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ARTICLE 1. GENERAL PROVISIONS

SECTION 1.1. TITLE

This Ordinance shall be officially known as the "Development Ordinance of the City of Kannapolis, North Carolina," and may be referred to as the "Kannapolis Development Ordinance," "KDO," or "this Ordinance."

SECTION 1.2. AUTHORITY

A. GENERAL AUTHORITY

This Ordinance consolidates the City's zoning, subdivision, and flood damage prevention regulatory authority as authorized by the North Carolina General Statutes and is adopted pursuant to:

(1) The authority granted to the City of Kannapolis by the General Assembly of the State of North Carolina;

(2) The North Carolina General Statutes Chapter 160D, Article 19;

(3) All other relevant laws of the State of North Carolina; and

(4) Any special legislation enacted for the City.

B. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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

The general purpose of this Ordinance is to promote the public health, safety, and general welfare, and to implement the goals and policies of the Comprehensive Plan. More specifically, the intent of this Ordinance is to:

A. Provide for the orderly growth and development of the City in a manner that accommodates reasonable overall community growth, including population and employment growth, provides opportunities for development of a variety of uses, and supports the efficient use of land, water, roads, and other resources;

B. Promote compact, vibrant, mixed-use, and walkable development in the downtown area and other activity centers, as appropriate;

C. Better manage or lessen congestion in the streets;

D. Ensure the provision of adequate open space between uses for light, air, and fire safety;

E. Prevent the overcrowding of land and avoid undue concentration of population;

F. Ensure development is compatible with the desired character of the zoning district where it is located and surrounding uses;

G. Support economic growth and development;

H. Provide for a diversity of housing opportunities;

I. Ensure that the form and design of new development is consistent with the City's desired character for the area where it is located;

J. Reuse, redevelop, or revitalize underutilized properties, particularly along corridors that better accommodate bicycles and pedestrians;

K. Protect the character of the City's established neighborhoods, as appropriate;

L. Facilitate the adequate provision of transportation, water, sewage, schools, parks, recreation, emergency services and other public facilities;

M. Support sustainable development through sustainable/green building practices and protection of the City's tree canopy, riparian areas, and other natural resources; and

N. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement the adopted plans, respect the rights of landowners, and consider the interests of the City's citizens.

SECTION 1.4. APPLICABILITY

A. GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits of the City of Kannapolis, unless the land or development is expressly exempted by a specific provision of this Ordinance.

B. APPLICATION TO GOVERNMENTAL UNITS

Except as stated herein, the provisions of this Ordinance shall apply to:

(1) Development of land owned by the City or its agencies or departments;

(2) Development by public colleges or universities;

(3) State and county buildings in accordance with the standards in North Carolina General Statutes Section 160D-913; and

(4) To the full extent permitted by law, development of land owned or held in tenancy by the government of the United States, its agencies, departments or corporate services.

C. COMPLIANCE REQUIRED

No structure or land shall be used, and no structure or part thereof shall be located, erected, moved, reconstructed, extended, converted, demolished, or structurally altered without full compliance with this Ordinance, including any applicable and valid development approvals and permits granted in accordance with this Ordinance, and all other applicable City, state, and federal regulations. Violations of this Ordinance are identified in Section 8.3, Violations.

D. PERMIT CHOICE

In cases where this Ordinance is amended (i) between the time a development permit application is submitted and a decision on the application is made, or (ii) after a development permit decision has been challenged and found to be wrongfully denied or illegal, the applicant may choose whether the review of and decision on the application will proceed under the requirements of this Ordinance as it was in effect at the time the application was submitted, or under the requirements of this Ordinance as amended, in accordance with N.C.G.S. §§ 160D-108 and 143-755.

SECTION 1.5. CONFORMANCE WITH ADOPTED PLANS

This Ordinance is intended to ensure that all development within the City's jurisdiction is consistent with the goals, objectives, policies, strategies, and actions of plans adopted by the City that address growth and development. The Comprehensive Plan for the City of Kannapolis shall serve as the principal policy guide for the administration of this Ordinance. To the extent this Ordinance is or becomes inconsistent with the Comprehensive Plan, this Ordinance or the Comprehensive Plan should be amended so the plan and this Ordinance remain generally consistent with each other. All amendments to this Ordinance's text or Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

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

A. CONFLICTS WITH OTHER CITY CODES OR LAWS

If the provisions of this Ordinance are inconsistent with one another or if the provisions of this Ordinance conflict with provisions found in other adopted codes or ordinances of the City, the more restrictive provision shall govern unless the terms in the more restrictive provisions specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

B. CONFLICTS WITH PRIVATE AGREEMENTS

The City shall not be responsible for monitoring or enforcing private covenants and restrictions.

C. CONFLICTS WITH STATE OR FEDERAL LAW

If the provisions of this Ordinance are inconsistent with the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

D. EXISTING AGREEMENTS OR VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued in accordance with all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

SECTION 1.7. ZONING MAP

A. GENERALLY

The Zoning Map designates the location and boundaries of the various base zoning districts and overlay zoning districts under this Ordinance.

B. INCORPORATED BY REFERENCE

The Zoning Map, including all its notations, is incorporated into this Ordinance by reference and is on file in the Planning Department for public inspection during normal business hours. The City may maintain the Zoning Map as an electronic map layer in the City's Geographic Information System (GIS) database. The official copy of the electronic version of a Zoning Map shall be recorded onto permanent media to ensure all the electronic information is protected.

C. INTERPRETATION OF ZONING MAP BOUNDARIES

The Planning Director shall be responsible for interpretation of the Zoning Map in accordance with Section 2.5.E(1), Interpretation, and the following standards:

(1) When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.

(4) Boundaries indicated as separated from but approximately parallel to any of the features indicated in subsection (1) through (3) above, or any landmarked or monumental line, shall be deemed to be parallel to the aforesaid center line or railroad track mid-point.

(5) Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(6) Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Zoning Map, the physical monument or marker located on the ground shall control.

(7) Where physical features, such as flood plains, vary from those shown on the Zoning Map, or in other circumstances not covered by subsections 1.7.C(1) through 1.7.C(6) above, the Planning Director shall determine the district boundaries. Any aggrieved person may appeal such determination to the Board of Adjustment, pursuant to Section 2.5.D(4), Appeal of Administrative Decision.

D. ZONING CLASSIFICATION OF NEWLY ANNEXED LANDS

Lands added to the City's jurisdiction shall be classified to one or more of the base zoning districts set forth in this Ordinance in accordance with state law.

SECTION 1.8. TRANSITIONAL PROVISIONS

A. VIOLATIONS

Any violation of the previous Unified Development Ordinance and other regulations replaced by this Ordinance shall continue to be a violation under this Ordinance, and subject to the penalties set forth in Article 8, Enforcement, unless the development complies with the express terms of this Ordinance.

B. NONCONFORMITIES

If any use, structure, lot of record, or site feature that was legally established on the date of its development, but does not fully comply with the standards of this Ordinance, it shall be considered nonconforming and subject to the provisions of Article 7, Nonconformities. If a use, structure, lot of record, or site feature that was legally nonconforming under the previous Unified Development Ordinance becomes conforming under this Ordinance, it shall no longer be deemed nonconforming nor subject to the provisions of Article 7, Nonconformities.

C. COMPLETE APPLICATIONS

Applications submitted and accepted by the City prior to the adoption of this Ordinance, but upon which a final decision has not yet been made, shall be processed and reviewed either (1) under the standards and time frames for review, approval, and completion established in the Ordinance in place at the time of

application acceptance, or (2) under the standards and time frames for review, approval, and completion established in this Ordinance, whichever the applicant chooses. Such standards and time frames shall be applied in whole, and the application of specific standards and procedures from both this Ordinance and the Ordinance in place at the time of application acceptance, if different, is prohibited.

D. APPROVED APPLICATIONS

Any development approvals granted prior to the adoption of this Ordinance shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided the permit or approval is valid and has not lapsed. Any re-application for an expired approval shall meet the standards of this Ordinance.

E. APPROVED SPECIAL USE PERMITS

Lands subject to a special use permit approved prior to the effective date of this Ordinance (whether associated with a conditional zoning classification or otherwise) shall continue to be subject to the special use permit even if the conditional zoning district classification is amended to a new general use base zoning district or conditional zoning district as part of the adoption of this Ordinance.

F. TRANSITIONS TO NEW ZONING DISTRICTS

Table 1.8.A: Transition to New Zoning Districts, shows the zoning districts established in Article 3: Zoning Districts, of this Ordinance next to comparable zoning districts established in the prior zoning ordinance. If there is no comparable zoning district, either in Article 3 or in the prior zoning ordinance, that is indicated in Table 1.8.A in parentheses. If the zoning district established in the prior zoning ordinance is deleted, that is indicated.

TABLE 1.8.A: Transition to New Zoning Districts

Former District	New District
Base Districts	
Agricultural	
AG Agricultural District	AG Agricultural District
Residential	
RE Rural Estate District	R1 Rural Residential Transition District
RL Residential Low-Density District	R2 Residential Single-Family 2 District
RM-1 Residential Medium Density District	R4 Residential Single-Family 4 District
RM-2 Residential Medium Density District	
	R6 Residential Single-Family 6 District (NEW)
	R7 Residential Single-Family 7 District (NEW)
RV Residential Village District	R8 Residential Mixed 8 District
RC Residential Compact District	R18 Residential Mixed 18 District
TND Traditional Neighborhood Development District	DELETED
Mixed-Use	
B-1 Neighborhood Commercial/Office District	MU-N Mixed-Use Neighborhood District
	MU-SC Mixed-Use Suburban Corridor District (NEW)
	MU-UC Mixed-Use Urban Corridor District (NEW)
	MU-AC Mixed-Use Activity Center District (NEW)

TABLE 1.8.A: Transition to New Zoning Districts

FORMER DISTRICT	NEW DISTRICT
TOD Transit Oriented Development District	TOD Transit Oriented Development District
CC Center City District	CC Center City District
Nonresidential	
O-I Office-Institutional District	O-I Office-Institutional District
C-2 General Commercial District	GC General Commercial District
I-1 Light Industrial District	LI Light Industrial District
I-2 Heavy Industrial District	HI Heavy Industrial District
PID Public Interest Development District	DELETED
Legacy	
CD Campus Development District	CD Campus Development District
CD-R Campus Development - Residential District	CD-R Campus Development – Residential District
C-1 Light Commercial and Office District	C-1 Light Commercial and Office District
PLANNED DEVELOPMENT DISTRICTS	
PUD Planned Unit Development District	PD Planned Development District
	PD-TND Planned Development - Traditional Neighborhood Development District
	PD-C Planned Development - Campus District
OVERLAY DISTRICTS	
AOD Airport Overlay District	AO Airport 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 1.9. VESTED RIGHTS

A. Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, so long as the vested rights remain in effect.

B. In accordance with N.C.G.S. Section 160D-108.1, a landowner may establish a vested right that shall entitle the landowner to develop land in accordance with an approved site-specific vesting plan. The following plans and plats are site-specific vesting plans under this Ordinance:

(1) A conditional zoning conceptual development plan;

(2) A PD master plan;

(3) A special use permit development plan;

(4) A site plan; or

(5) A major subdivision preliminary plat.

C. If development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months and the exceptions of NCGS § 160D-108(d) do not apply, any period of statutory vesting shall expire.

D. In accordance with N.C.G.S. § 160A-31(h) and 160A-58.1(d), petitioners filing for voluntary annexation shall also submit a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under N.C.G.S. § 160A-385.1 or N.C.G.S. § 153A-344.1. If the statement declares that such rights have been established, the petitioners shall provide proof of such rights. A statement which declares that no vested rights have been established under N.C.G.S. § 160A-385.1 or N.C.G.S. § 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

E. Whenever the City acquires jurisdiction over lands previously subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The City may take any action regarding the permit, certificate, or other evidence of compliance that the local government surrendering jurisdiction could have taken under that local government's ordinances and regulations.

SECTION 1.10. SEVERABILITY

It is the legislative intent of the City Council in adopting this Ordinance that all provisions shall be liberally construed to 1) guide development in accordance with the existing and future needs of the City as established in the Comprehensive Plan and this Ordinance, and 2) promote the public health, safety, and welfare of landowners and residents of the City. The City Council's intent in adopting this Ordinance is that each section, subsection, paragraph, sentence, clause, and phrase of this Ordinance shall be effective, regardless of whether any other section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, and that such holding shall not affect the validity and continued enforcement of any other section, subsection, paragraph, sentence, clause, or phrase of this Ordinance.

A. If a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance to be invalid for any reason, such judgment shall not affect the validity of the remaining portions of this Ordinance.

B. If a court of competent jurisdiction holds any condition attached to a development approval or permit granted in accordance with this Ordinance to be invalid for any reason, such judgment shall not affect the validity of any other conditions of the approval or permit not specifically included in the judgment.

C. If a court of competent jurisdiction invalidates the application of any provision of this Ordinance to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.

SECTION 1.11. EFFECTIVE DATE

This Ordinance shall become effective on July 1, 2022, and shall repeal and replace the City of Kannapolis Unified Development Ordinance, as originally adopted on November 27, 2000.