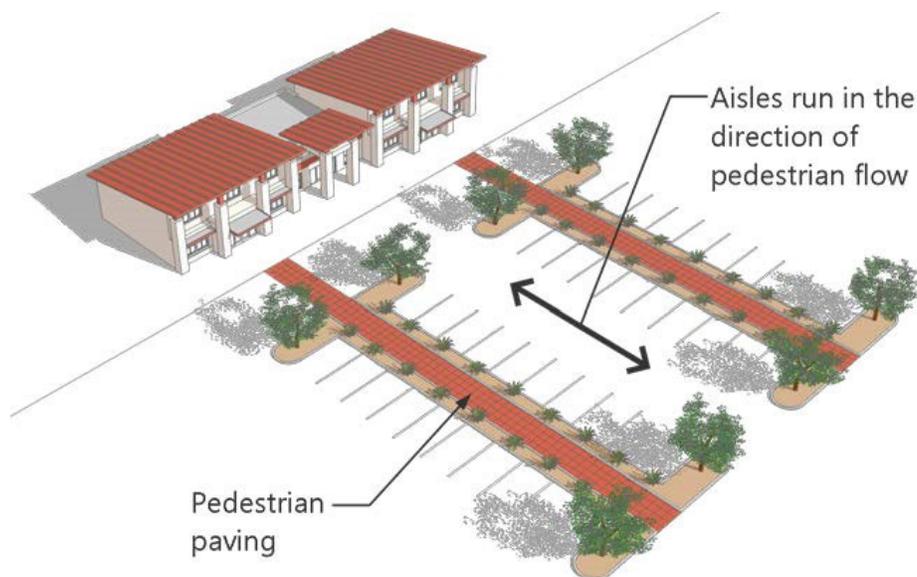
PROPOSED KDO STRUCTURE	
ARTICLE 1	GENERAL PROVISIONS
ARTICLE 2	ADMINISTRATION
ARTICLE 3	ZONING DISTRICTS
ARTICLE 4	USE REGULATIONS
ARTICLE 5	DEVELOPMENT STANDARDS
ARTICLE 6	SUBDIVISIONS
ARTICLE 7	NONCONFORMITIES
ARTICLE 8	ENFORCEMENT
ARTICLE 9	DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

Updating existing graphics and increasing the number and type of graphics throughout the regulations to better illustrate procedures, development standards, and other zoning concepts (such as building scales and parking lot landscaping) would make the regulations more user-friendly (see example of parking graphics from another community below). Use of photographs demonstrating both preferred and discouraged development forms and patterns would also convey the intent of the regulations and make the regulations more user-friendly.

We recommend refreshing the flowcharts and adding summary tables in order to convey information succinctly and eliminate repetition or inconsistent terminology. The existing flowcharts can be modernized to incorporate colors and, in some cases, additional text, to graphically portray the process

required for review of each type of development application—from the time of application submission to the final decision on the application (see example flowchart from another community below).

The current regulations use multiple tables; however they could generally be improved through better labeling and consistent styles. Adding and modifying tables for development review responsibilities (see Include Summary Table of Review Procedures on page II-9), use permissions, and development standards for landscaping, minimum off-street parking, and exterior lighting, among others, will make the document easier to understand and use. We suggest the rewritten KDO use tables where appropriate, consolidating as much information as practical. Consistent formatting of the tables will enhance the readability of the document.



Example graphic from another community.

IMPROVE PAGE LAYOUT AND INTERNAL REFERENCE SYSTEM

The current UDO has an orderly, relatively consistent page layout. It uses bold fonts, capitalization, font size, and indentation to show the organization and hierarchy of the document. It also includes the current article and page number in the page headers and footers, and includes a table of contents for each article. Cross references are generally provided in appropriate locations, although some cross references have the wrong section number. While these features contribute to the user-friendliness of the current document, we recommend several changes to make navigating and finding relevant provisions easier in the rewritten KDO.

We suggest the rewritten KDO could better use white space and paragraph alignment to improve readability and make the document less intimidating to the reader. The regulations could also make use of clearer section headings, ensuring that the heading content is accurate and succinct. To improve

readability, modern regulations use distinctive heading font styles and colors to more clearly distinguish various sections, subsections, paragraphs, and sub-paragraphs (see example page layout from another community’s code on the following page).

When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret.

In addition to page layout, modern ordinances include a number of internal referencing features to help provide consistent orientation to readers, including:

- A detailed table of contents (that is hyper-linked in the electronic format);
- A more comprehensive use of cross-references, correcting errors and making use of hyper-links in the electronic format, to make it easier to find and navigate to relevant provisions;
- Detailed headers and footers which highlight the section number and topic on each page, allowing



Example flowchart from another community

a reader to better comprehend the current location in the regulations and navigate to desired locations;

As illustrated in the example page layout below, we suggest all of these techniques be used in the rewritten KDO to enhance user-friendliness.

Finally, we recommend the regulations carry forward the existing hierarchy of articles and sections with a simpler numbering system throughout the Ordinance. We recommend labeling sections more specifically (for example, "Section 4.1" instead of "4.1") and using letters in addition to numbers in section headers to make them more readable (for example

"Section 4.1.2.(A)" instead of "Section 4.1.2.1"). This hierarchy is shown in **Chapter 3: Annotated Outline** of the rewritten Kannapolis Development Ordinance.

ENSURE STANDARDS AND CRITERIA ARE CLEAR

When development standards and criteria for approving development applications are unclear, it invites different interpretations and creates uncertainty for development applicants as well as review boards, the public, and staff. There are many places in the current UDO where vague or imprecise language is used in standards or approval criteria.

Dynamic Header

Prominent Titles

Nested Text

Balance Between Text and White Space

Illustrations with Captions

Adoption Date & Page Numbers

District-Specific Development Standards
 Town Center Residential District
 Subsection 5.3. Site Layout and Building Organization

5.3 Site Layout and Building Organization

A. INTENT

- (i) To ensure the layout and organization of infill development is compatible with the varied pattern of established residential development in the Town Center Residential District; and
- (ii) To facilitate a range of housing options within walking distance of the Main Street District.

B. CONTEXTUAL FRONT YARD SETBACKS

- (i) Town Center Residential development shall comply with standards for Contextual Front Yard Setbacks as contained in Section 3 of this Article. (Figure 18)
- (ii) Where an established pattern of setbacks has not been established along the block by three or more homes, front yard setbacks shall be a minimum of:
 - (1) 10 feet for detached single-family; and
 - (2) 15 feet for townhomes and multi-family.

Figure 18

SITE LAYOUT AND BUILDING ORIENTATION: TOWN CENTER RESIDENTIAL DISTRICT

1 Contextual front yard setback not applicable where less than three existing homes exist on a block
 2 Minimum front yard setback applies
 3 Existing homes oriented towards street
 4 Orientation of infill development is consistent with existing development
 5 Multi-family buildings with multiple street frontages provide entrances along each street frontage.

Morrisville Town Center Code—Final Draft: December 2009 PZB Recommendation Version 49

Example page layout from another community

For example, the design standards for the Campus Development District prohibit the use of "unusual shapes, colors or other characteristics that would cause a building to create aesthetically unpleasant visual disharmony with other buildings" in the district.

Although some regulations do not lend themselves to exact metrics, the use of numerical ranges or more precise standards and elimination of general or aspirational language can ensure the regulations are consistently interpreted and reduce uncertainty in the development process. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

During the rewrite, all procedures, standards, and all other language will be reviewed, and where appropriate, modified with clear, precise, and measurable standards.

MODERNIZE, UPDATE, AND REFINER DEFINITIONS

Even though definitions are mostly consolidated in Appendix A of the current UDO, there are definitions scattered throughout the document (see Sec. 4.13, Sec. 5.20, Sec. 5.21, Sec. 5.31, Sec. 5.34, Sec. 12.1, Sec. 13.2, and Sec. 14.1). Meanwhile, some terms that appear in the ordinance are not defined at all. Other terms are poorly defined, unclear, or antiquated and need to be revised or deleted.

In the rewritten KDO, definitions will be consolidated into one article, **Article 10: Definitions**. All definitions will be reviewed and where appropriate, modified, refined, and modernized. In addition, where needed, definitions will be added. The result will be regulations that are easier to understand and more precise.

STREAMLINE REVIEW PROCEDURES

OVERVIEW OF THE CURRENT REVIEW PROCEDURES

The development review procedures in the current UDO do many things well. However, some procedures are scattered in different locations or are too complex, lengthy, or unpredictable, which can result in unnecessary delay in the review process. The current review procedures are summarized in Table 2-1: Current Development Review Procedures, City of Kannapolis.

TABLE 2-1 CURRENT DEVELOPMENT REVIEW PROCEDURES, CITY OF KANNAPOLIS

D: DECISION R: RECOMMENDATION S: STAFF REVIEW A: APPEAL RQ: REQUIRED <_>: PUBLIC HEARING

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DEPARTMENT / PLANNING ADMINISTRATOR	PUBLIC WORKS DIRECTOR
DISCRETIONARY REVIEW								
Zoning Text Amendment	RQ		<D>	<R>			S	
Zoning Map Amendment	RQ	RQ [1]	<A>, <D> [2]	<D> [2]			S	
Conditional Zoning	RQ	RQ [1]	<A>, <D> [2]	<D> [2]			S	
Conditional Use Permit	RQ				<D>		S	
SITE DEVELOPMENT								
Minor Site Plan							D	
Major Site Plan:								
Preliminary [3]	RQ							
Final							D	
SUBDIVISION								
Minor Subdivision:								
Sketch Plat				<A>			D	S
Final Plat							D	S [4]
Major Subdivision:								
Sketch Plat							D	
Preliminary Plat		RQ		D [5]		D [5]		

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DEPARTMENT / PLANNING ADMINISTRATOR	PUBLIC WORKS DIRECTOR
Construction Plans								D
Final Plat							D	
PERMITS								
Zoning Clearance [6]					<A>		D	
Certificate of Compliance					<A>		D	
Temporary Certificate of Compliance					<A>		D	
Grading					<A>		D	
Stormwater Management					<A>			D
Temporary Use					<A>		D	
Home Occupation					<A>		D	
Sign					<A>		D	
Special Flood Hazard Area Development					<A>		D	
Erosion and Sedimentation Control [7]								
RELIEF								
Variance	RQ				<D>			
Subdivision Exception			<A>	<D>				
Appeal from Administrative Decision	RQ				<D>			
OTHER PROCEDURES								
Interpretations					<A>		D	
Vested Right Approval [8]								
Certificate of Nonconformity Adjustment					<D>			

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DEPARTMENT / PLANNING ADMINISTRATOR	PUBLIC WORKS DIRECTOR
--	-------------------------	----------------------	--------------	--------------------------------	---------------------	----------------------------	--	-----------------------

TABLE NOTES

- [1] Required only for an increase in allowed density or intensity.
- [2] Final decision is by the Planning and Zoning Commission by three-quarters majority of voting members. If approved by a smaller majority, if denied, or if the Planning and Zoning Commission's decision is appealed, City County makes the final decision.
- [3] Submitted with application for conditional zoning map amendment, conditional use permit, or PUD, TND, or TOD.
- [4] Where a subdivision includes water and/or sewer utility extensions.
- [5] The Technical Review Committee reviews and makes a decision on all major preliminary subdivision plats, except those that are in a conditional zoning district, which are approved by the Planning and Zoning Commission.
- [6] To construct a structure, use land, or change the use of a structure or land, a zoning clearance permit must be obtained from the Planning Department and a building permit may be required from the Cabarrus or Rowan County Building Inspections Department.
- [7] The Erosion and Sedimentation Control permit references Article 9 of the current UDO. Sec. 9.5, Sedimentation and Erosion Control is reserved for future inclusion of the local sedimentation and erosion control administration and enforcements. Until such time, the NC Department of Environmental Quality (DEQ) shall have jurisdiction in Kannapolis.
- [8] Reviewed simultaneously with the corresponding development application.

Table 2-1 and our independent review of the procedures indicate that the current regulations:

- Lack a summary table of development review procedures;
- Lack a comprehensive, well-organized set of standard review procedures; and
- Are in need of updating and streamlining.

We suggest the following changes in the procedures for the rewritten KDO to address these concerns:

- Consolidate all procedures into one article;
- Include a summary table of review procedures;
- Use a procedures manual;
- Update the standard procedures;
- Update the planned development provisions;
- Revise the site plan procedure;
- Refine the conditional zoning procedure;
- Eliminate duplicative sketch plan requirements;

- Include an administrative adjustment procedure; and
- Include a tree removal permit procedure.

Each recommendation is discussed below.

INCLUDE SUMMARY TABLE OF REVIEW PROCEDURES

Development review responsibilities and procedures are located in multiple locations in the current UDO. One way to make the regulations more user-friendly is to include a summary table that identifies what reviewing bodies are responsible for reviewing, making recommendations on, and making a decision on each type of development approval or permit. Table 2-2: Proposed Development Review Procedures, shows what such a table would look like in the new KDO. It allows the reader to quickly obtain information on major steps in the procedure for reviewing each type of application.

TABLE 2-2 PROPOSED DEVELOPMENT REVIEW PROCEDURES, CITY OF KANNAPOLIS

D: DECISION R: RECOMMENDATION S: STAFF REVIEW A: APPEAL RQ: REQUIRED <_>: PUBLIC HEARING

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	PUBLIC WORKS DIRECTOR
DISCRETIONARY REVIEW								
Zoning Text Amendment	RQ		<D>	<R>			S	
Zoning Map Amendment	RQ	RQ [1]	<A>, <D> [2]	<D> [2]			S	
Conditional Zoning	RQ	RQ	<A>, <D> [2]	<D> [2]			S	
Planned Development (PD)	RQ	RQ	<D>	<R>			S	
Conditional Use Permit	RQ				<D>		S	
SITE PLAN AND SUBDIVISION								
Site Plan	RQ [3]						D	
Minor Subdivision:								
Sketch Plat							D	S
Final Plat							D	S [4]
Major Subdivision:								
Preliminary Plat	RQ	RQ		D [5]		D [5]		
Construction Plans								D
Final Plat							D	
PERMITS								
Zoning Clearance [6]					<A>		D	
Certificate of Compliance					<A>		D	
Temporary Certificate of Compliance					<A>		D	
Grading					<A>		D	
Stormwater Management					<A>			D
Tree Removal Permit (NEW)					<A>		D	
Temporary Use					<A>		D	

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	PUBLIC WORKS DIRECTOR
Home Occupation					<A>		D	
Sign					<A>		D	
Special Flood Hazard Area Development					<A>		D	
Erosion and Sedimentation Control [7]								
RELIEF								
Variance					<D>			
Subdivision Exception			<A>	<D>				
Administrative Adjustment (NEW)					<A>		D	
Appeal from Administrative Decision					<A>			
OTHER PROCEDURES								
Interpretation					<A>		D	
Vested Rights Certificate [8]								
Certificate of Nonconformity Adjustment					<D>			
TABLE NOTES [1] Required only if lands are proposed to be zoned to a district that allows greater intensity or density of development. [2] Final decision is by the Planning and Zoning Commission by three-quarters majority of voting members. If approved by a smaller majority, if denied, or if the Planning and Zoning Commission's decision is appealed, City County makes the final decision. [3] Required for commercial development exceeding certain thresholds (e.g., square feet of gross floor area). [4] Where a subdivision includes water and/or sewer utility extensions [5] The Technical Review Committee reviews and makes a decision on all major preliminary subdivision plats, except those that are in a conditional zoning district, which are approved by the Planning and Zoning Commission. [6] To construct a structure, use land, or change the use of a structure or land, a zoning clearance permit must be obtained from the Planning Department and a building permit may be required from the Cabarrus or Rowan County Building Inspections Department. [7] The Erosion and Sedimentation Control permit references Article 9 of the current UDO. Sec. 9.5, Sedimentation and Erosion Control is reserved for future inclusion of the local sedimentation and erosion control administration and enforcements. Until such time, the NC Department of Environmental Quality (DEQ) shall have jurisdiction in Kannapolis. [8] Carries forward the current procedure, with refinements consistent with state law.								

CONSOLIDATE ALL PROCEDURES INTO ONE ARTICLE

Procedural requirements are located in multiple locations in the current UDO. For example, some criteria for the approval of a variance are included in **Article 2: Administrative Agencies**, separate from the procedures for appeals and variances in Sec. 3.7, and no cross reference is provided. As a result, the reader has to find provisions in multiple locations to obtain basic information about variances. We recommend consolidating all procedures for development review, including subdivisions, in one article, **Article 2: Administration**, as shown in Chapter 3 of this Assessment. The article would identify reviewing bodies and their duties, include standard procedures common to all development applications, and identify the purpose, specific procedure, and review standards for each type of development approval or permit.

USE A PROCEDURES MANUAL

The current UDO includes specific details relating to application submittal and review requirements. Many of the detailed application submittal requirements are located in Appendix B: Application Requirements. Other details are included in various locations in the UDO, such as time limits for processing subdivision applications in Sec. 6.1.8, Classification of Applications. These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. To avoid needing to amend the regulations every time the requirements change, and to make the regulations more streamlined and assist in the efficient administration of the regulations, many communities use a procedures manual.

Procedures manuals typically include application content requirements, information about application fees, schedules for application processing (e.g., times for processing applications), and information about nuts and bolts staff review processes. They may also include a summary or explanatory information on how to use the regulations or more effectively

participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

City staff is in the process of finalizing two manuals: The Development Guidebook For Commercial and Residential Land Development, and the Land Development Standards Manual. Application and submittal details should be removed from the UDO and placed in those manuals, and the new KDO should expressly authorize the preparation of the manuals and reference them in appropriate locations. At the same time, the new KDO should continue to include essential procedural requirements and review standards for each type of development approval or permit.

UPDATE THE STANDARD PROCEDURES

The current UDO includes a set of procedures that are common to multiple applications (see Sec. 3.1. General Procedures); however, these procedures are incomplete and somewhat disjointed. They are in need of additional detail and better organization, and could be made more user-friendly by including tables and flowcharts in appropriate locations.

We recommend the rewritten KDO include a complete set of standard procedures that would consolidate all common procedures for development approvals and permits. The updated standard review procedures section would address:

- Pre-application staff conferences and neighborhood meetings;
- Basic application submission requirements;
- Application completeness determination provisions;
- Public notification and public hearing requirements;
- Deferral and withdrawal of applications;
- Procedures for review and approval of applications by staff, the Board of Adjustment, the Planning and Zoning Commission, and the City Council (including the imposition of conditions of

- approval);
- Appeals; and
 - Post-decision actions, notifications, and limitations (including recording requirements, amendments and expiration and lapse of approval).

Several proposed standard procedures that we suggest either need to be revised or added, are highlighted in the following sections.

PRE-APPLICATION CONFERENCE

The current pre-application conference procedure provides information about the items to be discussed at the conference; however, it does not describe the purpose of the conference, set basic ground rules when a pre-application conference is conducted, and explain the effect of the conference (i.e., discussions are not binding on the city and processing times do not start until a formal application is submitted and accepted). We recommend that the procedure be revised to include those components.

NEIGHBORHOOD MEETING PROCEDURES

The current UDO requires neighborhood meetings be conducted prior to (1) rezonings, conditional zonings, and planned unit developments that increase density or intensity, and (2) major subdivision preliminary plats (see Table 2-1). Two slightly different sets of requirements and procedures for neighborhood meetings are included in the UDO.

Neighborhood meetings provide a process for a development applicant to meet with neighbors and landowners surrounding a proposed development to resolve potential conflicts. At the neighborhood meeting, the applicant meets with and educates neighbors about a proposed project and hears neighbors' concerns. This provides a forum for applicants and neighbors to resolve conflicts and concerns about projects in a more informal setting, before an application is submitted. We recommend the city continue this practice.

In the updated KDO, the provision would consolidate and build on the current requirements and procedures to establish a more a detailed set of

procedures for how the neighborhood meeting is conducted and documented. The procedures would include the following requirements:

- The meeting must be conducted before the application is submitted;
- The applicant is responsible for conducting the meeting and notifying affected land owners and organizations at least ten days in advance of the meeting (the procedure will indicate how to obtain mailing information from staff);
- Meeting(s) must be held in close proximity to the project site and at a time when neighbors can reasonably attend (usually after 6:00 pm on a weekday);
- The applicant is responsible for explaining the development proposal and providing attendees an opportunity to ask questions and voice any concerns;
- The applicant must provide a written summary of the neighborhood meeting (which is currently required in one of the current neighborhood meeting procedures), that becomes part of the application; and
- Any person attending the meeting is allowed to respond in writing to the summary, which also becomes part of the application record.

APPLICATION COMPLETENESS DETERMINATION

Modern development codes typically include a formal procedure for ensuring that applications are not processed unless they include all required application materials and fees. This helps the application review process proceed efficiently.

The current UDO references an application completeness review in prefatory language in **Article 3: Zoning and Permitting Procedures**, in the site plan procedures, and in several of the procedural flowcharts. Additionally, a completeness determination procedure is included in Sec. 6.4.2 for major subdivisions. However, the regulations do not set forth a generally-applicable procedure for

completeness determination. We recommend this become an express part of the review procedures that applies to all development applications.

The rewritten KDO should include a subsection in the standard procedures authorizing the Planning Director to review submitted applications to determine whether they are “complete” within a specified time frame. The provision would apply to all development applications and state that application processing does not begin until after a formal determination that the application is “complete.” Completeness means all relevant and appropriate application submittal requirements are received and the appropriate fees are paid.

The provision would provide the Planning Director a specific number of working days to review and make a “completeness” determination (e.g., five business days). After this initial application determination period, the Planning Director notifies the applicant as to whether the application is “complete” or not, and only if the application is “complete” does processing of the application begin.

If an application is determined “incomplete,” the Planning Director provides written notice of the deficiencies. The applicant is then given a specific amount of time within which to resubmit a revised application. If it is not submitted within that time frame, the application is considered withdrawn.

The clock does not start running for staff review of an application until the application is determined “complete.” Once accepted as “complete,” there is an expectation that the review will progress at a reasonable pace.

CONSOLIDATE PUBLIC NOTICE REQUIREMENTS

The current UDO includes consolidated public notification provisions in Sec. 3.1.5 for both quasi-judicial and legislative public hearings. The provisions are referenced in the procedures for legislative hearings.

We suggest all public notice requirements be carried forward and consolidated in a table so

that it is easier to determine what specific notice requirements apply to specific applications. During the drafting of consolidated public notice requirements, the required days of advance notice and when public documents will be available should be made consistent, if possible. An example of how this was done in another community’s code—and how it is suggested to be done in the rewritten KDO—is shown on the opposite page.

INCLUDE PROCEDURE FOR TRAFFIC IMPACT STUDY (TIS)

As discussed in *Modify Adequate Public Facility Standards* on page II-55, a transportation impact study requirement is proposed to replace the current road/street adequate public facility standards. The procedure for conducting and submitting a TIS would be included as a standard procedure, which would be referenced by the site plan and subdivision procedures.

RECOMMENDATIONS FOR SPECIFIC APPLICATIONS

Efficient development review procedures make an ordinance more predictable and user-friendly. Our review of the procedures in the current UDO suggests that there are opportunities to modernize and streamline certain procedures. The proposed review procedures are summarized in Table 2-2: *Proposed Development Review Procedures*, above. Specific recommendations are outlined below.

UPDATE PLANNED DEVELOPMENT PROVISIONS

The intent of planned developments is to offer an applicant flexibility from zoning district regulations and development standards in return for greater development quality, and in some instances to ensure planned development is consistent with preferred development types.

The requirements for Planned Unit Development (PUD) are located in Sec. 4.9 of the current UDO. PUDs are currently processed and approved using the conditional zoning procedure. The PUD provisions require that allowed land use categories be shown on a site plan, and that minimum

TABLE 17-2.4(F): SUMMARY OF REQUIRED PUBLIC NOTIFICATION

Excerpt from a public notification table from another community

APPLICATION TYPE	REQUIRED NOTICE		
	MAILED	PUBLISHED	POSTED
Text Amendment	Mailed at least 30 days before hearing date to entities requesting notification in accordance with subsection f below [1]	Published at least 30 days before hearing date	None
Zoning Map Amendment Planned Development Historic Districts and Landmarks Designation Design Districts Designation	Mailed at least 30 days before hearing date to all owners of land contiguous to the property, to neighborhood associations, and to entities requesting notification in accordance with subsection f below [1]	Published at least 30 days before hearing date	Posted at least 30 days before hearing date
Special Exception Permit Variance – Zoning Variance – Land Development	None	Published at least 15 days before hearing date	Posted at least 15 days before hearing date
Development Agreement [2]	None	Published at least 15 days before hearing date	None
Certificate of Design Approval – Historic Districts and Landmarks (Major) Certificate of Design Approval – Design District (Major)	None	Published at least 15 days before hearing date	Posted at least 15 days before hearing date

percentages of the total area in a PUD be dedicated to moderate-density and high-density residential development and open space. They also include recommended design elements for all PUDs that address architectural design, access to recreational facilities and open space, bicycle facilities, buffering, and maintenance of common areas. Modifications from the approved PUD that may be made by the Administrator are identified.

While some parts of the current PUD regulations are beneficial (e.g., precisely defining allowed deviations from an approved PUD), the regulations are overly prescriptive in some areas and lack sufficient detail in other areas. Concurrent with the establishment of two new districts for planned development (see Planned Development Districts on page II-36), we recommend the planned development procedures be rewritten and modernized, consistent with zoning best practices. Specifically, we recommend:

- Revising the procedure for establishing a planned development district so that initial establishment by the City Council includes approval of a planned

development plan and agreement. Subsequent site plans and subdivisions would have to substantially conform with the approved plan and agreement. Minor variations from the approved plan and agreement that could be approved administratively would be identified, refining the current list of modifications allowed.

- Establishing minimum requirements for planned development plans and agreements, including details about which development standards in the rewritten KDO may be varied, and which standards may not (for example, many planned developments do not allow variation in open space, environmental protection, and development form standards, which we suggest should be the case in the rewritten KDO). The more prescriptive provisions in the current PUD regulations would not be carried forward generally, but minimum standards would be included in the regulations of each planned development district to ensure proposed planned developments are consistent with the purpose of the district.

REVISE SITE PLAN PROCEDURE

Sec. 3.6 of the current UDO establishes two types of site plan review: minor and major. Minor site plan approval is required for all by-right nonresidential and multifamily development, and for certain use changes that require site plan approval. Major site plan approval is required for applications for PUD, TND, and TOD approval, conditional zoning, and conditional use permits. It is split into two steps: (1) a preliminary site plan which is submitted to the Administrator with an application for PUD, TND, or TOD, conditional zoning, or conditional use permit, and (2) a final site plan which is submitted to the Administrator after approval of the application.

We suggest site plans that are currently considered major site plans be incorporated into other procedures as follows:

- A conceptual site plan would have to be submitted with each conditional use permit application. If the application is approved, the site plan is included in the conditions of approval.
- A conceptual site plan would have to be submitted with a conditional zoning application. If the conditional zoning is approved, the site plan is included in the conditions of approval.
- A planned development plan would have to be submitted with an application for planned development. If the planned development is approved, the plan becomes a part of the zoning regulations for the planned development district.

As a result, the major/minor site plan distinction would be eliminated, and all site plan approval would be by the Planning Director.¹

¹ With the deletion of major site plans, minor site plans would be referred to simply as "site plans." Alternatively, the city could consider continuing to have tiered site plan procedures, with major site plan approval by the TRC required for larger and more complex development proposals (e.g., phased development or development above a certain number of units or floor area) and minor site plan approval using the current minor site plan procedure required for all other development requiring site plan review.

REFINE CONDITIONAL ZONING PROCEDURE

The current conditional zoning procedure includes some antiquated language that seems to relate back to conditional use zoning, which is distinct from the conditional zoning expressly allowed by state statute. We recommend that the language be refined and updated, including the review standards, consistent with the statutory requirements for conditional zoning.

ELIMINATE SKETCH PLAN REQUIREMENT FOR MAJOR SUBDIVISIONS

The current major subdivision procedure requires approval of a sketch plat prior to submission of a preliminary plat. During kick-off meetings, the concern was raised in multiple meetings that requiring sketch plan review is duplicative in cases where a major subdivision is preceded by a conditional zoning, which currently requires approval of a site plan. Many communities do not require sketch plan approval. We recommend that the sketch plan procedure for major subdivisions be eliminated and that a pre-application meeting be required instead.

INCLUDE ADMINISTRATIVE ADJUSTMENT PROCEDURE

As expressed in Move Kannapolis Forward, redevelopment and infill development in certain locations is a priority for the city. To allow a degree of flexibility in the context of redevelopment and infill development, we recommend the city consider including an administrative adjustment procedure as to allow approval of minor modifications to dimensional and development standards, based on specific review criteria.

The administrative adjustment allows such minor modifications (or adjustments) from dimensional standards (like setbacks, lot area, or height—for example adjusting a setback by 10 or 15 percent to save a tree) or development standards (like the reduction of one or two parking spaces to save a

tree or provide a sidewalk) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in development that conforms with the general intent of the zoning district where the adjustment is proposed.

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits for greater compatibility, or preserve local development contexts like building façade rhythms. The adjustment would have threshold limits (e.g., the adjustment would not be able to exceed 10 or 15 percent of the standard) as well as specific criteria to ensure the provision is not abused. It would be decided administratively by the Planning Director. Because it takes place outside of the variance process, it would not require the applicant to demonstrate “hardship.”

INCLUDE TREE REMOVAL PERMIT PROCEDURE

As discussed in Modernize Landscaping and Buffer Standards on page II-45, we recommend that the landscaping standards include provisions to protect a subset of existing trees. In communities where protection of existing trees is required, a tree removal permit procedure is sometimes included that governs tree removal on vacant sites outside of the traditional development review process, to ensure protected trees are not removed prior to initiation of development. If such a permit process did not exist, a potential applicant could simply cut protected trees on the site, then submit an application for development (avoiding the tree protection provisions).

We recommend the rewritten KDO include a tree removal permit procedure. It would establish the requirements and exemptions for obtaining a tree removal permit (through administrative review and approval) on vacant unplatted lands when there are activities that result in the removal of trees, but do not trigger traditional development review. The section would also clarify that some uses and types of lands are exempt from the requirements to obtain a tree removal permit. The standards might also place limits on successive clearing, establish mitigation/reforestation standards for sites where trees may not practically be retained or where they are inadvertently damaged, and remedies for willful violations of the requirements to obtain a permit. Remedies might include fines, accelerated planting standards, and a mandatory waiting period for subsequent development applications on a site that is cleared in violation of the regulations.

THEME 2: IMPLEMENT MOVE KANNAPOLIS FORWARD 2030 COMPREHENSIVE PLAN

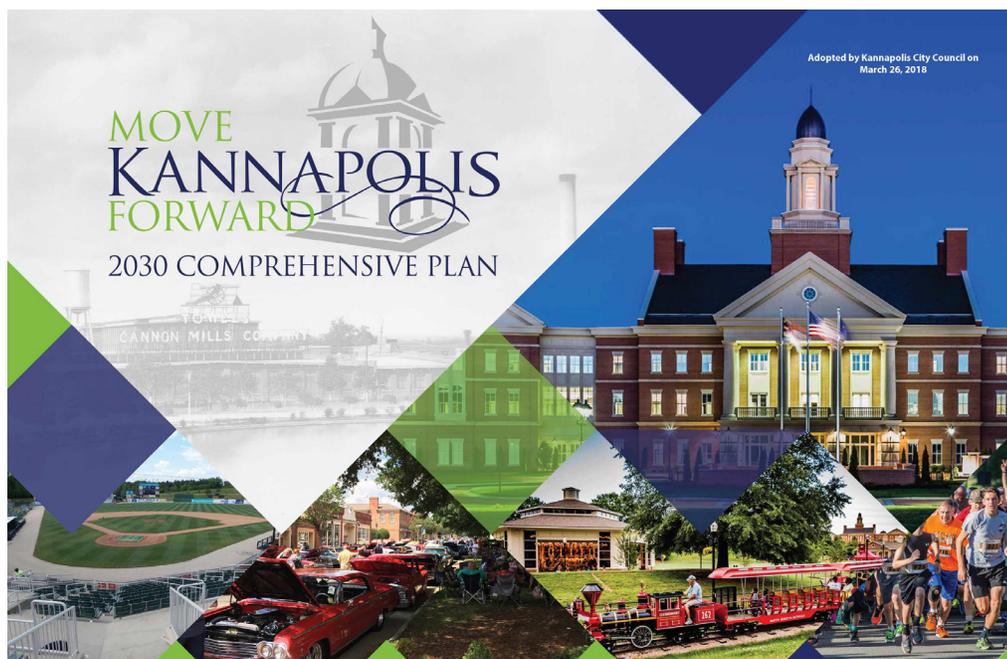
As highlighted in the Introduction, the city has recently embarked upon multiple planning and development initiatives. These initiatives, coupled with rapid growth in the Charlotte metropolitan area, are transforming the city.

One important initiative was an update to the comprehensive plan. An initial report prepared for that project, the Planning Influences Report, identifies key trends influencing development in Kannapolis:

- The city's population will continue to grow, likely attracting 20,000 new residents by 2035.
- The rate of increase in land area within Kannapolis is exceeding the rate of population growth due to annexations and continued outward expansion of mostly low-density residential neighborhoods that have limited connectivity.

- Approximately 70 percent of the city's land area is currently zoned for residential uses.
- A large percentage of the land in the city is either undeveloped (45 percent) or underdeveloped (28 percent), creating significant opportunities for future greenfield development, infill development, and redevelopment.
- Several existing and planned transportation corridors cross the city, representing opportunities for revitalization and compact multimodal development.
- Downtown is experiencing rapid change as a result of public and private investments, and there are opportunities to support walkable places.

The Move Kannapolis Forward 2030 Comprehensive Plan was adopted unanimously by City Council on March 26, 2018. The plan establishes a Vision Framework that articulates the community's broad aspirations for the future, aiming for a vibrant and connected, fiscally and economically balanced, and healthy and active city. The plan lays out a Growth Management Framework, embodied on three maps: the Conceptual Growth Framework Map, the



The Move Kannapolis Forward 2030 Comprehensive Plan was adopted unanimously by City Council on March 26, 2018.

Future Land Use and Character Map, and the Activity Centers and Corridors Map.

The Future Land Use and Character Map provides guidance and policy direction for the KDO rewrite. It identifies the types of land uses and character that are supported by the community’s vision. Each character area description identifies the area’s intent, retrofit opportunities, and general land use categories, as well as the existing characteristics of urban form (in areas where there is existing development) and desired characteristics.

These maps, with their accompanying descriptive text and the plan’s enumerated outcomes and polices provide direction for rewriting the KDO.

The vision, maps, and policies laid out can be summarized in the following general policy directions for the KDO rewrite:

- Support walkable, mixed-use activity centers in appropriate locations;
- Support revitalization of corridors;
- Support a well-connected and walkable downtown;

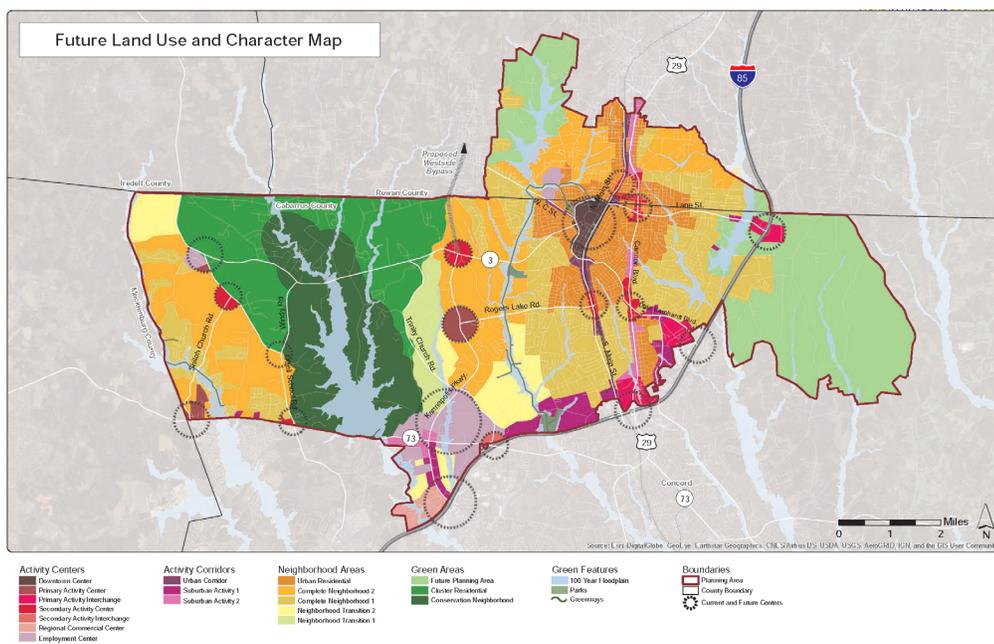
- Protect the character of established neighborhoods;
- Ensure new neighborhoods are connected, are proximate to supporting uses, and include a variety of housing options;
- Support infill and redevelopment; and
- Incentivize green building practices.

SUPPORT WALKABLE, MIXED-USE ACTIVITY CENTERS IN APPROPRIATE LOCATIONS

The comprehensive plan directs that the rewritten KDO should support and encourage higher density, mixed-use, urban centers in several locations, which are designated as Activity Centers.¹ It also identifies the Complete Neighborhood 2 character area as an appropriate location for neighborhood-scale walkable centers.

The set of zoning districts in the current UDO do

¹ These include the Downtown Center, Primary Activity Center, Primary Activity Interchange, Secondary Activity Center, Secondary Activity Interchange, Regional Commercial Center, and Employment Center character areas.



The Future Land Use and Character Map provides direct guidance for all areas of the city, identifying the types of land uses and character that are supported by the community’s vision.

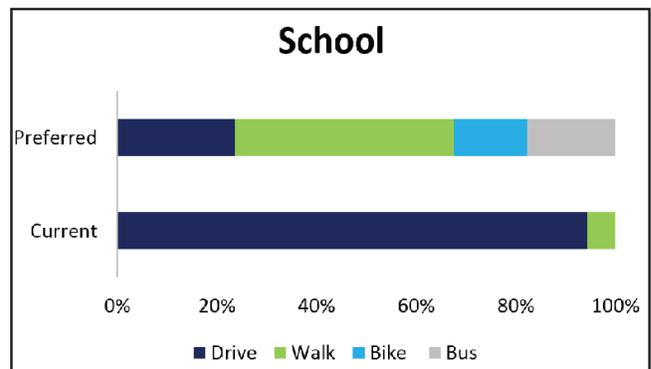
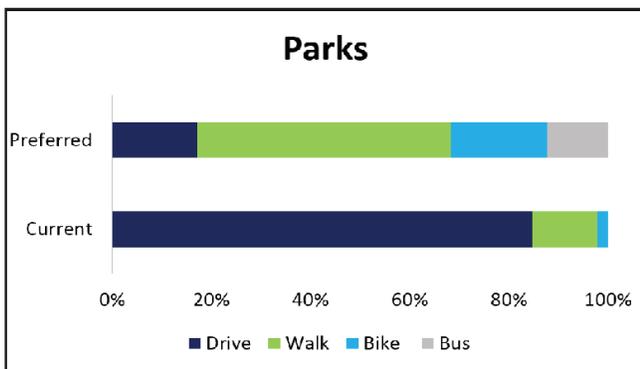
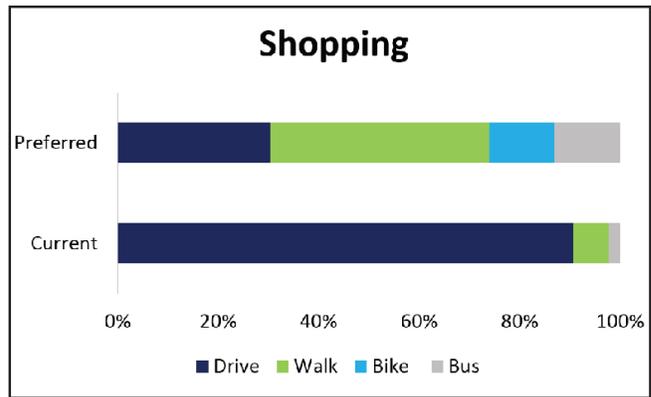
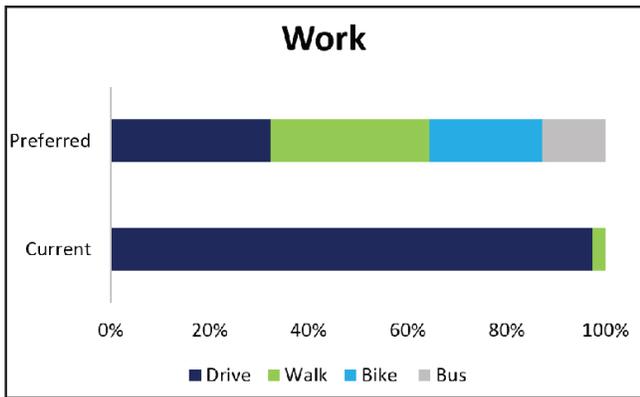
not support the range of walkable, mixed-use activity centers described in the plan. To better align the zoning districts in the new KDO with this policy direction, the Assessment recommends establishing two new zoning districts: the Mixed-Use Neighborhood District and the Mixed-Use Activity Center District (see Proposed Zoning District Structure on page II-31). Additionally, the rewritten KDO should include new and updated development standards for building design, landscaping, signs, and lighting that support higher quality design and pedestrian-scaled development (see Modernize and Update Development Standards to Implement Move Kannapolis Forward on page II-42).

SUPPORT REVITALIZATION OF CORRIDORS

The 2030 Plan calls for revitalization of the city's aging corridors to encourage walkability and a vertically-integrated mix of uses. Two new districts are proposed to accomplish this: the Mixed-Use Suburban Corridor District and the Mixed-Use Central Corridor District (see Proposed Zoning District Structure on page II-31). Allowed uses in these districts would include neighborhood and community serving retail and office uses and multifamily residential uses.

New buildings would be required to be located near the street, with the majority of off-street parking located to the side or rear of the building. Building design, location, and arrangement should support pedestrian-oriented development.

During multiple public engagement efforts held between April and July of 2017, Kannapolis residents responded to the following questions: How do you currently get around in Kannapolis? How would you prefer to be able to get around in the future? The charts below demonstrate the strong disconnect between how residents must get around and how they wish they were able to get around.



Rendering from the Kannapolis Vision Book of West Avenue.



Enhancing the development along the city's corridors will also be supported by the rewritten development standards (see Modernize and Update Development Standards to Implement Move Kannapolis Forward on page II-42). Finally, revitalization is expected to be supported through substantive and procedural refinements that make it easier to accomplish infill and redevelopment (see Support infill and redevelopment on page II-24).

SUPPORT A WELL-CONNECTED AND WALKABLE DOWNTOWN

Development form in the downtown is walkable, pedestrian-oriented, mixed-use, and the most intense in the city. To complement this existing form, the plan directs downtown development should:

- Encourage pedestrian-oriented infill development on vacant lots;
- Encourage active streetscapes, with commercial uses on the first floor and office or residential uses

above;

- Encourage residential development;
- Reduce surface parking;
- Enhance downtown gateways;
- Create a seamless transition between downtown and North Carolina Research Campus (NCRC);
- Retain historic character, where it is present;
- Encourage adaptive reuse of buildings, where practicable; and
- Improve connections and transitions to surrounding neighborhoods.

To support this policy direction, the Assessment recommends the City Center Zoning District be carried forward with refinements (see Proposed Zoning District Structure on page II-31). It will continue to allow a wide variety of commercial, institutional, office, restaurant, higher-density residential, and mixed-use development, and include a new comprehensive set of form and design standards that address building placement,

orientation, massing, and scale; street level façade transparency and articulation; and the location of off-street parking and the design of parking structures.

PROTECT THE CHARACTER OF ESTABLISHED NEIGHBORHOODS

Neighborhood character often corresponds with the era in which the neighborhood was built along with the housing and design preferences of that time. In Kannapolis, the housing stock is quite diverse in terms of the era in which homes were built:

- 23 percent were built between 2000-2014.
- 21 percent were built between 1980-1999.
- 20 percent were built between 1960-1979.
- 36 percent were built prior to 1960.

Many of the city's older neighborhoods (homes built prior to 1960) were built when Kannapolis was a mill town and before the emergence of the automobile as the dominant form of transportation. They generally include small mill-style homes arranged within a connected network of streets.

Newer suburban neighborhoods (homes built between 1960-1999) are located further away from downtown than older neighborhoods. These neighborhoods include primarily single family detached homes. Generally, these neighborhoods were designed with longer blocks and fewer connections than earlier neighborhoods. Many of the more recent neighborhoods (built between 2000-2014) include long blocks and curvilinear streets, often with a large number of cul-de-sacs and limited pedestrian facilities.

Move Kannapolis Forward provides policy direction to enhance these existing neighborhoods. It directs that new infill development and redevelopment be consistent with the context and character of the neighborhood.

One tool that is frequently used by communities to protect the character of established single-family neighborhoods is a set of neighborhood

compatibility standards. These standards typically apply to any new nonresidential development (e.g., commercial, industrial, or offices), mixed-use development, and multi-family development above a certain size that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zoning district. It is recommended the rewritten KDO include neighborhood compatibility standards (see Add Provisions to Protect the Character of Established Single-Family Residential Neighborhoods on page II-49).

Another regulatory tool to help protect the character of established neighborhoods is the Neighborhood Conservation Overlay (NCO) district. NCO districts can be an appropriate tool in both stable traditional neighborhoods and at risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. NCO standards typically require infill and redevelopment to comply with additional modest development standards to protect neighborhood character (see Neighborhood Conservation Overlay District on page II-52).

ENSURE NEW NEIGHBORHOODS ARE CONNECTED, ARE PROXIMATE TO SUPPORTING USES, AND INCLUDE A VARIETY OF HOUSING OPTIONS

The plan includes policies aimed at supporting the development of complete neighborhoods. These are neighborhoods with:

- Shorter, walkable blocks, and a well-connected internal street network;
- Multiple connections to adjacent neighborhoods, and to commercial and mixed use centers and corridors where appropriate;
- Sidewalks and street trees on both sides of streets;
- Pedestrian and bicycle paths;
- Active and passive open space that is central and

integrated into the development; and

- A variety of building types.

It is suggested in the Assessment that the following zoning tools be added to the rewritten KDO to implement plan policy direction:

- New community form standards that would apply to new subdivisions outside the city center and older neighborhoods that would require the establishment of a development template of well-connected streets, sidewalks and pedestrianways, strong external connections, and the use of traffic calming devices (see Add Standards for Mobility, Circulation, and Connectivity on page II-42);
- New and updated zoning districts that allow for a mix of uses and housing types at varying densities, including but not limited to Residential Mixed 8, Residential Mixed 18, and Mixed-Use

Neighborhood (see Proposed Zoning District Structure on page II-31);

- Revised form and design standards, including new multifamily, nonresidential, and mixed-use form and design standards (see Refine, Modernize, and Modify the Form and Design Standards to Implement Move Kannapolis Forward and Incorporate Best Practices on page II-52);
- New and updated development standards, including a set of mobility, circulation, and connectivity standards (see Add Standards for Mobility, Circulation, and Connectivity on page II-42);
- A comprehensive set of open space set-aside requirements (see Add a Set of Comprehensive Open Space Set-Aside Standards on page II-47); and

An illustrative rendering shows how a commercial corridor (Main Street) could undergo redevelopment and infill over time.



- A new Planned Development - Traditional Neighborhood Development District (PD-TND) to allow for neo-traditional neighborhood developments in greenfield or urban areas. Design elements would include civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and walkable urbanism (see Planned Development Districts on page II-36).

SUPPORT INFILL AND REDEVELOPMENT

The plan directs the rewritten KDO should support infill development and redevelopment in areas served by utilities – and there are a number of these areas in the city. In discussing the issue of infill development and redevelopment, it must initially be recognized such places face special challenges for several different reasons. First, they are often occupied by, or adjacent to, aged buildings that are no longer attractive to current market preferences. They may be lands with topographical, environmental, or other physical constraints. They might have neighbors living in close proximity who could oppose any form of development or redevelopment for a variety of reasons (unlike greenfield sites who many times face little opposition because there are few neighbors, or when there are neighbors they may themselves be interested in developing their land in the future). In addition, in Kannapolis, the use and dimensional standards in some of the zoning districts that were applied in prior years to some of the older neighborhoods have made other homes and businesses nonconforming, making it especially difficult to expand, remodel, and redevelop without going through an uncertain and potentially lengthy approval process.

These issues need to be addressed in the

rewritten KDO, and the regulations need to make redevelopment in desired locations a preferred form of development, or at least as easy to achieve as other forms of development allowed in the area. Doing this is possible because zoning tools are available. In considering the most appropriate tools for Kannapolis, it is important to keep in mind two key elements that must be included to achieve the desired goals. First, the regulations need to make sure redevelopment “fits into” either the existing context or the planned context for the area where it is proposed to be located. And second, the procedural path to the desired type of redevelopment needs to be streamlined, making it procedurally easier to occur, or at least as procedurally easy as any other forms of development. With these considerations in mind, it is recommended in the Assessment that the city consider including the following changes in the rewritten KDO:

- Evaluate and modify where appropriate, the zoning district regulations, to ensure the standards are consistent with the desired character in different places in the community, and address existing nonconforming situations (see Proposed Zoning District Structure on page II-31);
- Include contextual compatibility standards in selected zoning districts to further address nonconformities and remove obstacles for redevelopment;
- Add an administrative adjustment procedure to allow administrative approval of minor modifications to dimensional and certain development and design standards to allow for more flexibility, especially for redevelopment sites (see Include Administrative Adjustment Procedure on page II-16); and
- Move away from a “one size fits all” set of parking standards, that are more sensitive to context, and expand the parking flexibility standards

(e.g., shared and off-site parking), which will should remove further obstacles to infill and redevelopment (see Modernize the Parking and Loading Standards, and Add Bicycle parking Standards in Targeted Locations on page II-44).

INCENTIVIZE GREEN BUILDING PRACTICES

Move Kannapolis Forward directs that the new KDO should create incentives for green and sustainable building practices. We recommend a number of changes in the rewritten KDO to support green building practices, including a new set of green building standards and incentives (see Add Green Building Standards and Incentives on page II-55 of the Assessment).

Move Kannapolis Forward directs that the rewritten KDO should create incentives for green and sustainable building practices. We recommend a number of changes in the rewritten KDO to support green building practices, including a new set of green building standards and incentives that support the inclusion of the following types of green building practices:

- Alternative energy systems;
- Energy conservation techniques and devices;
- Water conservation techniques and devices;
- Low impact development/environmental site design for stormwater management;
- Conservation of green infrastructure;
- Urban agricultural activities;
- Compact, walkable urbanism;
- Housing diversity; and
- Recycling collection, transfer, treatment, and disposal facilities.

(See Add Green Building Standards and Incentives on page II-55 of the Assessment).

THEME 3: UPDATE AND MODERNIZE THE REGULATIONS

A major goal of the UDO rewrite is to update and modernize the regulations. This means making sure they are aligned with the specific development contexts in the city, with policy direction in Move Kannapolis Forward, and with national zoning best practices, where appropriate. Specifically, to accomplish this goal:

- The line-up of zoning districts needs to be revised to allow the range of development that the market is demanding and that Move Kannapolis Forward calls for;
- Uses need to be better organized and more clearly defined, and standards for specific uses need to be refined and new standards added to better address impacts; and
- The current development standards need to be updated to accomplish key Move Kannapolis Forward policies, ensure consistency with the desired character in different parts of the city, and incorporate modern zoning best practices.

MODERNIZE AND ALIGN ZONING DISTRICTS WITH MOVE KANNAPOLIS FORWARD

Zoning districts are core elements of a zoning ordinance. They establish the general development character of different geographical areas in the community. Based on the policy direction in Move Kannapolis Forward, additional input received during the project kick-off meetings, and our independent review of the current UDO, we recommend a restructuring and modernization of the current zoning districts in order to better align the districts with development patterns in the city and plan policy direction, incorporate best practices tools, modernize the districts, and simplify and make the district structure more user-friendly. The key

elements of the restructured districts include:

- A simpler zoning district structure with:
 - 17 base districts;
 - Three planned development districts; and
 - Eight overlay districts.
- Base zoning district classifications (Agricultural, Residential, and Mixed-Use, Commercial, and Industrial) with purpose statements and (if applicable) standards;
- Consolidation of certain districts where they achieve similar purposes, allow similar uses, and establish similar rules;
- Deletion of some districts that are not relevant or needed in the city;
- Establishment of several new mixed use districts to implement Move Kannapolis Forward and establish a logical array of commercial and mixed-use development options in the city, including:
 - A Mixed-Use Activity Center District that corresponds to the Primary Activity Center character area;
 - A Mixed-Use Suburban Corridor District that corresponds to the Suburban Activity 2 character area; and
 - A Mixed-Use Central Corridor District that corresponds to the Urban Corridor character area; and
- Modernization of the format of all the districts to better communicate their character and the zoning district regulations.

In considering how best to restructure the zoning districts, a systematic evaluation was conducted that involved:

- First, evaluation of the current zoning district structure;
- Second, evaluation of land use policy direction and land use classifications in Move Kannapolis Forward; and
- Third, consideration of the other key goals for the

update project, including the desire to make the current regulations more user-friendly and efficient.

The following sections provide an overview of the current zoning districts, followed by a proposed structure for the updated zoning districts, based on the evaluation conducted.

OVERVIEW OF CURRENT ZONING DISTRICTS

The current UDO includes 19 base zoning districts, one planned unit development district, 18 conditional zoning districts, and eight overlay districts. The current zoning districts and their general purposes and parameters are summarized in Table 3.1: Zoning Districts in Current UDO.¹

¹ Conditional zoning districts are established for each of the base zoning districts in the current UDO. This would also be the case in the new KDO.

TABLE 3.1 ZONING DISTRICTS IN CURRENT UDO, CITY OF KANNAPOLIS

DISTRICT	DESCRIPTION
AG Agricultural District	Intended to: <ul style="list-style-type: none"> • Provide areas for low intensity agricultural operations and very-low density single-family residential home construction • Provide short-term protection and preservation of open space, farmland and rural areas from premature land subdivision and land development prior to the installation of municipal utilities • Be a “holding zone” designed to facilitate orderly growth and development in areas expected to experience increased urbanization over time
RE Rural Estate District	Areas for low density single family uses, with a maximum of one dwelling unit per acre, in close proximity to existing large-lot single family development, serving as a transition district between rural, agricultural, and suburban uses.
RL Residential Low Density District	Areas for low density single family uses, with a maximum of two dwelling units per acre, providing buffers between the agricultural and RE classifications and the higher density areas of the city.
RM-1 Residential Medium Density District	Areas for medium density single-family residential uses, with a maximum of three dwelling units per acre, where adequate public facilities and services exist with capacity to serve development.
RM-2 Residential Medium Density District	Areas for medium density, single-family residential uses, with a maximum of four dwelling units per acre, where adequate public facilities and services exist with capacity to serve development.
RV Residential Village District	Areas for detached and attached single family homes, with a maximum of eight dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available, in order to concentrate urban growth and reinforce existing community centers.
RC Residential Compact District	A high density residential district allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. Unit types may include single family attached dwellings, townhouses, duplexes, and apartments, with a maximum of fifteen dwelling units per acre. The district may serve as a transition between lower density residential and low intensity commercial uses.
B-1 Neighborhood Commercial/Office District	Small areas for office and professional services combined with shopfront retail uses and shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. This district should be located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector.
O-I Office-Institutional District	Areas for agencies and offices rendering specialized services and traditional institutional functions (both public and private), including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities, and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are not allowed as principal uses.

DISTRICT	DESCRIPTION
CC City Center District	Areas in the existing central business districts set aside for concentrated downtown retail, service, office, industrial, and mixed uses (including residential uses) in order to promote the districts' long-term vitality. Shopping centers are permitted, subject to urban design standards (set forth in Article 11) in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center.
C-1 Light Commercial and Office District	Areas for indoor retail, service, and office uses. This district is intended to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for an orderly transition between uses. This district should be located proximate to major and/or minor thoroughfares in areas which continue the orderly development and concentration of moderate commercial uses.
C-2 General Commercial District	Areas for general commercial activities designed to serve the community, such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. This district should be located on or within proximity to major thoroughfares but not should not be located adjacent to any Single Family Residential Zoning District (RE, RL, RM-1, or RM-2).
CD Campus Development District	Intended for a high-quality mixture of employment and/or institutional uses of varying types, including light manufacturing, office, warehousing, distribution, institutional, and limited retail and service uses, as a single, coordinated development in an attractive campus or corporate park setting that includes architectural design standards, landscaping, screening, and buffering. This district provides significant flexibility in internal arrangement of uses while assuring a satisfactory integration of the district into the surrounding area, with particular emphasis on the project's relationship to existing and future public facilities such as roads and greenways. It is not intended for single-use, single-building developments that can be located in other zoning classifications. This district is intended for application primarily for new development on previously undeveloped land; however, it may also be applied to areas which are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.
CD-R Campus Development - Residential District	Small areas within existing CD Developments for high-density, compact residential development consisting of condos, townhouses, and apartments, with a maximum of 22 dwelling units per acre where adequate public facilities and services are available. This district must adjoin an existing CD Campus Development zoning district and be coordinated with the adjacent CD project.
I-1 Light Industrial District	Areas for a mix of light manufacturing uses and limited retail and service uses that service the industrial uses in an attractive business park setting. Uses should be compatible with adjoining uses, and screening and buffering is required to ensure compatibility with adjoining uses. This district should have direct access to or be located in proximity to a major or minor thoroughfare and should be located so as to continue the orderly development and concentration of light industrial uses.
I-2 Heavy Industrial District	Areas for a concentration of heavy fabrication, manufacturing, industrial, and major transportation terminal-related uses that have a greater impact on the surrounding area than industries found in the I-1 district. Intended to provide an environment for industries that is compatible with adjacent land uses and unencumbered by nearby residential or commercial development, that has access to transportation, and that has available public services and facilities. This district should have direct access to or be located in proximity to a major or minor thoroughfare and should be located in areas where conflicts with other uses can be minimized and orderly transitions and buffers between uses ensured. This district should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation.

DISTRICT	DESCRIPTION
<p>PID Public Interest Development District</p>	<p>Intended for the creation of Public Interest Development Districts (PID) in areas designated by the City Council as having special and substantial public interest, by virtue of unique environmental, economic, cultural, entertainment, or other characteristics or conditions not generally shared by other areas of the city. PID Districts and the regulations established therein shall be in accord with and promote the policies set forth in the city's Comprehensive Plan.</p> <p>Because the PID addresses situations that affect the entire region, create intermittent or unusual impacts and public benefits, and require flexibility in the administration of land use regulations, and, in order to avoid the potential for abuse of the PID rezoning process, the intent is that only one PID will be designated within the city's jurisdiction.</p>
<p>PUD Planned Unit Development District</p>	<p>Intended to (1) provide for the orderly development of land with a mix of land uses and intensity, (2) permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches, and (3) allow an alternative to the conventional zoning districts for unique and/or creative designs and techniques that:</p> <ul style="list-style-type: none"> • Promote the most appropriate use of a parcel; • Allow diversification of use; • Facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities; • Preserve and utilize open space; • Offer recreational opportunities close to residential uses; and • Enhance neighborhood appearance.
<p>TND Traditional Neighborhood Development District</p>	<p>Intended as an option for the development of land in a manner consistent with traditional neighborhoods. The district adapts urban conventions which were normal in the United States from colonial times until the 1940's, including the following:</p> <ul style="list-style-type: none"> • The neighborhood is spatially understood and limited in size. • Residences, shops, workplaces, civic buildings and parks are interwoven within the neighborhood, all in close proximity and connected by a system of sidewalks. • The hierarchy, design and detailing of streets, serves equitably the needs of pedestrians, bicycles and automobiles. • Carefully placed civic buildings and squares reinforce the identity of the neighborhood. • Spatially defined squares and parks are distributed and designed as specialized places for social activity and recreation. • Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior. • Architecture and landscape respond to the unique character of the region and traditional design principles with attention toward a classic sense of timelessness. Designs shall preserve the charm and unity of the neighborhood as a whole. • By providing a full range of housing types and workplaces, residents of all ages are blended together, forming the bonds of an authentic community. • The provision of comfortable public spaces such as streets and squares, residents may come to know each other to watch over their collective security. • By bringing within walking distance most of the activities of daily living, including dwelling, shopping and working, the elderly and the young gain independence of movement. • The compact layout reduces the requirements for infrastructure, automobile use and traffic congestion. By organizing appropriate building densities, public transit becomes a viable alternative mode for local travel.

DISTRICT	DESCRIPTION
TOD Transit Oriented Development District	Intended to encourage a mixture of residential, commercial, and employment opportunities within a one-half mile radius of identified light rail stations or other public transit stations. The district allows for a more intense and efficient use of land at increased densities for the mutual reinforcement of public investments and private development. Uses and development are regulated to create a more intense built up environment that is oriented to pedestrians and that supports transit. Development standards are designed to encourage a safe and pleasant pedestrian environment near transit stations by (1) encouraging an intensive area of shops and activities, (2) encouraging amenities such as benches, kiosks, and outdoor cafes, and (3) limiting conflicts between vehicles and pedestrians.
AOD Airport Overlay District	Intended to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, in order to protect the lives and property of the users of the Concord Regional Airport, the property and occupants of land in the vicinity, and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards.
HOD Historic Overlay District	No purpose identified in UDO
FPOD Flood Plain Overlay District	<p>Intended to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:</p> <ul style="list-style-type: none"> • Restrict and prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities; • Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; • Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; • Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and • Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.
MHOD Manufactured Home Overlay District	Allows the establishment of a manufactured home as a principal building, subject to specific design and/or installation regulations to ensure it is in harmony with the underlying district regulations.
CCTPOD Coddle Creek Thoroughfare Protection Overlay District	Intended to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors in the Coddle Creek area of Kannapolis that are of critical importance to the city because they are image-makers of the community, act as entryways for visitors and residents, and serve as an indicator of the quality of life found in the area. Standards are intended to ensure that thoroughfares in this district develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design and building construction.
DEBTPOD Dale Earnhardt Boulevard Thoroughfare Protection Overlay District	Intended to enhance the economic and aesthetic appeal and orderly development of properties adjacent to the Dale Earnhardt Boulevard, which is a major gateway into the city. Standards are intended to ensure development improves traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design and building construction.
RSOD River/Stream Overlay District	Intended to minimize soil erosion, reduce the velocity of overland stormwater flow, trap sediment and soil eroded from cropland or land being developed, and limit other pollutants from entering the waterways by ensuring that strips of land adjacent to streams and rivers are retained in their natural vegetated, revegetated, or reforested state through the preservation of appropriate perennial vegetation.
WPOD Watershed Protection Overlay District	Intended to implement the Water Supply Watershed Protection Act (NCGS §§ 143 214.5 & 143 214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission require that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. The City of Concord, the City of Kannapolis, the Town of Mount Pleasant, and Cabarrus County have adopted watershed protection overlay restrictions as part of their zoning ordinances. This district is intended to clarify and continue these restrictions, which have been approved by the Commission.

PROPOSED ZONING DISTRICT STRUCTURE

Based on this evaluation of the current zoning district structure, land use policy directed in Move Kannapolis Forward, and a key project goal of making the updated KDO more user-friendly and efficient, we suggest the city consider restructuring the zoning districts in the new KDO as outlined in Table 3.2: Proposed Zoning District Structure. The table organizes the districts into the following groups:

- Base districts:
 - Agricultural;
 - Residential;
 - Mixed-Use, Commercial, and Industrial;
- Planned Development Districts; and
- Overlay Districts.

The proposed changes are discussed in further detail following the table.

So the reader can better compare the current zoning district structure to the proposed structure, the first column in the table outlines the current zoning districts. The second column identifies the proposed zoning districts. Where current districts are proposed to be deleted or consolidated, that is noted. The listing of the districts under each group generally starts with the least intense districts, extending to the highest-intensity districts. In addition, so the reader can relate the proposed zoning district structure to the Future Land Use and Character Map in Move Kannapolis Forward, the final column in the table shows the corresponding character type(s) from that map that are being implemented by the proposed zoning districts.

TABLE 3.2 CURRENT AND POTENTIAL PROPOSED ZONING DISTRICTS (DRAFT), CITY OF KANNAPOLIS

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
BASE DISTRICTS		
Agricultural		
AG Agricultural District	AG Agricultural District	Future Planning Areas
Residential		
RE Rural Estate District	RRT Rural Residential Transition District	Cluster Residential, Conservation Neighborhood, Neighborhood Transition 2
RL Residential Low Density District	RSF-2 Residential Single Family 2 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1
RM-1 Residential Medium Density District	RSF-4 Residential Single Family 4 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1, Complete Neighborhood 2
RM-2 Residential Medium Density District		
	RSF-6 Residential Single Family 6 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
	RSF-7 Residential Single Family 7 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2
RV Residential Village District	RM-8 Residential Mixed 8 District	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential
RC Residential Compact District	RM-18 Residential Mixed 18 District	Complete Neighborhood 2 Urban Residential
Mixed-Use, Commercial, and Industrial		
O-I Office-Institutional District	O-I Office-Institutional District	Urban Residential, Complete Neighborhood 1, Complete Neighborhood 2
B-1 Neighborhood Commercial/Office District	MU-N Mixed-Use Neighborhood District	Secondary Activity Center, Suburban Activity 2, Urban Residential, Complete Neighborhood 2
	MU-AC Mixed-Use Activity Center District (NEW)	Primary Activity Center
CC City Center District	CC City Center District	Downtown Center
	MU-CU Mixed-Use Corridor Urban District (NEW)	Urban Corridor
	MU-CS Mixed-Use Corridor Suburban District (NEW)	Suburban Activity 2
TOD Transit Oriented Development District	TOD Transit Oriented Development District	Primary Activity Center, Secondary Activity Center, Complete Neighborhood 2, Downtown Center
CD Campus Development District	DELETE	
CD-R Campus Development - Residential District	DELETE	
C-1 Light Commercial and Office District	DELETE	
C-2 General Commercial District	GC General Commercial District	Regional Commercial Center, Primary Activity Center-Interchange, Secondary Activity Center-Interchange, Suburban Activity 1, Employment Center
I-1 Light Industrial District	LI Light Industrial District	Primary Activity Center-Interchange, Secondary Activity Center-Interchange, Employment Center
I-2 Heavy Industrial District	HI Heavy Industrial District	Employment Center
PID Public Interest Development District	DELETE	
TND Traditional Neighborhood Development District	DELETE	

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
PLANNED DEVELOPMENT DISTRICTS		
PUD Planned Unit Development District	PD Planned Development District	
	PD-TND Planned Development - Traditional Neighborhood Development District	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential, Primary Activity Center, Secondary Activity Center
	PD-C Planned Development - Campus District	Employment Center, Regional Commercial Center, Primary Activity Center-Interchange, Suburban Activity 1
OVERLAY DISTRICTS		
AOD Airport Overlay District	AO Airport Overlay District	
HOD Historic Overlay District	HPO Historic Preservation Overlay District	
FPOD Flood Plain Overlay District	FPO Flood Plain Overlay District	
MHOD Manufactured Home Overlay District	MHO Manufactured Home Overlay District	
CCTPOD Coddle Creek Thoroughfare Protection Overlay District	TPO Thoroughfare Protection Overlay District	
DEBTPOD Dale Earnhardt Boulevard Thoroughfare Protection Overlay District		
	NPO Neighborhood Protection Overlay District (NEW)	
RSOD River/Stream Overlay District	RSO River/Stream Overlay District	
WPOD Watershed Protection Overlay District	WPO Watershed Protection Overlay District	

BASE DISTRICTS

AGRICULTURAL DISTRICT

Even though many parts of Kannapolis are currently developed, there are still areas of the city where agricultural activities are prominent and should be protected and maintained. The **Agricultural (AG) District** is proposed to be carried forward to provide land for these areas. The district provides lands for agricultural production, agricultural support uses, golf courses and country clubs, single-family detached residential dwellings, and limited institutional and civic uses. The district is rural in character. Minimum lot area for the AG District is one acre, with a maximum density of one dwelling unit per acre and a minimum lot width of 200 feet.

RESIDENTIAL DISTRICTS

The residential districts are primarily intended to accommodate lands for residential development, at a range of densities and for a variety of uses. To accomplish this objective, the current low and medium density residential districts are generally carried forward (and renamed to better align with their character), with some consolidation where appropriate. The higher-density residential districts are also carried forward and renamed. In addition, two new small lot single-family residential districts are proposed to accommodate market demand. Minimum lot area requirements are generally deleted, as they are not needed to maintain district character. This should provide greater flexibility and support redevelopment. Minimum lot width requirements are carried forward to achieve the desired character for each district.

The proposed district structure is outlined below.

The Rural Estate (RE) District is carried forward and renamed the **Residential Rural Transition (RRT) District**. The maximum density for conventional development in the district is 0.8 dwelling units per acre, consistent with the current minimum lot size of one acre. For conservation subdivisions, the maximum density is 1 dwelling unit per acre. The minimum lot width for the district is 150 feet. The

minimum lot area of one acre is carried forward to ensure that development other than conservation subdivisions is large lot, consistent with the purpose of the district. Minimum lot area can be modified using conservation subdivision standards in order to accommodate cluster residential development and conservation neighborhoods as called for in Move Kannapolis Forward.

The Residential Low Density (RL) District is proposed to be carried forward and renamed **Residential Single Family 2 (RSF-2) District** to better align with its character. It provides lands for single-family detached residential development at low densities. The maximum density for the district is 2 dwelling units per acre, and the minimum lot width is 100 feet. There is no minimum lot size.

The Residential Medium Density Districts (RM-1 and RM-2) are proposed to be consolidated into the **Residential Single Family 4 (RSF-4) District**, which provides lands for medium-density single-family detached residential development. The district has a maximum density of 4 dwelling units per acre, and a minimum lot width of 75 feet. There would be no minimum lot size.

During the kick-off meetings, there was discussion regarding market demand for smaller lot single-family homes. Based on that input, two new districts for small lot single-family development are proposed: the **Residential Single Family 6 (RSF-6) District** and the **Residential Single Family 7 (RSF-7) District**. The districts would provide land for development of higher-density single-family detached houses. The RSF-6 District would have a maximum density of six dwelling units per acre and a minimum lot width of 62 feet. The RSF-7 District would have a maximum density of seven dwelling units per acre and a minimum lot width of 52 feet, if alleys or on-street parking are provided.

The Residential Village (RV) District is carried forward and renamed the **Residential Mixed 8 (RM-8) District**, with some modifications. It allows a range of housing types by right, including single-

family detached, two-family, and three-family dwellings, townhouses, and small-scale multifamily development (e.g., mansion apartments); other multi-family development would continue to be allowed as a conditional use. While the current RV District has a minimum lot area of 7,500 square feet and maximum density of 8 dwelling units per acre, the proposed RM-8 District would carry forward the maximum density of 8 dwelling units per acre but would delete the minimum lot area requirement. This change would not have an impact on multifamily development, but would have the effect of allowing more dense single-family development on individual lots. This is consistent with direction in Move Kannapolis Forward, which calls for increased densities of between 4 and 10 dwelling units per acre in the Urban Residential Character Area (which includes residential neighborhoods surrounding Downtown). The minimum lot width in the district is 60 feet.

The Residential Compact (RC) District is carried forward and renamed **Residential Mixed 18 (RM-18) District**, with some modifications. The district would allow higher-density single-family attached and multifamily development, but not single-family detached houses. The maximum density in the district would be 18 dwelling units per acre, compared to the current maximum density in the RC District of 15 dwelling units per acre, consistent with the densities described for the Complete Neighborhood 2 character area in Move Kannapolis Forward. The district would have no minimum lot area. The minimum lot width in the district is 60 feet.

MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

The purpose of the mixed-use, commercial, and industrial districts is to provide lands that accommodate commercial, office, and industrial uses, and, where appropriate, mixed-use development. The current line-up of 12 districts is proposed to be reorganized, with one consolidation, several deletions, and several new districts, into a new set of ten districts that are better aligned with the types of

mixed-use, commercial, and industrial development called for in Move-Kannapolis Forward. The proposed changes:

- Ensure that a broad array of development options are available, by right, to support economic development opportunities;
- Encourage mixed-use development in appropriate locations;
- Support more walkable development;
- Support redevelopment in commercial corridors; and
- Support centers of commercial and mixed-use development serving neighborhoods, the community, and the region.

To establish a set of districts that is logical and efficient and that implements policies from Move Kannapolis Forward, the Public Interest Development (PID) District, which is not currently used, is proposed to be deleted, as are the Light Commercial and Office (C-1) District, and the Traditional Neighborhood Development (TND) District. The Campus Development (CD) District and Campus Development - Residential (CD-R) District are also proposed to be deleted. While the CD and CD-R districts have resulted in some high-quality development, they have been more aspirational than effective at creating truly integrated development in a campus setting. To provide an option for more cohesive and coordinated development in a campus setting, a new planned development district is proposed (see Planned Development Districts on page II-36).

The proposed organization for the mixed-use, commercial, and industrial districts is summarized below.

The current **Office-Institutional (O-I) District** is proposed to be carried forward. It will allow low-intensity office and institutional uses by right, but not allow commercial or residential uses.

The Neighborhood Commercial/Office (B-1) District is carried forward and renamed the

Mixed-Use Neighborhood (MU-N) District, with some modifications. It will allow for nodes of neighborhood-scale and neighborhood-serving retail and office uses and civic uses, as well as single-family attached and limited-scale multifamily residential uses by right. Basic form and design standards would ensure a minimum level of walkability and neighborhood scale buildings. The maximum building height for the district would be four stories.

The new **Mixed-Use Activity Center (MU-AC) District** would allow for larger scale, community serving retail and office uses and multifamily development, in centers located at major intersections. It corresponds to the Primary Activity Center character area in Move Kannapolis Forward, and would allow more intense development than the MU-N District, allowing buildings up to five stories in a “main street” setting. Form and design standards would require buildings to be brought to the street, with off-street parking provided behind buildings or in parking structures. Building massing and façade transparency (i.e. minimum percentage of façade as transparent windows or doors) requirements would support a pedestrian-friendly environment.

The **Mixed-Use Corridor Urban (MU-CU) District** is proposed as a new district to implement the Urban Corridor character area in corridors leading into downtown. It would allow a mix of community serving retail and office uses, civic uses, and single-family attached and multifamily residential uses, with a maximum building height of five stories. Vertical mixed-use development would be incentivized. Form and design standards would ensure new development is pedestrian-friendly.

The proposed **Mixed-Use Corridor Suburban (MU-CS) District** would support redevelopment and infill development in commercial corridors at lower intensities than the MU-CU District, to implement the Suburban Activity 2 character area in Move Kannapolis Forward. Allowed uses would include neighborhood and community serving retail and office uses and multifamily residential uses.

Maximum building height would be three stories. New buildings would be required to be located near the street, with the majority of off-street parking located to the side or rear of the building. Some auto-oriented uses would be allowed, but their design and location would have to be compatible with pedestrian-oriented development.

The **City Center (CC) District** will be carried forward, with modifications. The district will serve as the focal point for commerce, government, entertainment, and cultural events in the city. Development form is walkable, pedestrian-oriented, mixed-use, and the most intense in the city. The district will allow a wide variety of commercial, institutional, office, restaurant, higher-density residential, and mixed-use development. A comprehensive set of form and design standards will build on the current design criteria to address building placement, orientation, massing, and scale; street level façade transparency and articulation; and the location of off-street parking and the design of parking structures.

The **Transit Oriented Development (TOD) District** would be carried forward with substantial revisions to incentivize walkable, mixed-use development that includes enhanced pedestrian connectivity to transit stations.

The General Commercial (C-2) District will be carried forward and renamed **General Commercial (GC) District**. It will allow a broad range of commercial and institutional uses, including automobile-oriented retail sales and service uses.

The Light Industrial (I-1) District and the Heavy Industrial (I-2) District are carried forward, with minor refinements, and renamed the **Light Industrial (LI) District** and the **Heavy Industrial (HI) District**, respectively.

PLANNED DEVELOPMENT DISTRICTS

Planned development districts are intended to offer flexibility to modify the zoning district regulations and development standards in return for innovative design, greater development quality, and in some

instances community benefits.

Currently, the city has one planned development district, the Planned Unit Development (PUD) District. It is proposed to be carried forward and renamed the **Planned Development (PD) District**, with some modifications. The current minimum percentages of land uses are proposed to be deleted, and other provisions will be replaced by general requirements and procedures for planned development approval (see Update Planned Development Provisions on page II-14). A new **Planned Development - Traditional Neighborhood Development (PD-TND) District** is proposed to allow for neo-traditional neighborhood developments in greenfield or urban areas. The PD-TND District would provide a planned development alternative for development that uses traditional neighborhood design (TND) elements, such as civic buildings, a town center, mixed uses, integrated open space, and a variety of housing types, in order to support meaningful public spaces and walkable urbanism. Also, a **Planned Development - Campus (PD-C) District** is proposed to provide an option for master planned retail, office, light manufacturing, and higher-density residential uses in a campus-like setting. The district will require certain core elements to ensure the desired campus character is achieved (e.g., an integrated, multi-modal transportation network; open space set-asides that are usable and provide cohesion to the development; and appropriate segregation of light and heavy vehicle traffic).

As discussed in Theme 1, the current procedures for planned development will be refined, incorporating best practices (see Update Planned Development Provisions on page II-14). There would be a general expectation that any planned development project would propose high quality and innovative form and design. It would allow the development applicant to propose for consideration a broad mix of uses, and vary a number (but not all) of the development standards in return for the provision of community benefits.

OVERLAY DISTRICTS

Overlay districts are superimposed over portions of one or more underlying base zoning districts with the intent of addressing area-specific features, conditions, or plans. They include standards that modify or supersede standards applied by the underlying base zoning district.

The UDO currently has eight overlay districts. All overlay districts will be carried forward or consolidated (removing the final “D” in the abbreviation, consistent with the other districts), as described below.

The **Airport Overlay (AO) District** is carried forward, with minor refinements.

The **Historic Overlay (H) District** is currently identified in the UDO as an overlay district; however, the purpose of the district is not stated, and the district has not yet been used. It is proposed to be carried forward and renamed the **Historic Preservation Overlay (HPO) District**, with the understanding that the city can establish boundaries and standards for the district if historic areas or sites are designated in the future. The purpose of the district is to ensure new development and redevelopment is consistent with the character of original or historic development on the site or in the surrounding area.

The **Floodplain Protection Overlay (FPO) District** is carried forward, with minor refinements.

The **Manufactured Home Overlay (MHO) District**, is carried forward. It allows the establishment of a manufactured home as a principal structure, subject to specific standards. For consistency, design and installation standards may be relocated to the use-specific standards section. We suggest the city consider establishing a minimum area for the district.

The **Coddle Creek Thoroughfare Protection Overlay District (CCTPOD)** and the **Dale Earnhardt Boulevard Thoroughfare Protection Overlay District (DEBTPOD)** are proposed to be carried forward and consolidated into the **Thoroughfare Protection Overlay (TPO) District**. The purpose of the district is to ensure

development on specific thoroughfares maintains a consistent character. The district would include as a subdistrict the current CCTPOD area and would carry forward its setback requirements and other standards not carried forward elsewhere in the KDO. Similarly, the DEBTPOD would be carried forward as a subdistrict. The city could create additional subdistricts in the future for other thoroughfares to ensure consistent character in those areas.

The new **Neighborhood Protection Overlay (NPO) District** is intended to ensure the desired character of a neighborhood is protected. The district can be an appropriate tool in both stable traditional neighborhoods and at-risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. A framework for the establishment of the district would be included in the regulations so that the city could tailor and adopt individual NPO district standards for different neighborhoods. Standards for each NPO district would be based on direction in a specific neighborhood plan established prior to the creation of the district. The neighborhood plan would help identify the neighborhood's defining character features to be protected. Standards would then be developed for the specific NPO district, to implement the neighborhood plan. Standards might address such issues as: building height, setbacks, roof pitch, garage location, setbacks, front porches, driveway access, street trees, and landscaping. Typically, only a handful of character-defining features are regulated. Once the standards for the neighborhood are adopted, all development and redevelopment within the overlay must comply. Development review is conducted and decided administratively.

The **River/Stream Overlay (RSO) District** is carried forward, with modifications to simplify the measurement of stream buffers for perennial streams, based on input received during kick-off meetings that the current standard is overly complex and not necessary to protect water quality. A 50-foot buffer would be required from the average annual bank on each side of the stream, but the current additional

buffer requirement based on slope would be deleted. Additional revisions will be explored to simplify the regulations where appropriate and to add flexibility.

The **Watershed Protection Overlay (WPO) District** is carried forward, with refinements for clarity. Provisions may be relocated to other sections of the rewritten KDO where appropriate (e.g., nonconformities, procedures, and administrative bodies). Any substantive changes to simplify the regulations or to provide flexibility will be consistent with state law and the Inter-Basin Transfer agreement between the city and other local jurisdictions.

MODERNIZE THE FORMAT FOR UPDATED DISTRICTS

In discussing the restructuring of the zoning districts, it is also important to recognize the layout of zoning district regulations could be improved in the current UDO. The regulations for each district are currently located in multiple locations. Purpose statements for all base districts are located in Sec. 4.3, dimensional and density regulations are in Sec 4.7. In order to understand the basic purpose and requirements for any given district, the reader has to turn to multiple locations in the ordinance.

Modern approaches to laying out zoning district regulations use an attractive page layout, consistent structure, and tables and graphics to provide a clear and concise picture of each zoning district to the reader. We recommend the regulations for each district in the new KDO be consolidated, or referenced, in one location in a graphically pleasing format. For each district, the KDO would include a purpose statement, a reference to the use table and use-specific standards, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zoning district layout is shown in the graphic on the following page.

2.4. RS-18: Single-Family Residential²⁷

A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

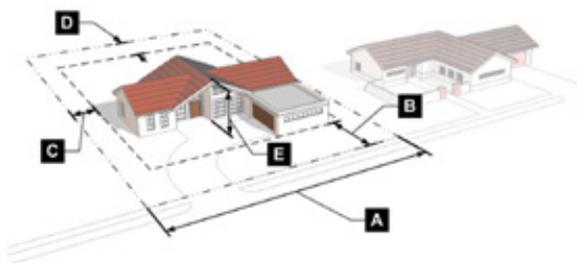
B. RS-18 Lot and Building Standards

Lot Standards	
A Width (minimum)	100 feet
Area (minimum)	18,000 sq. ft.
Density (maximum)	2 du/acre
Setbacks (minimum)	
B Front	25 feet (2)
C Side	10 feet
Side, abutting street	15 feet
D Rear	25 feet (2)
Height (maximum)	
E Building height	22 feet
Impervious Coverage (maximum)	
Building coverage	35 percent (2)
Total coverage	60 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

Notes:
 (1) Currently 30 feet in RS-18a
 (2) Currently 30 feet in RS-18a
 (3) Currently 25 percent in RS-18a



²⁷ This district is a consolidation of the RS-18a and the RS-18b districts.

2.10. RM-3: High-Density Multifamily²⁷

A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

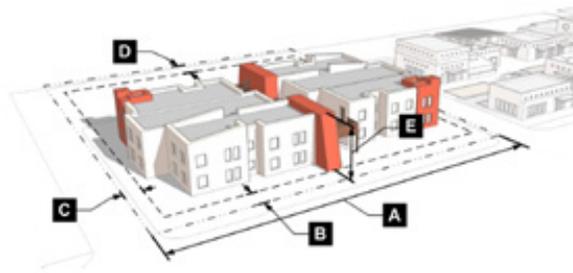
B. RM-3 Lot and Building Standards

Lot Standards	
A Width (minimum)	100 feet
Area (minimum)	8,000 sq. ft. (1) ²⁸
Density (maximum)	20 du/acre
Setbacks (minimum)	
B Front	10 feet (2) ²⁹
C Side (1)	8 feet (3)
D Rear	20 feet (5)
Height (maximum)	
E Building height	25 feet
Impervious Coverage (maximum)	
Building coverage	40 percent (3) ³⁰
Total coverage	70 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

Notes:
 (1) Currently 21,760 sq. ft. (5.0 acres)
 (2) Currently 30 feet
 (3) Did not carry forward the side setback abutting a street, which is currently 15 feet
 (4) Currently 15 feet
 (5) Currently 25 feet
 (6) Currently 25 percent



²⁷ This district is carried forward from the current RM-3 district.
²⁸ The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.
²⁹ A shallower setback will encourage more walkable and dense development in key areas throughout the city.
³⁰ Revised to match the proposed limits in the RM-1 and RM-2 districts.

Example page layout for zoning district regulations from another community.

UPDATE USES AND USE REGULATIONS

DEFINE USES IN A SIMPLER AND MORE FLEXIBLE WAY

Section 4.6 of the UDO identifies what uses are allowed in each of the base zoning districts (for all but the TOD, TNC, and PID districts). Table 4.6-1 (the use table) groups use types in the left most column under nine broad use classifications (Residential, Institutional and Civic, Retail Trade, etc.). Uses are further defined using a number from the North American Industry Classification System (NAICS), which is listed for most nonresidential uses in the column to the right of the use names. The UDO includes a provision for determining whether unlisted uses are similar enough to a listed use to fall under that use, based on NAICS listings and trip generation studies. Appendix A includes definitions for some, but not all uses in the use table.

While the current listing of uses is logical, we suggest two changes to improve how uses are organized and defined.

First, based on best practices, we suggest that the two-tier use classification in the current use table be replaced by a three-tiered use classification system. Instead of referencing the NAICS, the new system would include text descriptions to classify uses and groups of uses at three different levels:

- Use Classifications (broad general classifications such as Residential, Institutional, Commercial and Industrial);
- Use Categories (major subgroups within Use Classifications that are based on common characteristics, such as “Group Living” and “Household Living” under the Residential classification); and
- Use Types (specific uses within the Use Categories, such as “single-family detached dwelling,” “multi-family dwelling,” and “townhouse” under the Household Living category and Residential classification).

We suggest the rewritten use regulations define

the use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zoning districts. This will result in substantial consolidation of use types in the current use table that are listed separately but have roughly equivalent impacts on their surroundings (e.g. book, periodical and music stores and hobby, toy, and game stores). Consolidation in this manner allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

As a corollary, the new KDO should refine the current criteria used by the Administrator to determine whether an unlisted use falls under a listed use. The criteria would be included or referenced in the interpretation procedure and would be used by the Planning Director to determine whether an unlisted use is allowed under a use category even though it may not be specifically listed. Criteria could include vehicles used and their parking requirements, relative amounts of sales from each activity, the nature and location of storage and outdoor display of merchandise, and similar criteria focused on the impacts of the use. We recommend not including NAICS references for the uses. Experience has taught that while the NAICS is useful to federal agencies for sharing data and ensuring statistical integrity, it is less helpful in the context of classifying local uses for zoning purposes.

Many communities are moving to this three-tiered use classification approach due to its more robust structure and flexibility.

Second, we suggest the use regulations should be consolidated into one article of the new KDO and organized in a way that more clearly distinguishes principal, accessory, and temporary uses. The current organization in the UDO includes the use table in Article 4, regulations for specific uses in Article 5 and Article 11, and definitions of uses in Appendix A. We suggest an organization for the use regulations that consists of one principal use table, followed by

MODERNIZE AND UPDATE DEVELOPMENT STANDARDS TO IMPLEMENT MOVE KANNAPOLIS FORWARD

ADD STANDARDS FOR MOBILITY, CIRCULATION, AND CONNECTIVITY

Today, many communities across the country are modifying their transportation and development policies to support and require an approach that calls for a connected network of streets, sidewalks, and pedestrianways. The city recognizes this in Move Kannapolis Forward by supporting a connected network of streets, sidewalks, and pedestrianways in appropriate locations (see discussion on connectivity and walkability in Support Walkable, Mixed-Use Activity Centers in Appropriate Locations on page II-19 and Ensure new neighborhoods are connected, are proximate to supporting uses, and include a variety of housing options on page II-22). In addition, the city has moved toward establishing some regulatory policies to further these goals in Article 10: Street Improvement Standards, of the current UDO, through a connectivity ratio requirement (Section 10.1.5, Street Connectivity Requirements), street hierarchy provisions (Section 10.1.6, Street Hierarchy), and access management standards (Section 10.1.8, Access Management Standards).

To further implement this plan policy direction, the city should consider in the UDO rewrite building on and strengthening the current standards by supporting the installation of streets and sidewalks that are convenient for users of all ages, regardless of whether the mode of transportation is walking, driving, or bicycling. The new provisions would also acknowledge the use of streets not only for vehicular travel, but, in certain places, destinations (e.g., for sidewalk dining and social gathering in the downtown). They should also consider the use of streets, sidewalks, and pedestrianways in the context of the surrounding development and the zoning districts in which they are located. The following summarizes the characteristics of this connected system:

- Pedestrian infrastructure such as sidewalks, textured crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities, and sidewalk bulb-outs; and
- Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes in residential and mixed use areas—including center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, on-street parking, street trees, planter strips, and ground cover.

The current UDO includes some requirements for these kinds of provisions, but could go further.

To implement this general policy direction, we suggest the city consider including the following refinements in the UDO rewrite.

- **Multimodal (pedestrian, vehicle, and bicycle) access and circulation, where appropriate.** Access and circulation standards that expressly encourage new development and redevelopment, where appropriate, to provide integrated multimodal access and circulation that addresses anticipated pedestrian and vehicular demands.
- **Sidewalk and related pedestrianway standards.** Provisions that new development and certain redevelopment place sidewalks and street trees on both sides of a street, where infrastructure layout allows for it.
- **Connected access and circulation systems.** Strengthened connectivity standards to ensure extensions of streets and sidewalks from developments to adjoining undeveloped land, connections of pedestrianways, a strengthened connectivity ratio, and cross-access requirements between the internal access and circulation systems of adjoining commercial and office developments. Additionally, standards that would encourage areas being redeveloped to dedicate additional connections between existing streets, where appropriate.
- **Community form standards.** A basic set of community form standards that would apply to

all new development located outside the CC, MU-CS, and MU-CU districts, and would be triggered based on defined development thresholds. Such standards would ensure that new development establish a development template that supports strong, well-connected street and pedestrian networks, and would be coordinated with the Land Development Standards Manual. Suggestions for the types of standards to include in these new community form standards are outlined in Table 3-3: Potential Community Form Standards.

TABLE 3-3 POTENTIAL COMMUNITY FORM STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Street Connectivity Standards	Consider strictly limiting the use of cul-de-sacs in new subdivisions. Where they are allowed, require that they provide pedestrian access to any adjacent pedestrian system or other local streets
	Limit the average block length in a development (when blocks are used) to 600 feet,-- except in cases where environmental constraints (e.g. wetlands, lakes, streams, and rivers, etc.) make it impossible or impracticable to design such block lengths
	Establish minimum external street connectivity provisions, by requiring that a roadway connection be provided for new subdivision development at least every 1,200 feet for each direction (north, south, east, west) in which the development abuts a similar or compatible use
Minimum Number of Entry Points	Require at least two full ingress/egress points from all subdivisions with 50 units or more (the additional emergency access currently required at 30 units would still be required). These points must actually be open full time, preferably providing access that is not only to the subdivision.
	Require one additional entry for every 200 dwellings
	Establish limitations on placement of driveways within 500 linear feet of a principal entrance/exit to the subdivision
	Require connections be made to existing or planned streets at the property boundaries
Traffic Calming Techniques	Require interruption of long straight street segments over 800 feet in length
	Encourage utilization of street jogs, off-sets, and mini-roundabouts at intersections of local streets
	Encourage the use of neck-downs and medians along wide streets
Sidewalks	Require sidewalks on both sides of every street, except in cases where environmental features make such provision impractical, when a public pedestrian way can serve the same function as a sidewalk, or the development lies on an arterial or major thoroughfare and there are no connecting sidewalks within 500 feet.
	Require connections be made to existing or planned sidewalks at the property boundaries
Lot Access Standards	Prohibit driveways from having direct access to major thoroughfares unless no alternative means of access (e.g. alleys or parallel access streets) exists, and it is unreasonable or impractical to require a parallel access street from an adjacent arterial
	Limit driveway access to minor thoroughfares and collector and local streets, where appropriate
	Limit or prohibit driveway access in new residential subdivisions with lot widths that are 52 feet or less -- for pedestrian safety and aesthetic purposes (access to be provided by alleys)
Cross Access Standards	Require all nonresidential and multi-family development be designed to allow for cross access (across or through vehicular use areas) to adjacent sites with compatible uses (to encourage shared parking and shared access to streets) -- except in situations where environmental, topographic, or safety hazard issues make it impossible or impracticable

MODERNIZE THE PARKING AND LOADING STANDARDS, AND ADD BICYCLE PARKING STANDARDS IN TARGETED LOCATIONS

The current off-street parking standards are located in Article 8: Off-street Parking and Private Driveway Standards, in the current UDO. Section 8.1, General Standards, establishes requirements for the general design of a parking lot. Section 8.3, Off-street Parking Standards, establishes requirements for off-street parking, including:

- Provisions addressing minimum parking space requirements for uses (as well as maximums for some uses);
- Rules governing how parking requirements for unidentified and mixed use development will be determined;
- Rules for the use of shared parking;
- Procedures for proposing an alternative parking plan for reduced parking;
- Provisions governing parking space dimensions (to be relocated to the Land Development Standards Manual);
- Provisions governing vehicle stacking; and
- Provisions for loading areas.

We suggest in the UDO rewrite, the city consider modernizing the current parking standards, based on best practices, and tailor them to the city’s needs. This would include the following.

First, reviewing and modernizing the minimum parking space requirements to bring them into conformity with best practices. This involves comparing the city’s parking requirements with standards recommended in the Institute of Transportation Engineers' Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses. We also suggest that the city consider reviewing, modernizing, and

simplifying (where possible), the maximum number of spaces for the uses that have maximums.

Second, carry forward the unified parking table, and make sure it includes parking standards for all allowable uses found in the principal use table (unless good parking demand data is unavailable for the use, or it is unrealistic to establish such a standard (e.g., for mixed uses)); additionally, carry forward and refine the rules governing uses with variable parking demands, and consider authorizing the Planning Director to require an applicant (instead of giving an applicant the option) to prepare a parking demand study for unusual uses where there is no reliable parking demand data.

Third, consider establishing different parking standards for the places where more intense, mixed use, and walkable development patterns will be supported (e.g., the CC: Center City, MU-CU Mixed-Use Corridor Urban, and MU-AC Mixed-Use Activity Center districts) versus other places in the city. This would result in a move away from the “one size fits all” baseline standards in the current off-street parking table.

Fourth, require that all or a portion of the required surface parking in targeted areas of the community (e.g., the CC: Center City, MU-CU Mixed-Use Corridor Urban, MU-CS Mixed-Use Corridor Suburban, and MU-AC Mixed-Use Activity Center districts) be located on the sides or rear of buildings.



Fifth, expand the current set of flexibility provisions which would have to be approved by the Planning Director through an alternative parking plan. This would include:

- Carrying forward the shared parking provisions;
- Adding off-site parking provisions, that are subject to limitations on distance from the site and requirements for good pedestrian access from the off-site parking location to the site;
- Adding deferred parking provisions;
- Adding valet and tandem parking provisions;
- Considering adding provisions that allow reductions in parking for Transportation Demand Management (TDM) programs in zoning districts where more development intensity will occur over time, with specific guidance on estimated levels of reduction that an applicant may expect from implementing and agreeing to provide a particular TDM measure as part of a development; and
- Carrying forward the general alternative parking plan provision, but deleting the option to have parking requirements reduced by more than 75 percent by approval of the Planning and Zoning Commission.

Sixth, require large parking lots of 200 or more spaces to be broken up into sections and to incorporate pedestrian-friendly features such as sidewalks to the principal entrance of buildings and enhanced landscaping that provides shade for pedestrians and vehicles and contributes to reduction of stormwater runoff.

Seventh, consider adding bicycle parking standards in the CC: Center City, MU-CU Mixed-Use Corridor Urban, and MU-AC Mixed-Use Activity Center districts, requiring bicycle parking on-site. Also encourage and incentivize the use of bicycle parking in certain other zoning districts that permit a certain amount of intensity. These basic requirements should also specify acceptable types of bicycle storage, consistent with standards recommended by the Association of Pedestrian and Bicycle Professionals.

MODERNIZE LANDSCAPING AND BUFFER STANDARDS

The current landscaping standards are found in Article 7: Landscaping and Buffer Standards. They require submittal of a landscape plan to show compliance with the standards as part of site plan review. They include standards for¹:

- **Building yards** (Section 7.5, Building Yards), which are required along the portion(s) of the building facing any adjacent off-street parking area (excluding loading areas), based on the size of the building (the larger the building, the larger the building yard and amount of landscaping required).
- **Parking lot landscaping** (Section 7.6, Parking Lot Yards), which requires:
 - Perimeter landscaping around the edge of a parking lot, consisting of either a continuous row of evergreen shrubs or a masonry wall three feet to five feet in height, and shade trees planted every 40 feet on center; and
 - Interior parking lot landscaping requiring the planting of shade trees in islands or medians, so that each section (35 parking spaces) is enclosed by trees, with a maximum spacing of 40 feet on center, and so that no parking space is further than 60 feet from a tree.²
- **Perimeter buffer yards** (Section 7.4, Perimeter Bufferyards), which provide transitional landscaping between zoning districts and uses, based on:
 - Four different bufferyard types, based on the zoning district in which the proposed development is located in relation to the zoning district of the adjacent site; and
 - Two different bufferyard options for each bufferyard type, that varies the buffer width

¹ Single-family dwellings, duplexes, triplexes, development in the CC district, agricultural uses, and sites containing certain public utility equipment are exempted from the requirements (Section 7.3.2), except single-family subdivisions are required to comply with street yards requirements.

² Islands are required to be a minimum of nine feet in width with a minimum of 200 square feet of open planting area.

based on the amount and type of planting placed in the bufferyards.

- **Street yard landscaping** (Section 7.7), which requires landscaping along the different streets in the city based on the zoning district in which the development is located, with increased landscaping requirements as the intensity of development allowed in the district increases.³

To ensure there is a minimum amount of landscaping on a site, the provisions also require landscaping achieve a certain number of points (Section 7.3.2 H), which is based on the amount of planting done in each planting yard.

Finally, the city currently uses the conditional zoning process to ensure existing trees are preserved during development.

While the city’s landscaping standards are generally sound and precise, and the recent results good, they can be overly complex. Certainly there are areas that might be considered for refinements to improve development quality and simplify the landscaping requirements. These refinements include:

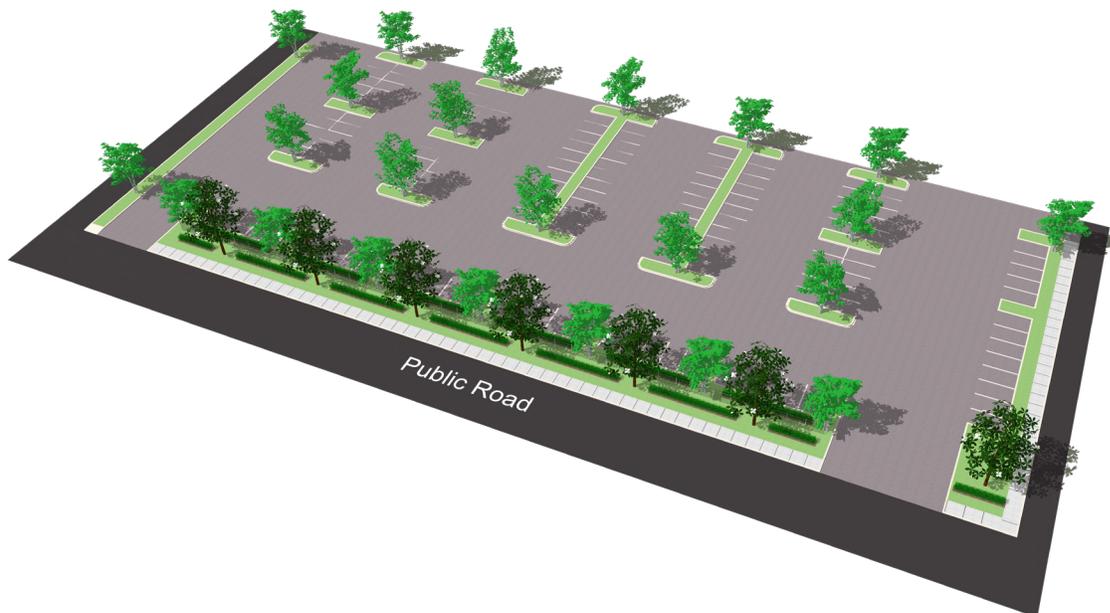
First, expanding the basic planting standards to include species diversity requirements and use of native vegetation and xeriscape (that would minimize need for irrigation).

Second, refining the building yard landscaping standards to require building yard landscaping between a building and the street, if the parking lot is located to the side or rear of the building.

Third, refining the approach to the perimeter buffer yards (transitional buffers) as follows:

- Base the buffer yard requirements on a proposed use (instead of zoning district) in relation to the existing adjacent use (or zoning district if the adjacent land is vacant).
- Evaluate and reduce the buffer yard requirements for similar uses.
- Modify the buffer yard standards, focusing more on performance-oriented buffers based on opacity, that are designed in ways that are more sensitive to the different contexts in the city (urban/mixed use versus suburban).

³ The width of the street yards range from six to 12 feet, and the landscaping involves the planting of shade and ornamental trees.



Fourth, modestly increase the interior parking lot landscaping requirements;

Fifth, delete the point system established in Section 7.3.2 H, as it is difficult to understand and administer, and is unnecessary to maintain strong landscaping standards.

Sixth, add additional requirements for large parking lots (over 200 parking spaces) to ensure they incorporate elements to break the lot into pods, and provide pedestrian features to improve access to the building's entrance.

Seventh, establish tree protection standards that would require protection of heritage and specimen trees, require retention of a percentage of existing tree canopy cover in certain locations, and provide enhanced credit for retaining existing trees in street yards and parking lot landscaping (interior and perimeter).

Eighth, prepare new graphics to use in explaining the landscaping standards for building yards, perimeter buffer yards, parking lots, and street yards.

ADD A SET OF COMPREHENSIVE OPEN SPACE SET-ASIDE STANDARDS

The current UDO includes regulations related to the provision of open space set-asides in Article 6: Subdivision Regulations (Section 6.5, Open Space Standards). That section establishes a definition of what constitutes open space (active and passive open space, and to a limited degree stormwater detention areas), and then sets out some modest open space standards for major subdivision development (basically excluding much of the nonresidential development from the standards). The standards, relative to those applied in modern codes are modest. Major residential subdivisions are required to set aside between eight to 12 percent of

Example open space set-aside standards from another community

TABLE 5.5.4(B): LANDS COUNTED AS OPEN SPACE SET-ASIDES		
AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES	DESCRIPTION	DESIGN AND MAINTENANCE REQUIREMENTS
Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines)		
	Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas.	<ul style="list-style-type: none"> • Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See tree protection standards (Section 5.6, Tree Protection)
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area.	<ul style="list-style-type: none"> • Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

their land as open space, depending on their density, with developments of greater than four units an acre required to set-aside 12 percent (see Table 6.5-1 Required Open Space for Subdivisions). Development subject to the requirement in the CD district is required to set-aside eight percent of the site as open space, and planned unit development are required to provide 25 percent of their land as open space.⁴

Establishment of broad and comprehensive open space set-asides⁵ and provision of land for recreation are key components to quality development and a healthy community. To further improve the open space set-aside requirements in the current UDO, we recommend the city consider doing just that -- establishing a uniform, broader in application, and comprehensive set of open space set-aside standards that are context-sensitive. This would be accomplished by establishing a set of open space standards, based on zoning districts, that would apply to all development types (new residential, mixed-use, or nonresidential development). The different geographical locations that we propose for consideration are:

- The CC: Center City, MU-CU Mixed-Use Corridor Urban, and MU-AC Mixed-Use Activity Center districts; and
- All other zoning districts in the city.

The open space set-aside standards would ensure a minimum level of “green” area and site amenities. The open space set-asides definition would be expanded to include landscaping and buffer areas, environmentally sensitive lands, floodplains, other

natural areas, stormwater management areas that are designed as site amenities, trails and greenways, lands for passive and active recreation, and gathering places.

They, however, would recognize that open space needs and functions are different in the CC: Center City, MU-CU Mixed-Use Corridor Urban, and MU-AC Mixed-Use Activity Center districts, versus the other areas in the city. For example, open space standards in the city center would require a lower set-aside percentage than in the other areas and would be flexible enough to allow features more prevalent in compact, mixed-use urban environments to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, roof-top or terrace gardens—perhaps even indoor atriums). In more urban areas, green roofs might also count towards meeting open space requirements, and might even be further incentivized through additional development intensity or building height.

Open space standards would also reflect the different needs of various types of development. For example, multi-family residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development, with open space generally more focused on recreational uses.

⁴ Interestingly, Table 4.10-1 only requires five percent of a TND development be set-aside as open space. See Table 4.10-1 Design Standards for a TND.

⁵ Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy, recreational lands (passive and active), meeting or gathering places, and the like. These lands can be maintained in perpetuity through a variety of tools—including, but not limited to, easements, covenants, dedication (donation of the land to a public agency for public use), conveyance of the lands to a third party beneficiary, etc. It is a concept used in modern development codes to ensure the maintenance and preservation of different types of open space while at the same time conforming to the requirements of the federal law on exactions and the imposition of conditions of approval on development.

Regardless of the location and type of development, standards should also ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules would give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas.

Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides.

ADD EXTERIOR LIGHTING STANDARDS

There are currently no comprehensive set of exterior lighting standards in the UDO that protect the night sky and prevent light spillover and glare on adjacent properties.

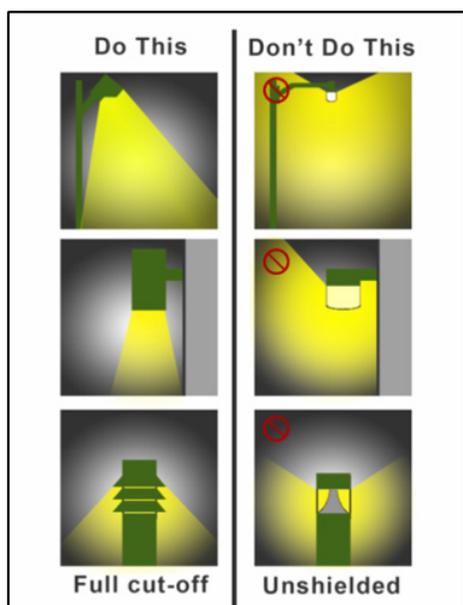
Clear and enforceable exterior lighting standards that apply throughout the city are not hard or lengthy to draft. We suggest the rewritten UDO establish objective, measurable standards that address all of

the key elements to protect the night sky and reduce glare. They would include:

- Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands;
- Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- Minimum and maximum foot-candle limits to ensure adequate lighting of public and parking areas, and to prevent glare;
- Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- Prohibitions on canopy lighting that extends below the edge of the canopy;
- Prohibitions on full floodlighting of uniquely colored or designed facades (which turns an entire building façade into a form of signage);
- Prohibitions on the up-lighting of signs, monument features, buildings, and the like;
- Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- A provision that would allow modifications to the requirements for safety reasons.

ADD PROVISIONS TO PROTECT THE CHARACTER OF ESTABLISHED SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS

There are a number of well-established single-family residential neighborhoods, both old and new, in Kannapolis. The community generally concurs that protecting, maintaining, and improving the quality and character of the city’s existing single-family residential neighborhoods is key to maintaining the community’s quality of life. It should be an important goal in the rewrite.



As is the case in many communities, preservation of the city’s neighborhoods does not come without conflict, especially regarding development proposals at the edge of single-family neighborhoods, or in the transition areas between single-family neighborhoods and the commercial corridors. Sometimes the conflict between old and new can be especially jarring, such as when a large new office, retail, or multi-family building is erected adjacent to single-family backyards. The potential for these conflicts could increase, as the city continues to grow and develop into the future. The conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking or parking location; lighting; land uses; and expected (or feared) volumes of traffic. There are few measurable and predictable minimum standards in the current UDO to ensure development located adjacent to single-family residential neighborhoods is compatible with the character of the neighborhood. The result is that the city’s review of development proposals, especially in edge/transition areas, can be controversial and frustrating

to the neighbors, the developer, and the review boards.

Based on best practices, we suggest the city consider adding two specific tools to the rewritten UDO, to address these concerns:

- Neighborhood compatibility standards; and
- A framework for application of a Neighborhood Character Overlay (NCO) District

NEIGHBORHOOD COMPATIBILITY STANDARDS

An increasing number of communities across the nation have included neighborhood compatibility standards in their regulations to protect the character of established single-family neighborhoods from impacts of new nonresidential, mixed-use, and multi-family development. If included in the rewritten UDO, they would typically apply to any new nonresidential development (e.g., commercial, industrial, or offices), mixed-use development, and multi-family development above a certain size that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zoning district. Table 3.4, Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the city should consider including in the rewritten regulations.

Example neighborhood compatibility illustration from another community

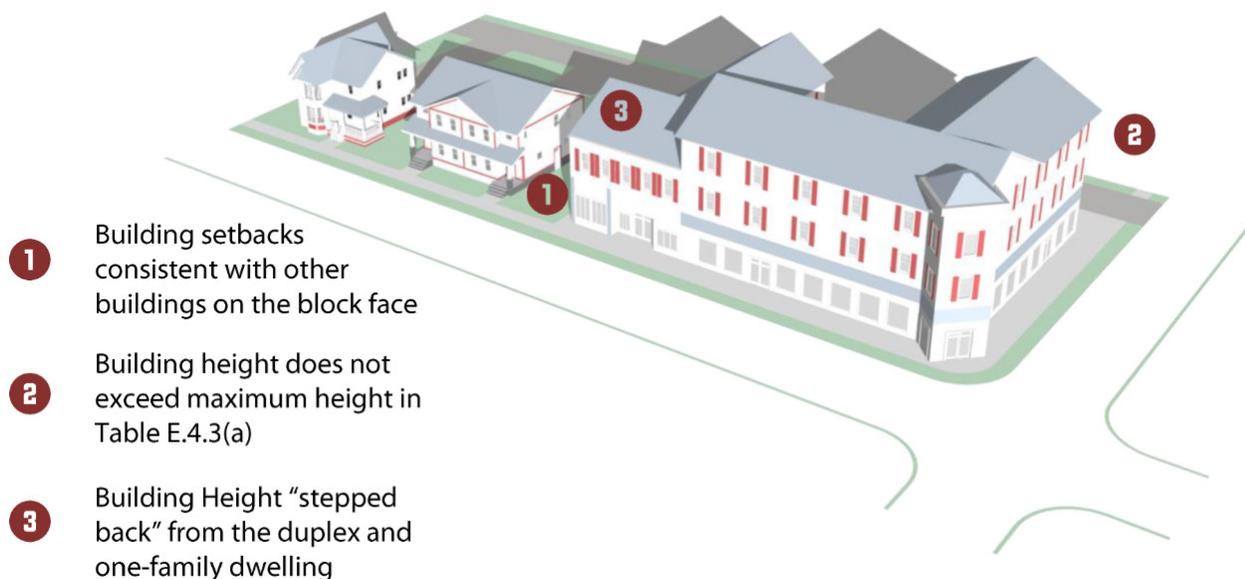


TABLE 3.4 POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS

STANDARD	POTENTIAL REQUIREMENTS FOR NEW NONRESIDENTIAL, MIXED-USE, AND MULTI-FAMILY DEVELOPMENT
Building Façade Standards	Requires construction of a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with multi-family and nonresidential development to be oriented away from adjacent single-family development
Building Dimension Standards	Requires that building height not exceed ___ feet within 100 or 150 feet of a single-family development, and that buildings over ___ feet in height be stepped back in height, so that the tallest part of the structure is the furthest from the single-family development
	Requires massing standards for building facades visible from single-family development -- that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 linear feet without some form of projection or recess. Covered porches, building wings, bay windows, pilasters, masonry chimneys, and cantilevered bump-outs would meet these requirements.
Site Design Standards	Requires when dealing with multi-building development, a continuum be established of use intensity, where uses of lowest-intensity are located closest to the single-family development, and the moderate intensity uses are sited between high-intensity uses and the lowest intensity uses
Location of Drive-Thrus and Outdoor Dining	Requires drive-thru facilities and outdoor dining areas to be located away from single-family development, to the maximum extent practicable.
Parking and Driveway Area Standards	Requires parking spaces be oriented away from single-family development
	Requires a fully-opaque vegetated buffer or fence, or a comparable buffer between single-family development and nonresidential and multi-family development
	Requires parking structure facades adjacent to single-family development receive enhanced design treatment to soften their visual impact
Loading and Refuse Storage Area Standards	Requires loading and refuse storage areas be located beyond a certain distance from single-family development
	Requires loading and refuse storage areas be screened from view of single-family development using materials that are the same as, or of equal quality to, the materials used for the principal building
Lighting Standards	Requires reduction of foot-candle values by 1/3 at lot lines
Signage Standards	Limits the sign area and maximum height of all signs by 25 percent of that normally allowed
Open Space Set-Aside Standards	Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or multi-family development and the single-family development, unless there is a compelling reason for it to be located elsewhere on the site

NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

Another regulatory tool many local governments use is Neighborhood Conservation Overlay (NCO) districts, as recommended in Overlay Districts on page II-37. NCOs are primarily used to ensure the desired character of a neighborhood is protected and can be an appropriate tool in both stable traditional neighborhoods and at risk neighborhoods to improve, re-build, preserve, and protect desired neighborhood character. NCO standards typically require infill and redevelopment to comply with additional modest development standards to protect neighborhood character. A framework for the establishment of an NCO district is included in the zoning district regulations so that the community can tailor and adopt individual NCO standards for different neighborhoods, based on a pre-approved area or neighborhood plan.

REFINE, MODERNIZE, AND MODIFY THE FORM AND DESIGN STANDARDS TO IMPLEMENT MOVE KANNAPOLIS FORWARD AND INCORPORATE BEST PRACTICES

Article 11: Site Design Standards, of the current UDO includes a number of site design and some form and use standards that apply to different types of development and, in some instances, development in specific zoning districts. Section 11.1, Outdoor Storage and Solid Waste Storage establishes special standards for outdoor and solid waste storage. Section 11.4, Zero Lot Line Development Standards, establishes standards governing zero lot line development; Section 11.2, Multifamily Residential Design Standards, establishes standards governing multifamily residential design standards; Section 11.3, Standards for Shopping Centers and Superstores, establishes special standards for shopping centers and “big box” development; Section 11.5 Supplemental Design Standards for City Center (CC) District, establishes form and design standards for development within the CC district;

Section 11.6, Supplemental Design Standards for Campus Development (CD), establishes form and design standards for development within the CD district; Section 11.7, Supplemental Design Standards for Light Industrial (LI) District, establishes form and design standards for development within the LI district; and Section 11.8, Supplemental Design Standards for Campus Development Residential (CD-R) District.

As part of the UDO rewrite, we recommend the following. First, the standards for outdoor and solid waste storage (Section 11.1) be refined and moved to the use specific standards section in Article 4: Use Regulations.

Second, the standards for the City Center (CC) (Section 11.5) and Light Industrial (LI) (Section 11.7) districts be carried forward with refinements,¹ and relocated to the development and form standards established for each of these individual districts in Article 3: Zoning Districts.

Third, the standards for zero lot line development (Section 11.4) be refined and carried forward in the rewritten KDO (see Proposed Zoning District Structure on page II-31)

Fourth, the multifamily residential design standards (Section 11.2) be carried forward, refined, and expanded to address additional form and design elements, and be placed in Article 5: Development Standards, in a section on Form and Design Standards. They would apply to all multifamily development, except that located in the CC and MU districts (which will have their own separate form and design standards). The additional type of standards that might be considered are summarized in Table 3.5: Additional Potential Multifamily Form and Design Standards.

¹ The Campus Development (CD) (Section 11.6) and Campus Development Residential (CD-R) (Section 11.8) districts are proposed to be deleted.

TABLE 3.5 ADDITIONAL POTENTIAL MULTIFAMILY FORM AND DESIGN STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Building Orientation and Configuration	Orient primary building entrance to a street rather than a parking area, to the maximum extent practicable
	Avoid long linear corridors and hidden entrances (by placing limitation on the length of a building)
Building Size	Limit the footprint area and length of individual buildings
Facades	Require façade articulation requirements for building of a certain size and length
Transparency	Consider establishing minimum glazing standards
Roofs	Limit pitch of sloped roofs
	Conceal flat roofs with parapets
	Locate and configure roof-based mechanical equipment to minimize view from street
Parking Placement and Configuration	Limit parking areas between buildings and the streets they face, in specific zoning districts
	Limit frontage taken up by locating parking to the sides of buildings
	Locate detached garages to the side or rear of buildings
Transition	Limit the size of multifamily structures within 100 feet of single-family homes; also establish rules governing roof treatment, windows/glazing, and façade treatment in the edge areas adjacent to single-family development.
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to residents, yet minimize noise and odor impacts on the residents and on adjacent residential development
	Enclose or otherwise fully screen outdoor garbage and recycling facilities, and other outdoor service areas to minimize views from dwelling units and adjacent residential development
Materials	Require building material standards
Open Spaces	Locate and configure open spaces so they are visible from dwelling units, to the maximum extent practicable

Fifth, the standards for shopping centers and superstores should be built upon, revised, and expanded to apply to all forms of nonresidential and mixed-use development outside the CC and MU districts (which will have their own separate form and design standards). They would be placed in Article 5: Development Standards, in a section on Form and Design Standards. The types of nonresidential form and design standards that might be considered to generally apply are summarized in Table 3.6: Potential Nonresidential and Mixed Use Form and Design Standards.

TABLE 3.6 POTENTIAL NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Building Orientation and Configuration	Orient buildings to front streets, not parking areas
	Orient around a central spine street or accessway (for multi-building developments)
	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces
	Use design features (canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances
Building Facades	Provide wall offsets and other articulation features (changes in color, recessed entrance, awnings, pillars and columns, bay windows, eaves, integrated planters) along front building facade and along facades facing residential development
Transparency	Incorporate windows and doors along the front building facade to cover a certain percentage of the façade area (with separate standards for ground floors and upper floors)
	Ensure ground-level windows that are transparent, allowing views into the building
Roofs	Incorporate roof line changes reflecting the required façade massing changes
	Locate and configure roof-based mechanical equipment to minimize view from street
Parking Placement and Configuration	Locate surface parking areas to the side or rear of buildings, in targeted places or districts, or limit parking areas between buildings and the street
	Limit frontage taken up by parking located to the sides of buildings
	Organize large surface parking lots (250 or more spaces) into a series of parking bays surrounded by buildings, landscaped medians, or accessways designed to look like streets
Storage and Service Areas	Locate storage buildings, garbage and recycling facilities, and other service areas to be conveniently accessible to occupant, yet minimize noise and odor impacts on the occupants and on adjacent residential development
	Enclose, incorporate into overall building design, or otherwise fully screen outdoor storage, garbage and recycling facilities, and other service areas from view from the street and adjacent residential development

STANDARD	POTENTIAL REQUIREMENTS
Open Spaces	Provide outdoor gathering spaces such as courtyards, plazas, pocket parks
	Provide pedestrian amenities such as plazas, seating areas, or gathering spaces between buildings
	Locate and configure open spaces so they are visible from buildings
Transition	Limit the size of nonresidential structures within 100 feet of single-family homes; also establish rules governing roof treatment, glazing, and façade treatment in the edge areas adjacent to single-family development.

In addition and as a supplement to the nonresidential and mixed use form and design standards, a new set of standards will also be developed for large-scale (over 50,000 square feet) single-tenant retail (big box) development.

MODIFY ADEQUATE PUBLIC FACILITY STANDARDS

Article 14: Adequate Public Facility (APF) Standards, establishes the city’s adequate public facility regulations for potable water, sewer, and roads/streets to ensure there are adequate potable water, sewer, and road/street facilities to serve new development by the time the development is built. The current regulations are complex and difficult to understand and administer. For this reason, we suggest they be modified in the UDO rewrite since the goal they are designed to achieve (ensuring adequate water, sewer, and road/street facilities) can be accomplished in a more efficient and simpler way. The changes suggested include:

- Deleting the adequate public facility standards for potable water and sewer facilities, and in their place establishing simpler standards at the site plan review stage requiring development applicants to demonstrate and provide assurances that their proposed projects will be adequately served by potable water and sewer facilities; and
- Modifying the road/street adequate public facility

standards to substitute a transportation impact study (TIS) requirement at the site plan and subdivision stage (in Article 2: Administration) that requires analysis of the impact a proposed project or subdivision will have on the road network, and mitigation if established level of service standards cannot be maintained (or denial if mitigation is needed and not provided).

ADD GREEN BUILDING STANDARDS AND INCENTIVES

Move Kannapolis Forward establishes a directive to implement green building through Policy 2.4.2: Promote Green Building, Action 2.1: Conduct a Comprehensive Rewrite of the UDO (create incentives for green and sustainable building practices), and policies under Outcome 7.4: A Greener Built Environment.

While the city's building codes include some green building provisions, the UDO currently lacks standards and incentives to support many modern green building practices and the procedures needed to implement them. For example:

- Alternative energy systems like solar and geothermal are not mentioned or defined ;
- Low impact development, green building, rain gardens, and bioswales are not mentioned or defined;

- Universal design is not mentioned or defined;
- Environmental site design, community gardens, and produce stands are not mentioned;
- Tree protection is not mentioned or defined;
- Certification for programs like Green Globe, National Green Building Standard (NGBS), Energy Star, and Envision, are not mentioned; and
- Leadership in Energy and Environmental Design (LEED) is identified as a way to achieve a special intensity allocation in the Watershed Overlay (Section 4.16.9.2.2).

In contemplating new regulations, it is important to recognize that green building practices involve much more than the design of individual buildings. In reality, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through ground-mounted solar facilities), subdivision layout, stormwater management (e.g. through low impact development or environmental site design), or to reduce vehicle miles traveled through better connectivity or site design will have been lost unless tools to promote those results are included in the development regulations. Not only can including such tools in regulations reduce the cost of development—both initially and in the long run—but it can also move the city toward more environmentally friendly, energy saving, and sustainable development practices. The inclusion of green building tools can reinforce the perception among citizens that the development regulations incorporate development principles and goals that are important both locally and globally.

Based on the general interest in the community about incorporating green building practices into the KDO, we recommend the city consider including in the rewritten KDO provisions that define, encourage, and support green building practices. In over two decades of practice, we have learned several important lessons about how to promote green development in land use regulations. These key lessons are:

- First, include the tools for green building in the development regulations. This means providing explicit definitions in the regulations for key terms like solar energy systems, environmental site design, universal design, natural stormwater infrastructure, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, alternative fuel filling stations, and recycling collection, transfer, treatment, and disposal facilities.
- Second, remove barriers to market driven innovations in these areas. Explicitly address where and how on residential, commercial, mixed-use, industrial, and raw land sites solar and geothermal systems may be installed – both as accessories to another primary use of the land, and as primary uses of the land. Do not require variances or approvals for installing smaller and accessory devices, and remove the requirements for building permits for those devices where possible. For larger and primary devices, establish objective standards and allow by right development subject to those standards wherever possible. Ensure that site



design and landscaping standards do not prohibit low impact development practices, but instead allow them to be counted towards required open space set-asides and landscaped areas.

- Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored, and to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically, and must be balanced with incentives needed to achieve other important goals.
- Fourth, write reasonable, objective, and enforceable standards for the green building features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are a variety of energy conserving, water conserving, low impact development, and resource recycling features that can be included at low cost, where the additional cost is easily offset by the savings in time and expense by avoiding a variance procedure. These are the “tipping point” issues – areas where efficient market driven solutions are easily available, and the role of the KDO is to strongly encourage their use through reasonable standards and procedural efficiencies.
- Finally, be sure to coordinate the standards and incentives in the KDO with related provisions of the building code. Generally, if the topic is adequately addressed in other codes (e.g. incentives or allowances for building mounted solar collectors), they should not be repeated in the KDO, because repetition often leads to inconsistencies over time. On the other hand, site design features (e.g. ground mounted solar collectors or bioswales) can and should be addressed in the development regulations with little worry that those provisions

will become inconsistent with other code provisions over time.

We recommend that the rewritten KDO define terms, remove barriers, and adopt reasonable regulations following the principles above, for the following types of green building practices:

- Alternative energy systems that would include, but are not be limited to, solar energy systems, solar collectors, solar arrays, geothermal systems, electric vehicle charging stations, and alternative fuel filling stations;
- Energy conservation techniques and devices including, but not limited to, green roofs, roof gardens, cool roofs, and subdivision design (to take advantage of solar and passive energy);
- Water conservation techniques and devices including, but not limited to, xeriscape, bioswales, rain gardens, rain barrels, and water cisterns;
- Low impact development/environmental site design standards for stormwater management;
- Conservation of green infrastructure including, but not limited to, more open space-set-asides;
- Urban agriculture activities including, but not limited to, community gardens, produce stands, farmers markets, and vegetable gardens;
- Compact, walkable urbanism that supports market driven and higher development densities with a mix of uses in key places, together with requirements for pedestrian and bicycle connectivity and a strong focus on the quality of the streetscape;
- Housing diversity by increasing the housing options available to residents in close proximity to services, by right or subject to use specific standards. These types of housing might include small-scale forms of attached dwellings (duplexes, triplexes, quadplexes, mansion apartments, courtyard apartments, and senior housing) that not only promote affordability but limit the impact of new development on the land; and

- Recycling collection, transfer, treatment, and disposal facilities.

This will require changes to at least the following sections of the KDO:

- Definitions.
- Permitted uses—to better address renewable energy facilities, urban agriculture, and housing options.
- Use-specific standards— for example, to better establish where on a site accessory renewable energy facilities can be located.
- Dimensional standards— to establish maximum heights and setbacks of renewable energy and low impact development features.
- Parking standards—to accommodate electric vehicle charging stations and improved van and carpool provisions.
- Open space set-aside standards—to refine the open space set-aside requirements for the protection of green infrastructure, and provide credits to protect green infrastructure in appropriate locations.

We also recommend that the new regulations include meaningful incentives for these or similar types of sustainable development practices. Finally, we recommend coordinating the new standards and incentives with related provisions of the building code, to ensure there are no conflicts and that the provisions are mutually supportive.

This page intentionally left blank.

ANNOUNCED OUTLINE

3

The annotated outline includes the organization and structure of the proposed rewritten KDO.

PROPOSED KDO STRUCTURE

- | | |
|------------|---|
| ARTICLE 1 | GENERAL PROVISIONS |
| ARTICLE 2 | ADMINISTRATION |
| ARTICLE 3 | ZONING DISTRICTS |
| ARTICLE 4 | USE REGULATIONS |
| ARTICLE 5 | DEVELOPMENT STANDARDS |
| ARTICLE 6 | SUBDIVISIONS |
| ARTICLE 7 | NONCONFORMITIES |
| ARTICLE 8 | ENFORCEMENT |
| ARTICLE 9 | RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT |
| ARTICLE 10 | DEFINITIONS |

ANNOTATED OUTLINE

ARTICLE 1: GENERAL PROVISIONS

Article 1: General Provisions, plays an important part in making the updated KDO user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the city regulates zoning and subdivisions, and the general purposes of the KDO.

SECTION 1.1. TITLE

This section will set forth the official name by which regulations may be cited (e.g., “The Kannapolis Development Ordinance of the City of Kannapolis”) as well as any acceptable shortened references (e.g., “the KDO” or “the Ordinance.”).

SECTION 1.2. AUTHORITY

This section will contain references to the authority by which the city has to adopt the KDO in accordance with the North Carolina constitution and North Carolina statutes. It will also include a provision stating that if the regulations cite a provision of the North Carolina statutes or federal law that is amended or superseded, the regulations will be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of the City Council when it adopted the KDO. It will include statements of intent, as appropriate, to reflect the state statutes and the goals and policy direction in the Move

ARTICLE 1: GENERAL PROVISIONS

SECTION 1.1	TITLE
SECTION 1.2	AUTHORITY
SECTION 1.3	GENERAL PURPOSE AND INTENT
SECTION 1.4	APPLICABILITY
SECTION 1.5	COMPREHENSIVE PLAN
SECTION 1.6	RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS
SECTION 1.7	ZONING MAP
SECTION 1.8	TRANSITIONAL PROVISIONS
SECTION 1.9	VESTED RIGHTS
SECTION 1.10	SEVERABILITY
SECTION 1.11	EFFECTIVE DATE

Kannapolis Forward 2030 Comprehensive Plan. Purpose statements related to the zoning districts, the development standards, and the procedures will be located in those specific sections.

SECTION 1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the KDO. It consolidates and relocates provisions related to applicability to this new section. It will state that unless stated otherwise or exempted, the standards and requirements of the KDO apply to all development within the corporate limits of the city. It will also include a section on general exemptions.

SECTION 1.5. COMPREHENSIVE PLAN

This new section sets out that the KDO is in accordance with the city's comprehensive plan.

SECTION 1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

This section provides that in case of conflict between the KDO and other legislative enactments of the federal government, the state, or city, the stricter provision applies, to the extent allowed by law. The section will also express that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, they control. The section will also clarify that the city will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with city requirements.

SECTION 1.7. ZONING MAP

This section incorporates by reference the Zoning Map as well as any related maps. It will provide for amendment of the Zoning Map upon the approval of a rezoning application. It will clarify that the Zoning Map is maintained in a digital format. It will also identify the Planning Director as the person authorized to interpret the Zoning Map and determine where the boundaries of the different zoning districts fall. It will also provide that appeals from the Planning Director's interpretations may be made to the Board of Adjustment. A new provision would be included for establishing a zoning designation on newly annexed land.

SECTION 1.8. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section will provide the following:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations), and are subject to the penalties and enforcement provisions in **Article 8: Enforcement**.
- Completed applications that are already in the development approval pipeline at the time the regulations become effective, may be processed under the prior regulations. If an applicant seeks to proceed under the new regulations (instead of the regulations in place at the time the application was originally submitted), the applicant may do so, but will need to withdraw the application and resubmit it.
- Existing development approvals and permits will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will subject the development to the new KDO.
- Applications submitted after the effective date of the rewritten KDO are subject to the procedures and standards of the rewritten KDO.

SECTION 1.9. VESTED RIGHTS

This section sets forth rules pertaining to vested rights. It references the vested rights certificate procedure in **Article 2: Administration**.

SECTION 1.10. SEVERABILITY

This standard provision states that if any part of the rewritten KDO is ruled invalid, the remainder of the KDO is not affected and continues to apply, and that if application of an Ordinance provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances.

SECTION 1.11 EFFECTIVE DATE

This section establishes the effective date of the rewritten KDO.

ARTICLE 2: ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval or permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in Make the Structure more logical and intuitive on page II-1 of the Diagnosis, this article consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. Article 2: Administration includes the following three sections:

- **Section 2.1. Advisory and Decision-Making Bodies and Persons**, which summarizes the development review responsibilities of the review boards and staff;
- **Section 2.2. Standard Application Requirements and Procedures**, which establishes a standard set of review procedures for the review of development applications; and
- **Section 2.3. Application-Specific Review Procedures and Decision Standards**, which includes the specific review standards and any unique procedural review requirements for each individual application.

Each section is outlined and discussed in more detail in the following paragraphs.

ARTICLE 2: ADMINISTRATION

SECTION 2.1	ADVISORY AND DECISION-MAKING BODIES AND PERSONS
SECTION 2.2	STANDARD APPLICATION REQUIREMENTS AND PROCEDURES
SECTION 2.3	APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

SECTION 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

The first section in the article identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the KDO. Provisions such as these help establish clear lines of authority in the decision-making procedures. This section will identify the specific responsibilities of each review board or staff person. Table 2.1: Proposed Development Review Procedures, City of Kannapolis, provides an overview of the proposed new review procedures, and which board or person is responsible for review, recommendation, or making the decision.

**TABLE 2.1 PROPOSED DEVELOPMENT REVIEW PROCEDURES,
CITY OF KANNAPOLIS**

D: DECISION R: RECOMMENDATION S: STAFF REVIEW A: APPEAL RQ: REQUIRED <_>: PUBLIC HEARING

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	PUBLIC WORKS DIRECTOR
DISCRETIONARY REVIEW								
Zoning Text Amendment	RQ		<D>	<R>			S	
Zoning Map Amendment	RQ	RQ [1]	<A>, <D> [2]	<D> [2]			S	
Conditional Zoning	RQ	RQ	<A>, <D> [2]	<D> [2]			S	
Planned Development (PD)	RQ	RQ	<D>	<R>			S	
Conditional Use Permit	RQ				<D>		S	
SITE PLAN AND SUBDIVISION								
Site Plan	RQ [3]						D	
Minor Subdivision:								
Sketch Plat							D	S
Final Plat							D	S [4]
Major Subdivision:								
Preliminary Plat	RQ	RQ		D [5]		D [5]		
Construction Plans								D
Final Plat							D	
PERMITS								
Zoning Clearance [6]					<A>		D	
Certificate of Compliance					<A>		D	
Temporary Certificate of Compliance					<A>		D	
Grading					<A>		D	
Stormwater Management					<A>			D
Tree Removal Permit (NEW)					<A>		D	
Temporary Use					<A>		D	

	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	CITY COUNCIL	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	PUBLIC WORKS DIRECTOR
Home Occupation					<A>		D	
Sign					<A>		D	
Special Flood Hazard Area Development					<A>		D	
Erosion and Sedimentation Control [7]								
RELIEF								
Variance					<D>			
Subdivision Exception			<A>	<D>				
Administrative Adjustment (NEW)					<A>		D	
Appeal from Administrative Decision					<A>			
OTHER PROCEDURES								
Interpretation					<A>		D	
Vested Rights Certificate [8]								
Certificate of Nonconformity Adjustment					<D>			
<p>TABLE NOTES</p> <p>[1] Required only if lands are proposed to be zoned to a district that allows greater intensity or density of development.</p> <p>[2] Final decision is by the Planning and Zoning Commission by three-quarters majority of voting members. If approved by a smaller majority, if denied, or if the Planning and Zoning Commission's decision is appealed, City County makes the final decision.</p> <p>[3] Required for commercial development exceeding certain thresholds (e.g., square feet of gross floor area).</p> <p>[4] Where a subdivision includes water and/or sewer utility extensions</p> <p>[5] The Technical Review Committee reviews and makes a decision on all major preliminary subdivision plats, except those that are in a conditional zoning district, which are approved by the Planning and Zoning Commission.</p> <p>[6] To construct a structure, use land, or change the use of a structure or land, a zoning clearance permit must be obtained from the Planning Department and a building permit may be required from the Cabarrus or Rowan County Building Inspections Department.</p> <p>[7] The Erosion and Sedimentation Control permit references Article 9 of the current UDO. Sec. 9.5, Sedimentation and Erosion Control is reserved for future inclusion of the local sedimentation and erosion control administration and enforcements. Until such time, the NC Department of Environmental Quality (DEQ) shall have jurisdiction in Kannapolis.</p> <p>[8] Carries forward the current procedure, with refinements consistent with state law.</p>								

SECTION 2.2. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

SEC. 2.2.1. NEIGHBORHOOD MEETINGS

See discussion in Neighborhood Meeting Procedures on page II-13 of the Diagnosis, for discussion on this procedure.

SEC. 2.2.2. PRE-APPLICATION CONFERENCE

See discussion in Pre-Application Conference on page II-13 of the Diagnosis, for discussion on this procedure.

SEC. 2.2.3. APPLICATION SUBMISSION

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the “beginning” of the development review process. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Planning Director. The current UDO includes specific details relating to application submittal and review requirements. This kind of information contributes to longer and more cumbersome regulations. It is proposed that Section 2.1, Advisory and Decision-making Bodies and Persons, authorize the Planning Director to establish application requirements and a submission and review schedule for all development applications. It is also recommended that the new regulations follow the modern trend in zoning and subdivision administration with respect to application forms and content requirements by authorizing the Planning Director to consolidate forms, application requirements, fee information, and review and submittal schedules in a separate Procedures Manual (see Use a Procedures Manual on page II-12 of the Diagnosis). Applicants can refer to the Procedures Manual to determine what materials and fees must be included in the application submission.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established period of time. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

In addition, this subsection includes a provision that allows simultaneous processing of applications, at the discretion of the Planning Director, whenever two or more forms of review and approval are required under the regulations, so long as all applicable state and local requirements are satisfied. It concludes with rules governing the examination and copying of application documents and related materials by members of the public.

SEC. 2.2.4. DETERMINATION OF COMPLETENESS

See discussion in Application Completeness Determination on page II-13 of the Diagnosis, for discussion on this procedure.

SEC. 2.2.5. STAFF REVIEW AND ACTION

This subsection establishes the standard review procedures for staff (either the Planning Director or a designee) to review and take action on an application.

SEC. 2.2.6. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

This section will include a consolidated set of rules to establish how public hearings are scheduled, requirements for notices of public hearings, and a mechanism for the applicant to request and receive a deferral of consideration of an application.

It consolidates public notification requirements for all applications that are subject to public notification requirements. Generally, public notification is required through publication in a newspaper of

Table 26-2.4: Type and Timing of Required Public Notification			
Application type	Required Public Notification		
	Mailed	Posted	Published
Text Amendment (Sec. 26-2.5(a))	None required	None required	Published at least 15 days before date of first or second reading
Zoning Map Amendment (Sec. 26-2.5(a)(1)), Planned Development (Sec. 26-2.5(c))	Mailed at least 15 days before hearing date	Posted at least 15 days before hearing date ^[1]	Published at least 15 days before date of first reading
Special Exception Permit (Sec. 26-2.5(d))	None required	Posted before hearing date	Published at least 15 days before public hearing date
Variance (Sec. 26-2.5(o))	None required	Posted before hearing date	Published at least 15 days before public hearing date
Appeal of Administrative Decision (Sec. 26-2.5(o)(4)a)	None required	None required	Published at least 15 days before public hearing date
NOTES:			
[1] Posted notice is not required for a zoning map amendment of multiple parcels that is initiated by the County Council.			

Example public notification table from another community

general circulation, mailing of notice to adjoining landowners, and on-site posting of notice. Specific requirements for each of these different types of notice are provided, consistent with North Carolina law. To the extent we can consolidate and clarify the notice requirements for the different types of development applications, this subsection will do so. The subsection also includes a provision authorizing that notice for development applications be sent to individuals or organizations who have registered to be notified.

We have found it quite helpful in consolidating and simplifying notice requirements to use a table of the general requirements. We propose using that approach in this subsection. See the example table format from another community.

In addition, the notification requirements should take full advantage of technology. Where published or mailed notice is not required by state law, the regulations could use online technology such as email, ListServes, or similar tools that avoid the time, cost and waste of printing, to notify the public. As computers, tablets, and smartphones have become common, there is no need (other than where required by law) to engage mass mailings or print publications.

SEC. 2.2.7. ADVISORY BODY REVIEW AND RECOMMENDATION

For applications subject to review by an advisory body (e.g. Planning and Zoning Commission), this subsection establishes the procedures for review and recommendation.

SEC. 2.2.8. DECISION-MAKING BODY HEARING, REVIEW, AND DECISION

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (e.g., City Council, Planning and Zoning Commission, and the Board of Adjustment) and the body’s review and decision on the application. It also describes generally the types of conditions that may be attached to certain forms of approvals granted under the article, written to reflect state law, federal law, and case law, where the procedure expressly allows applications to be “approved with conditions.” It also establishes “lapse of approval” provisions. Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a limit stated in the KDO) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the

applicant. Extensions may be granted by the person or body that granted the approval of the application.

SEC. 2.2.9. NOTIFICATION TO APPLICANT OF DECISION

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

SEC. 2.2.10. POST-DECISION ACTIONS

This subsection describes actions that occur after a decision has been rendered, including appeals.

SECTION 2.3. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

This section includes the review procedures for each individual type of development application, identifying whether each standard procedure applies. It also includes the review standards that are required to be applied to each individual application, as well as any special rules or exceptions. Each procedure will be accompanied by an updated review process flowchart.

SEC. 2.3.1. DISCRETIONARY REVIEW

SEC. 2.3.1.(A) TEXT AMENDMENT

This subsection establishes and carries forward the review procedure for a text amendment to the KDO. The Planning and Zoning Commission hears and makes a recommendation on the application prior to a decision by the City Council.

SEC. 2.3.1.(B) ZONING MAP AMENDMENT

This subsection establishes and carries forward the procedure for a zoning map amendment. The Planning and Zoning Commission hears and makes a recommendation on the application prior to a decision by the City Council.

SEC. 2.3.1.(C) CONDITIONAL ZONING

This subsection establishes and carries forward the review procedure for conditional zoning, with refinements. The City Council makes a decision on

the application.

SEC. 2.3.1.(D) PLANNED DEVELOPMENT

This subsection establishes the review procedure for planned developments. The City Council makes a decision on the application.

SEC. 2.3.1.(E) CONDITIONAL USE PERMIT

This subsection establishes and carries forward the review procedure for a conditional use permit. The Board of Adjustment makes a decision on the application.

SEC. 2.3.2. SITE PLAN, SUBDIVISION, AND LAND DEVELOPMENT

SEC. 2.3.2.(A) SITE PLAN

This subsection establishes and carries forward the review procedure for a minor site plan. A decision is made by the Planning Director.

SEC. 2.3.2.(B) MINOR SUBDIVISION SKETCH PLAT

This subsection establishes and carries forward the procedure for a minor subdivision sketch plat. The decision on a minor subdivision sketch plan is made by the Planning Director.

SEC. 2.3.2.(C) MINOR SUBDIVISION FINAL PLAT

This subsection establishes and carries forward the review procedure for a minor subdivision final plat. The decision on a minor subdivision final plat is made by the Planning Director.

Director.

SEC. 2.3.2.(D) MAJOR SUBDIVISION PRELIMINARY PLAT

This subsection establishes and carries forward the procedure for a major subdivision preliminary plat and includes a requirement for a pre-application meeting. The decision on a major subdivision preliminary plat is made by the Technical Review Committee.

SEC. 2.3.2.(E) MAJOR SUBDIVISION CONSTRUCTION PLANS

This subsection establishes and carries forward the procedure for construction plans. The decision

on construction plans is made by the Public Works Director.

SEC. 2.3.2.(F) MAJOR SUBDIVISION FINAL PLAT

This subsection establishes and carries forward the procedure for a major subdivision final plat. The decision on a major subdivision final plat is made by the Planning Director.

SEC. 2.3.3. PERMITS

SEC. 2.3.3.(A) ZONING CLEARANCE

This subsection establishes and carries forward the procedures for a zoning clearance permit. The decision on a zoning clearance permit is made by the Planning Director.

SEC. 2.3.3.(B) CERTIFICATE OF COMPLIANCE

This subsection establishes and carries forward the procedures for a certificate of compliance permit. The decision on a certificate of compliance permit is made by the Planning Director.

SEC. 2.3.3.(C) TEMPORARY CERTIFICATE OF COMPLIANCE

This subsection establishes and carries forward the procedures for a temporary certificate of compliance permit. The decision on a temporary certificate of compliance permit is made by the Planning Director.

SEC. 2.3.3.(D) GRADING

This subsection establishes and carries forward the procedures for a grading permit. The decision on a grading permit is made by the Planning Director.

SEC. 2.3.3.(E) STORMWATER MANAGEMENT

This subsection establishes and carries forward the procedures for a stormwater management permit. The decision on a stormwater management permit is made by the Public Works Director.

SEC. 2.3.3.(F) TREE REMOVAL

This subsection establishes the procedure for a tree removal permit. The decision on a tree removal permit is made by the Planning Director.

SEC. 2.3.3.(G) TEMPORARY USE

This subsection establishes and carries forward the procedures for a temporary use permit. The decision on a temporary use permit is made by the Planning Director.

SEC. 2.3.3.(H) HOME OCCUPATION

This subsection establishes and carries forward the procedures for a home occupation permit. The decision on a home occupation permit is made by the Planning Director.

SEC. 2.3.3.(I) SIGN

This subsection establishes and carries forward the procedures for a sign permit. The decision on a sign permit is made by the Planning Director.

SEC. 2.3.3.(J) SPECIAL HAZARD AREA DEVELOPMENT

This subsection establishes and carries forward the procedures for a special hazard area development permit. The decision on a special hazard area development permit is made by the Planning Director.

SEC. 2.3.3.(K) EROSION AND SEDIMENTATION CONTROL

This subsection references the NC Department of Environmental Quality (DEQ) standards, requirements, and procedures.

SEC. 2.3.4. RELIEF

SEC. 2.3.4.(A) VARIANCE

This subsection establishes and carries forward the procedures for a variance. The Zoning Board of Adjustment makes a decision on a variance.

SEC. 2.3.4.(B) SUBDIVISION EXCEPTION

This subsection establishes and carries forward the procedure for the exception from subdivision ordinance. The decision on the exception from subdivision ordinance is made by the Planning and Zoning Commission.

SEC. 2.3.4.(C) ADMINISTRATIVE ADJUSTMENT

This subsection establishes the procedures for an administrative adjustment. The Planning Director makes a decision on an administrative adjustment.

SEC. 2.3.4.(D) APPEAL FROM ADMINISTRATIVE DECISION

This subsection establishes and carries forward the procedures for an appeal from administrative decision. The Board of Adjustment makes a decision on an appeal from an administrative decision.

SEC. 2.3.5. OTHER PROCEDURES**SEC. 2.3.5(A) INTERPRETATION**

This subsection establishes the procedures for an interpretation to the text of the KDO, the zoning district boundaries, and unlisted uses. The Planning Director makes a decision on an interpretation.

SEC. 2.3.5.(B) VESTED RIGHTS CERTIFICATE

This subsection establishes and carries forward the procedure for establishment of a statutory vested right. The decision to approve a site specific development plan or a phased development plan is made by the body deciding on the corresponding development application.

SEC. 2.3.5.(C) CERTIFICATE OF NONCONFORMITY ADJUSTMENT

This subsection establishes and carries forward the procedures for a certificate of nonconformity adjustment. Certificates of nonconformity adjustment are issued by the Board of Adjustment.

ARTICLE 3: ZONING DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

This section starts with a subsection that describes base zoning districts, planned development districts, and overlay districts, and explains how they relate to one another. For example, the subsection describes overlay zoning districts as superimposed over portions of an underlying base zoning district, which applies additional or alternative development regulations to those applied by the underlying zoning district.

The second subsection establishes the various zoning districts, typically with a summary table that identifies the zoning district by name and official abbreviation. The table has a hierarchical format, organizing zoning districts by base districts (agricultural, residential, mixed-use, commercial, and industrial), planned development districts, and overlay districts. Within each group, zoning districts are generally listed from the least to the most intensive. Table 3.1: Proposed Zoning District Structure, reproduced on the following pages, shows both the current and proposed line-up of zoning districts.

ARTICLE 3: ZONING DISTRICTS	
SECTION 3.1	GENERAL PROVISIONS
SECTION 3.2	AGRICULTURAL DISTRICTS
SECTION 3.3	RESIDENTIAL DISTRICTS
SECTION 3.4	MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS
SECTION 3.5	PLANNED DEVELOPMENT DISTRICTS
SECTION 3.6	OVERLAY DISTRICTS

**TABLE 3.1 PROPOSED ZONING DISTRICT STRUCTURE,
CITY OF KANNAPOLIS**

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
BASE DISTRICTS		
Agricultural		
AG Agricultural District	AG Agricultural District	Future Planning Areas
Residential		
RE Rural Estate District	RRT Rural Residential Transition District	Cluster Residential, Conservation Neighborhood, Neighborhood Transition 2
RL Residential Low Density District	RSF-2 Residential Single Family 2 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1
RM-1 Residential Medium Density District	RSF-4 Residential Single Family 4 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1, Complete Neighborhood 2
RM-2 Residential Medium Density District		
	RSF-6 Residential Single Family 6 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2
	RSF-7 Residential Single Family 7 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2
RV Residential Village District	RM-8 Residential Mixed 8 District	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential
RC Residential Compact District	RM-18 Residential Mixed 18 District	Complete Neighborhood 2 Urban Residential
Mixed-Use, Commercial, and Industrial		
O-I Office-Institutional District	O-I Office-Institutional District	Urban Residential, Complete Neighborhood 1, Complete Neighborhood 2
B-1 Neighborhood Commercial/Office District	MU-N Mixed-Use Neighborhood District	Secondary Activity Center, Suburban Activity 2, Urban Residential, Complete Neighborhood 2
	MU-AC Mixed-Use Activity Center District (NEW)	Primary Activity Center
CC City Center District	CC City Center District	Downtown Center
	MU-CU Mixed-Use Corridor Urban District (NEW)	Urban Corridor
	MU-CS Mixed-Use Corridor Suburban District (NEW)	Suburban Activity 2
TOD Transit Oriented Development District	TOD Transit Oriented Development District	Primary Activity Center, Secondary Activity Center, Complete Neighborhood 2, Downtown Center

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
CD Campus Development District	DELETE	
CD-R Campus Development - Residential District	DELETE	
C-1 Light Commercial and Office District	DELETE	
C-2 General Commercial District	GC General Commercial District	Regional Commercial Center, Primary Activity Center-Interchange, Secondary Activity Center-Interchange, Suburban Activity 1, Employment Center
I-1 Light Industrial District	LI Light Industrial District	Primary Activity Center-Interchange, Secondary Activity Center-Interchange, Employment Center
I-2 Heavy Industrial District	HI Heavy Industrial District	Employment Center
PID Public Interest Development District	DELETE	
TND Traditional Neighborhood Development District	DELETE	
PLANNED DEVELOPMENT DISTRICTS		
PUD Planned Unit Development District	PD Planned Development District	
	PD-TND Planned Development - Traditional Neighborhood Development District	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential, Primary Activity Center, Secondary Activity Center
	PD-C Planned Development - Campus District	Employment Center, Regional Commercial Center, Primary Activity Center-Interchange, Suburban Activity 1
OVERLAY DISTRICTS		
AOD Airport Overlay District	AO Airport Overlay District	
HOD Historic Overlay District	HPO Historic Overlay District	
FPOD Flood Plain Overlay District	FPO Flood Plain Overlay District	
MHOD Manufactured Home Overlay District	MHO Manufactured Home Overlay District	
CCTPOD Coddle Creek Thoroughfare Protection Overlay District	TPO Thoroughfare Protection Overlay District	
DEBTPOD Dale Earnhardt Boulevard Thoroughfare Protection Overlay District		
	NPO Neighborhood Protection Overlay District (NEW)	
RSOD River/Stream Overlay District	RSO River/Stream Overlay District	
WPOD Watershed Protection Overlay District	WPO Watershed Protection Overlay District	

SECTION 3.2. AGRICULTURAL DISTRICT

SEC. 3.2.1. AGRICULTURAL DISTRICT

See discussion in Agricultural District on page II-34.

SECTION 3.3. RESIDENTIAL DISTRICTS

SEC. 3.3.1. GENERAL PURPOSE OF RESIDENTIAL DISTRICTS

This sets out the general purpose of the Residential Districts.

SEC. 3.3.2. RURAL RESIDENTIAL TRANSITION DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.3. RESIDENTIAL SINGLE FAMILY 2 DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.4. RESIDENTIAL SINGLE FAMILY 4 DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.5. RESIDENTIAL SINGLE FAMILY 6 DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.6. RESIDENTIAL SINGLE FAMILY 7 DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.7. RESIDENTIAL MIXED 8 DISTRICT

See discussion in Residential Districts on page II-34.

SEC. 3.3.8. RESIDENTIAL MIXED 18 DISTRICT

See discussion in Residential Districts on page II-34.

SECTION 3.4. MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

SEC. 3.4.1. GENERAL PURPOSE OF THE MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

This sets out the general purpose of the Mixed-Use, Commercial, and Industrial Districts.

SEC. 3.4.2. OFFICE-INSTITUTIONAL DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.3. MIXED-USE NEIGHBORHOOD DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.4. MIXED-USE ACTIVITY CENTER DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.5. CITY CENTER DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.6. MIXED-USE CORRIDOR URBAN DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.7. MIXED-USE CORRIDOR SUBURBAN DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.8. TRANSIT ORIENTED DEVELOPMENT DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.9. GENERAL COMMERCIAL DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.10. LIGHT INDUSTRIAL DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SEC. 3.4.11. HEAVY INDUSTRIAL DISTRICT

See discussion in Mixed-Use, Commercial, and Industrial Districts on page II-35.

SECTION 3.5. PLANNED DEVELOPMENT DISTRICTS

SEC. 3.5.1. GENERAL PROVISIONS

This sets out the general purpose of the Planned Development Districts and the general requirements for all planned developments.

SEC. 3.5.2. PLANNED DEVELOPMENT DISTRICT

See discussion in Planned Development Districts on page II-36.

SEC. 3.5.3. PLANNED DEVELOPMENT - TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

See discussion in Planned Development Districts on page II-36.

SEC. 3.5.4. PLANNED DEVELOPMENT - CAMPUS DISTRICT

See discussion in Planned Development Districts on page II-36.

SECTION 3.6. OVERLAY DISTRICTS

SEC. 3.6.1. GENERAL PURPOSE OF THE OVERLAY DISTRICTS

This sets out the general purpose of the overlay districts.

SEC. 3.6.2. AIRPORT OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.3. HISTORIC OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.4. FLOOD PLAIN OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.5. MANUFACTURED HOME OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.6. THOROUGHFARE PROTECTION OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.7. NEIGHBORHOOD PROTECTION OVERLAY

See discussion in Overlay Districts on page II-37.

SEC. 3.6.8. RIVER/STREAM OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

SEC. 3.6.9. WATERSHED PROTECTION OVERLAY DISTRICT

See discussion in Overlay Districts on page II-37.

ARTICLE 4: USE REGULATIONS

Article 4: Use Regulations, consolidates all use regulations in one article, including accessory uses and structures, and temporary uses and structures. Article 4 is organized into four sections. It begins with a section containing general provisions that is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures.

SECTION 4.1. GENERAL PROVISIONS

This section includes general provisions for the use regulations article.

SECTION 4.2. PRINCIPAL USES

SEC. 4.2.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

ARTICLE 4: USE REGULATIONS

SECTION 4.1 GENERAL PROVISIONS

SECTION 4.2 PRINCIPAL USE TABLE

SECTION 4.3 ACCESSORY USES AND STRUCTURES

SECTION 4.4 TEMPORARY USES AND STRUCTURES

SEC. 4.2.2. PRINCIPAL USE TABLE

This includes the heart of the article, the principal use table, that builds on the current table of uses. The subsection begins with introductory material explaining how to use the table. The table will reflect revisions to the lineup of zoning districts as discussed in Proposed Zoning District Structure on page II-31 of the Diagnosis, and the new classification

Table 27-5.202.D: Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
P = Permitted by Right SE = Allowed only with approval of a Special Exception Blank cell = Prohibited																		
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards		
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H			RMH	
								Core	Edge	Core	Edge	Core	Edge	Core				Edge
Rural and Agricultural Uses																		
Agriculture/Forestry Uses	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.1.a
	Medical cannabis grower and/or processor					P												27-5.203.B.1.b
	Other agriculture/forestry uses					P	P											27-5.203.B.1
Agriculture/ Forestry Related Uses	Agriculture research facility				P	P												
	Farm distribution hub		P	P	P	P												
	Farm supply sales or farm machinery/implement sales, rental, or repair		P	P	P	P												
	Farm winery				P	P												27-5.203.B.2.a
Open Space Uses	Sawmill					P												27-5.203.B.2.c
	Arboretum or botanical garden, park or greenway, or public beach and public water-oriented recreational and educational area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.3.a
	Cemetery		SE	SE	SE	SE												
Residential Uses																		
Household Living Uses	Artists' residential studios	P	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	27-5.203.C.1.a
	Dwelling, live-work	P	P	P	P	SE	P	P	P	P	P		P		P			27-5.203.C.1.b
	Dwelling, manufactured home																P	27-5.203.C.1.c
	Dwelling, multifamily	P	P	P	P	SE	P	P	P	P	P	P	P	P	P			
	Dwelling, single-family detached	P																
	Dwelling, three-family						P	P	P	P	P		P		P			
	Dwelling, townhouse	P		P			P	P	P	P	P		P		P			
	Dwelling, two-family	P																
Group Living Uses	Manufactured home park																P	27-5.203.C.1.d
	Assisted living facility		P	P	P		P	P	P	P	P	P	P	P	P	P	P	27-5.203.C.2.a
	Boarding or rooming house		P	P			P		P		P		P		P			
	Continuing care retirement community		P	P					P		P		P		P			27-5.203.C.2.b
	Convent or monastery		P	P	P	P												
	Private Dormitory			P			P	P	P	P	P	P	P	P	P	P	P	27-5.203.C.2.c

system for principal uses (see Sec. 4.2.3. below). The current line-up of principal uses—and their designation as permitted, allowed as a conditional use, or prohibited—will serve as a starting point for modernizing the uses in each zoning district. The principal use table will also include new uses that do not appear in the current UDO, and will modernize the existing lineup of allowable principal uses. In addition, a final column of the principal use table will contain references to applicable use-specific standards (see Sec. 4.2.4) for those uses that are subject to specific regulations in addition to general development standards. Below is an example excerpt from a principal use table from another jurisdiction.

SEC. 4.2.3. CLASSIFICATION OF PRINCIPAL USES

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of

use classifications, use categories, and uses (see discussion in Define Uses in a Simpler and More Flexible Way on page II-40of the Diagnosis). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

Use classifications, the broadest grouping, organizes land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” “Commercial Uses,” and “Industrial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or

Table 27-5.302.B: Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones												
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited												
Accessory Use/Structure	Rural and Agricultural Base Zones			Residential Base Zones								Use-Specific Standards
	ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	
Agritourism activity	P	P	P	P	P	X	X	X	X	X	X	
Amateur ham radio antenna	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.2
Automated teller machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.3
Bed and breakfast (as accessory to a single-family detached dwelling)	P	P	P	P	P	P	P	P	P	X	X	27-5.304.B.4
Beekeeping	P	P	P	P	P	P	P	P		X	X	
Bike parking rack	P	P	P	P	P	P	P	P	P	P	P	
Bike share station	X	X	X	X	X	P	P	P	P	P	P	
Boathouse	P	P	P	P	P	X	X	X	X	X	X	
Canopy, nonresidential	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.6
Car wash (as accessory to a multifamily dwelling)	X	X	X	X	X	X	X	X	X	X	X	
Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.7
Clubhouse	P	P	P	P	P	P	P	P	P	P	P	
Collocated telecommunications antenna	P	P	P	P	P	P	P	P	P	P	P	
Community recreation facility	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.8
Composting, small-scale	P	P	P	P	P	P	P	P	P	P	P	
Drive-through service	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.9
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.10
Electric vehicle (EV) level 3 charging station	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.10
Family child care home, large	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.11
Family child care home, small	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.11
Farm tenant dwelling (as accessory to an agriculture use)	X	P	P	P	P	X	X	X	X	X	X	27-5.304.B.12
Farmers' market, indoor	X	P	P	X	X	X	X	X	P	P	P	
Flagpole and flag	P	P	P	P	P	P	P	P	P	P	P	
Garage or carport	P	P	P	P	P	P	P	P	P	P	P	
Green roof	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	
Helipad (as an accessory use)		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.304.B.13
Home-based business	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.14
Home garden [1]	P	P	P	P	P	P	P	P	P	P	P	
Laundromat (as accessory to a multifamily dwelling, manufactured home park, marina, or campground)	X	X	X	X	X	X	X	X	P	P	P	
Limited fuel/oil/bottled gas distribution	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.15
Nursery and garden center (as accessory to an	X	P	P	P	P	X	X	X	X	X	X	27-5.304.B.16

delivered, and site conditions. Example uses under the Household Living category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the principal use table(s) will be defined in Article 9: Definitions and Rules of Construction, Interpretation, and Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zoning districts.

SEC. 4.2.4. STANDARDS SPECIFIC TO PRINCIPAL USES

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zoning districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the supplemental use regulations in the current UDO.

SECTION 4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use, and a swimming pool is typically considered an accessory structure to a multifamily or townhome development. This section will build on the accessory structures and uses in Section 5.2, Accessory Uses and Structures, of the current UDO, but will simplify their organization through a more explicit table of accessory uses and structures.

SEC. 4.3.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

SEC. 4.3.2. ACCESSORY USE / STRUCTURE TABLE

This subsection includes an accessory use table that lists common accessory uses and structures (such as home occupations, swimming pools, satellite dish antennas, outdoor storage), shows the zoning districts in which each is allowed, and references any use-specific standards applicable to the accessory use or structure. The table largely carries forward and consolidates accessory uses and structures recognized in the current UDO, refining the list to include modern accessory uses and structures (such as solar panels, water cisterns, backyard gardens, etc.).

SEC. 4.3.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

This includes a set of general standards that generally apply to all accessory uses and structures.

SEC. 4.3.4. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zoning districts). As with the standards specific to principal uses, special attention is paid to standards for new accessory uses and structures.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

Temporary uses and structures are uses or structures that are proposed to be located in a zoning district only for a limited duration. They include special, or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, circuses, large receptions or parties, and community festivals), but do not include private parties attracting less than a certain number of persons, nor events normally associated with the permitted principal or accessory

use (such as a wedding reception at a reception hall or a funeral at a place of worship or funeral home). This section will carry forward and refine, as necessary, Section 5.22, Temporary Uses, of the current UDO.

SEC. 4.4.1. GENERAL

This subsection sets out the purposes of the section and outlines its organization.

**SEC. 4.4.2. TEMPORARY USE /
STRUCTURE TABLE**

This subsection includes a temporary use table that lists allowed temporary uses and structures, and references any use-specific standards applicable to the temporary use or structure.

**SEC. 4.4.3. GENERAL STANDARDS
FOR ALL TEMPORARY USES AND
STRUCTURES**

This subsection includes a set of general standards that apply to all temporary uses and structures.

**SEC. 4.4.4. STANDARDS SPECIFIC TO
TEMPORARY USES AND STRUCTURES**

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses or structures in particular zoning districts).

ARTICLE 5: DEVELOPMENT STANDARDS

Article 5: Development Standards, contains all of the development standards in the rewritten UDO related to the physical layout of development, except for the subdivision standards (Article 6: Subdivision Standards). The standards incorporated into this article include:

- Mobility, circulation, and connectivity standards;
- Off-street parking, bicycle parking, and loading standards;
- Landscaping and buffer standards;
- Open space set-aside standards;
- Fence and wall standards;
- Exterior lighting standards;
- Development form and design standards;
- Neighborhood compatibility standards;
- Sign standards;
- Street design standards;
- Stormwater management standards;
- Green building standards and incentives.

SECTION 5.1. MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS

See discussion in Add Standards for Mobility, Circulation, and Connectivity on page II-42 of the Assessment.

SECTION 5.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS

See discussion in Modernize the Parking and Loading Standards, and Add Bicycle parking Standards in Targeted Locations on page II-44 of the Assessment.

ARTICLE 5: DEVELOPMENT STANDARDS

SECTION 5.1	MOBILITY, CIRCULATION, AND CONNECTIVITY STANDARDS
SECTION 5.2	OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS
SECTION 5.3	LANDSCAPING AND BUFFER STANDARDS
SECTION 5.4	OPEN SPACE SET-ASIDE STANDARDS
SECTION 5.5	FENCE AND WALL STANDARDS
SECTION 5.6	EXTERIOR LIGHTING STANDARDS
SECTION 5.7	DEVELOPMENT FORM AND DESIGN STANDARDS
SECTION 5.8	NEIGHBORHOOD COMPATIBILITY STANDARDS
SECTION 5.9	SIGN STANDARDS
SECTION 5.10	STREET DESIGN STANDARDS
SECTION 5.11	STORMWATER MANAGEMENT STANDARDS
SECTION 5.12	GREEN BUILDING STANDARDS AND INCENTIVES

SECTION 5.3. LANDSCAPING AND BUFFER STANDARDS

See discussion in Modernize Landscaping and Buffer Standards on page II-45 of the Assessment.

SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

See discussion in Add a Set of Comprehensive Open Space Set-Aside Standards on page II-47 of the Assessment.

SECTION 5.5. FENCE AND WALL STANDARDS

This section will consolidate all of the standards related to fences and walls in this section. It will include some basic material standards for targeted locations in the city.

SECTION 5.6. EXTERIOR LIGHTING STANDARDS

See discussion in Add Exterior Lighting Standards on page II-49 of the Assessment.

SECTION 5.7. DEVELOPMENT FORM AND DESIGN STANDARDS

See discussion in Refine, Modernize, and Modify the Form and Design Standards to Implement Move Kannapolis Forward and Incorporate Best Practices on page II-52 of the Assessment.

SECTION 5.8. NEIGHBORHOOD COMPATIBILITY STANDARDS

See discussion in Neighborhood Compatibility Standards on page II-50 of the Assessment.

SECTION 5.9. SIGN STANDARDS

This section will carry forward Article 12: Sign Regulations, with refinements to conform the provisions to the format of the rewritten KDO and address minor substantive issues in need of modification, and changes necessary to address state and federal law.

SECTION 5.10. STREET DESIGN STANDARDS

This section will carry forward Article 10: Street Improvement Standards, with refinements to conform the provisions to the format of the rewritten KDO and address minor substantive issues in need of modification. There will be no substantial substantive changes. References to other manuals, including the Land Development Standards Manual, will be included, where appropriate.

SECTION 5.11. STORMWATER MANAGEMENT STANDARDS

This section will carry forward the provisions in Article 9: Environmental Control Standards, on stormwater management, with modest refinements. The procedures related to the review and approval of stormwater management permits will be relocated to Article 2: Administration. The enforcement provisions will be moved to Article 8: Enforcement.

SECTION 5.12. GREEN BUILDING STANDARDS AND INCENTIVES

See discussion in Add Green Building Standards and Incentives on page II-55 of the Assessment.

ARTICLE 6: SUBDIVISION STANDARDS

Article 6: Subdivision Standards, contains all of the substantive standards for the subdivision of land. It will build on and generally carry forward the substantive standards in Article 6: Subdivision Regulations, in the current UDO. The procedures for the review and approval of subdivisions is relocated to Article 2: Administration. The standards incorporated into this article include:

- General Provisions;
- General Standards for Subdivision;
- Cluster Subdivision Standards
- Lot Design Standards;
- Guarantees, Bonds, and Sureties

SECTION 6.1. GENERAL PROVISIONS

This section will build on provisions in Section 6.1, General Standards, of the current UDO, and establish the general provisions for subdivision. It will include subsections on purpose, applicability, what constitutes subdivision, a reference to the subdivision review procedures for minor and major subdivision found in Article 2: Administration, and related provisions.

SECTION 6.2. GENERAL STANDARDS FOR SUBDIVISIONS

This section will identify the general standards for subdivision of land in the city.

ARTICLE 6: SUBDIVISION STANDARDS

SECTION 6.1	GENERAL PROVISIONS
SECTION 6.2	GENERAL STANDARDS FOR SUBDIVISIONS
SECTION 6.3	LOT DESIGN STANDARDS
SECTION 6.4	CLUSTER SUBDIVISION STANDARDS
SECTION 6.5	GUARANTEES, BONDS, AND SURETIES

SECTION 6.3. LOT DESIGN STANDARDS

This section will carry forward Section 6.6, Lot Design Standards, with refinements, but no significant substantive changes.

SECTION 6.4. CLUSTER SUBDIVISION STANDARDS

This section will carry forward Section 6.4.19, Cluster Subdivisions, with refinements, but no significant substantive changes.

SECTION 6.5. GUARANTEES, BONDS, AND SURETIES

This section will consolidate all provisions addressing the provision of guarantees, bonds, and sureties for subdivision.

ARTICLE 7: NONCONFORMITIES

This article carries forward and consolidates all rules pertaining to nonconformities. It builds on the rules in the current UDO governing nonconformities (Primarily included within Article 13, but also where nonconformities are addressed in Section 3, Section 4, Section 5, Section 8, Section 11, and Section 15). It refines some of the current provisions, includes best practice provisions that are found in modern codes, and where appropriate, adds provisions to better support project goals.

SECTION 7.1. GENERAL APPLICABILITY

This section establishes the rules that generally apply to all nonconformities.

SEC. 7.1.1. PURPOSE AND SCOPE

This subsection establishes that the article addresses legally established uses, structures, lots, mobile home parks, signs, and site features (off-street parking and landscaping) that do not comply with requirements in the rewritten KDO.

SEC. 7.1.1. AUTHORITY TO CONTINUE

This subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

SEC. 7.1.2. DETERMINATION OF NONCONFORMITY STATUS

This subsection includes a standard provision stating that the landowner, not the city, has the burden of proving the existence of a lawful nonconformity.

SEC. 7.1.3. MINOR REPAIRS AND MAINTENANCE

This subsection states that routine maintenance of nonconforming structures, structures housing nonconforming uses, nonconforming lots, nonconforming signs, and nonconforming

ARTICLE 7: NONCONFORMITIES

SECTION 7.1	GENERAL APPLICABILITY
SECTION 7.2	NONCONFORMING USES
SECTION 7.3	NONCONFORMING STRUCTURES
SECTION 7.4	NONCONFORMING LOTS OF RECORD
SECTION 7.5	NONCONFORMING SIGNS
SECTION 7.6	NONCONFORMING MANUFACTURED HOME PARKS
SECTION 7.7	NONCONFORMING SITE FEATURES
SECTION 7.8	NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE

site features, will be allowed to keep these nonconformities in the same condition they were at the time the nonconformity was established.

SEC. 7.1.4. CHANGE IN TENANCY OR OWNERSHIP

This subsection will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 7.2. NONCONFORMING USES

This section establishes specific rules governing nonconforming uses. It will build on Section 13.1, Nonconforming Uses and Lots, with refinements to modernize and clarify the rules. The section will

address enlargement, abandonment, relocation, and reconstruction after damage (new), and generally carry forward the current rules.

SECTION 7.3. NONCONFORMING STRUCTURES

This section will establish specific rules governing nonconforming structures. It will carry forward the rules in related to nonconforming structures in Article 13, Nonconforming Uses and Structures and Vested Rights, with modest refinements. It will also establish rules for nonconforming structures housing nonconforming uses.

SECTION 7.4. NONCONFORMING LOTS OF RECORD

This section establishes specific rules governing nonconforming lots. It will build on Section 13.1, Nonconforming Uses and Lots, with refinements to modernize and clarify the rules.

SECTION 7.5. NONCONFORMING SIGNS

This section establishes new rules governing nonconforming signs.

SECTION 7.6. NONCONFORMING MANUFACTURED HOME PARKS

This section will generally carry forward Section 13.4, Nonconforming Manufactured Home Parks, of the current UDO. It will simplify and clarify the current provisions, eliminating references to provisions in previous regulations that are no longer needed based on existing nonconforming manufactured home parks.

SECTION 7.7. NONCONFORMING SITE FEATURES

This section builds on the concept of scaled compliance for off-street parking and landscaping in Sec. 7.3.2 of the UDO. These provisions will establish a sliding scale requirement, based on the value of the remodeling or the extent of the expansion of a structure. The greater the value of the remodel, or the greater the expansion, the more the developer has to bring the site into compliance with the nonconforming site features. The city selects the breakpoints at which the sliding scale increases.

As an example, the provision might establish a rule that remodels costing less than 20 percent of the structure's assessed value would not trigger the need to address any nonconforming site features that the section applies to (they would be required to provide the site features for any new expansion); remodels costing over 20 and up to 65 percent of the structure's assessed value would require a developer to bring the site's compliance up to current standards by a percentage amount equivalent to the amount being spent relative to the current value of the structure; remodels costing in excess of 65 percent of the assessed value would require full compliance. With respect to expansions, the rule might be that an expansion of 20 percent or less would not be required to bring the site further into compliance (they would be required to provide the site features for the new expansion); expansions greater than 20 and up to 65 percent would require the developer to bring the site's compliance up to current standards by a percentage amount equivalent to the expansion; and expansions greater than 65 percent would require full compliance.

Finally, the standards would include an important “safety valve” provision that allows for a waiver of requirements in cases where there are physical constraints on the site that prevent upgrading certain nonconforming elements (e.g., where there is insufficient room to accommodate all required parking spaces), but would require compliance to the maximum extent practical.

SECTION 7.8. NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE

This new section will provide relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose. We suggest the city consider making the proposed development on the site “conforming,” only after a plan for development is approved that demonstrates compliance with applicable development standards, to the maximum extent practicable.

ARTICLE 8: ENFORCEMENT

Article 8: Enforcement, builds on, consolidates, and refines provisions in the current UDO (e.g., Section 1.6, Violations of this Ordinance), and reorganizes the enforcement provisions in an effort to clarify and better organize the enforcement provisions, and help make the enforcement process more efficient and effective.

SECTION 8.1. PURPOSE

This new section sets forth the purpose of the enforcement section.

SECTION 8.2. COMPLIANCE REQUIRED

This new section clearly states that compliance with all provisions of the UDO is required.

SECTION 8.3. VIOLATIONS

This new section builds on and expands Section 1.6.2, Types of Violations, of the current UDO. It will also incorporate the enforcement provisions related to floodplain management, stormwater management, and signage. It explains that failure to comply with any provision of the KDO, or the terms or conditions of any development approval or authorization granted in accordance with the KDO shall constitute a violation. The section also more specifically identifies both general violations as well as specific violations.

SECTION 8.4. RESPONSIBLE PERSONS

This section indicates who is responsible for a violation when it occurs. It will be made as broad as legally possible, and state that any person who violates the KDO shall be subject to the remedies and penalties set forth in this article.

ARTICLE 8: ENFORCEMENT

SECTION 8.1	PURPOSE
SECTION 8.2	COMPLIANCE REQUIRED
SECTION 8.3	VIOLATIONS
SECTION 8.4	RESPONSIBLE PERSONS
SECTION 8.5	ENFORCEMENT GENERALLY
SECTION 8.6	REMEDIES AND PENALTIES

SECTION 8.5. ENFORCEMENT GENERALLY

This section will build on various provisions in the current UDO, and identify the different professional staff responsible for enforcement of the different provisions of the document. This includes, but is not limited to: the Zoning Administrator, the Planning Director, the Floodplain Administrator, the Board of Adjustment. This section will also clarify and authorize the city to use all enforcement powers granted by the NCGS.

SECTION 8.6. REMEDIES AND PENALTIES

This section builds on Section 1.6.4, Civil Remedies and Enforcement Powers, and 1.6.5, Penalties for Violation, of the current UDO. It sets out the remedies and penalties available under the KDO. It recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available. It will also clearly express that all remedies available to the city are cumulative.

ARTICLE 9: RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

Article 9: Rules for Construction, Interpretation, and Measurement, builds on a number of the provisions and defined terms in the current ordinance. It will enhance the definitions and use of definitions through:

- Including rules of construction in a section; and
- Consolidating all rules of measurement in a section.

SECTION 9.1. RULES OF CONSTRUCTION

This section builds on and consolidates the general rules for construction found in the current UDO. The section addresses general issues related to construction of language, including:

- The meaning of standard terms such as “shall,” “should,” “will,” and “may;”
- The use of plural and singular nouns;
- The meaning of conjunctions; and
- How time is computed.

SECTION 9.2. GENERAL RULES FOR INTERPRETATION

This section builds on and consolidates the general rules for interpreting the KDO, and where necessary, adds new provisions.

ARTICLE 9: DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

SECTION 9.1	RULES OF CONSTRUCTION
SECTION 9.2	GENERAL RULES FOR INTERPRETATION
SECTION 9.3	RULES OF MEASUREMENT
SECTION 9.4	USE CLASSIFICATIONS AND USE CATEGORIES

SECTION 9.3. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the KDO (like how to measure bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). The result is a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement.

SECTION 9.4. USE CLASSIFICATIONS AND USE CATEGORIES

This section explains and then identifies the general use classifications used in the rewritten KDO, and specifically the use table(s), and describes the physical features and functions of the use categories that organize the use types under each use classification.

SEC. 9.4.1. PRINCIPAL USE CLASSIFICATION SYSTEM

This section explains the use structure described in Update Uses and Use Standards on page II-41 of the Diagnosis, and defines use classifications and use categories within the use classifications, and individual uses within each use category.

SEC. 9.4.2. INTERPRETATION OF UNLISTED USES

This section provides a procedure and standards to guide how to interpret uses not defined and used in the rewritten KDO. The Planning Director is authorized to make this interpretation.

ARTICLE 10: DEFINITIONS

Article 10: Definitions, is the last article in the rewritten KDO. It will consolidate the definitions found in all parts of the current regulations into one article, and add, modernize, refine, and modify definitions, as appropriate. It will add definitions of all uses identified in the use table(s) in **Article 4: Use Regulations**. It will also remove standards from the current definitions, placing them in the appropriate place in the rewritten KDO.

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the regulations and for those who must make decisions and consider appeals —they also make it much easier for the public to know what is required. We will review, evaluate, and then refine and modernize the definitions, and add new definitions, as appropriate, so the rewritten KDO has a clear, modern, and workable set of definitions.

ARTICLE 10: DEFINITIONS

SECTION 10.1 DEFINITIONS

This page intentionally left blank.

KANNAPOLIS

DEVELOPMENT ORDINANCE

R E W R I T E

U D O A S S E S S M E N T

prepared by

CLARION