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ARTICLE 3. ZONING DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

A. ZONING DISTRICTS ESTABLISHED

This Ordinance establishes the base, planned development, and overlay zoning districts identified in Table 3.1.A: Zoning Districts Established. The boundaries of the zoning districts are identified on the Zoning Map, in accordance with Section 1.7, Zoning Map.

TABLE 3.1.A Zoning Districts Established

District	Section in KDO
Agricultural District	
AG Agricultural District	Section 3.2.A
Residential Districts	
R1 Residential 1 District	Section 3.3.C
R2 Residential 2 District	Section 3.3.D
R4 Residential 4 District	Section 3.3.E
R6 Residential 6 District	Section 3.3.F
R7 Residential 7 District	Section 3.3.G
R8 Residential 8 District	Section 3.3.H
R18 Residential 18 District	Section 3.3.I
Mixed-Use Districts	
MU-N Mixed-Use Neighborhood District	Section 3.4.D
MU-SC Mixed-Use Suburban Corridor District	Section 3.4.G
MU-UC Mixed-Use Urban Corridor District	Section 3.4.F
MU-AC Mixed-Use Activity Center District	Section 3.4.E
TOD Transit-Oriented Development District	Section 3.4.H
CC Center City District	Section 3.4.I
Nonresidential Districts	
O-I Office-Institutional District	Section 3.5.C
GC General Commercial District	Section 3.5.D
LI Light Industrial District	Section 3.5.E
HI Heavy Industrial District	Section 3.5.F
Legacy Districts	
CD Campus Development	Appendix B
CD-R Campus Development Residential	
C-1 Light Commercial and Office	
Planned Development Districts	
PD Planned Development District	Section 3.7.B

TABLE 3.1.A Zoning Districts Established

District	Section in KDO
PD-TND Planned Development – Traditional Neighborhood Development District	Section 3.7.C
PD-C Planned Development – Campus District	Section 3.7.D
Overlay Districts	
AO Airport Overlay District	Section 3.8.C
FPO Flood Plain Overlay District	Section 3.8.D
MHO Manufactured Home Overlay District	Section 3.8.E
TPO Thoroughfare Protection Overlay District	Section 3.8.F
NPO Neighborhood Protection Overlay District	Section 3.8.G
RSO River-Stream Overlay District	Section 3.8.H
WPO Watershed Protection Overlay District	Section 3.8.I

B. ORGANIZATION OF THIS ARTICLE

(1) BASE ZONING DISTRICTS

Sections 3.2 through 3.5 of this article follow a common structure. For each zoning district, the regulations set out the district's purpose and the dimensional and intensity standards applicable in the district, as well as references to other standards in this Ordinance generally applicable to development in the district (see Appendix B for Legacy district standards). An illustration is also provided that demonstrates visually how the district's dimensional standards apply to lots and buildings. The illustrations are intended to show the general character of the district but do not show specific locations or buildings. The main purpose of the graphic is to illustrate the lot and building standards rather than illustrate all standards that may apply. If an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

(2) PLANNED DEVELOPMENT DISTRICTS

Planned development districts set forth in Section 3.7 are adopted by the Planning and Zoning Commission or City Council as zoning map amendments in accordance with the procedures and standards in Section 2.5.A(4), Planned Development. Planned development districts are subject to an approved PD Plan and PD Agreement, which establish a plan for development parameters, and specific rules for individual planned development districts. The general purpose of planned development districts, as well as the general requirements for PD Plans and PD Agreements, are set forth in Section 3.7.A, General Provisions. Specific standards for each type of planned development district are laid out in Section 3.7.B through Section 3.7.D.

(3) OVERLAY DISTRICTS

The overlay districts in Section 3.8 establish standards that apply in addition to, or instead of, the standards governing development in the underlying base zoning district or planned development district. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

C. SUPERSEDING DIMENSIONAL AND INTENSITY STANDARDS

Dimensional and intensity standards for each zoning district are in tabular format in this article. Notes within each table provide additional details where necessary. Rules for measuring dimensional standards are in Section 9.3, Rules of Measurement. The dimensional and intensity standards in this article apply generally, but may be superseded by other provisions of this Ordinance (see Section 1.6.A, Conflicts with Other City Codes or Laws), including but not limited to the following:

(1) The minimum lot size, minimum lot width, and required setbacks may be reduced by up to 20 percent in a cluster subdivision that complies with the standards in Section 6.4, Cluster Subdivision Standards.

(2) Section 5.8, Neighborhood Compatibility, establishes height and setback requirements that apply to specific types of uses within a certain proximity to existing single-family residential uses and vacant land in certain residential zoning districts.

(3) Lots housing minor utility facilities as the sole principal use are not subject to the minimum lot size, minimum lot width, setback, or building height standards in this article.

(4) Dimensional standards are established for some uses in Article 4: Use Regulations, which may be more restrictive than the dimensional standards in this article.

(5) Minimum lot widths and setbacks may be reduced based on existing development on the same block face in accordance with Section 9.3.B, Exceptions and Variations.

SECTION 3.2. AGRICULTURAL DISTRICT

A. AGRICULTURAL (AG) DISTRICT

(1) PURPOSE

The Agricultural (AG) District is intended to preserve areas in the City for agricultural, rural, open space, and related uses. The district may also serve as a "holding zone" designed to facilitate orderly growth and development in areas expected to experience increased urbanization over time. The district is characterized by open areas of range land, large planted areas, and natural undisturbed areas that are mostly rural.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

Lot and Density Standards		
	Lot area (min)	43,560 sq ft
	Lot width (min)	200 ft
	Density (max)	1 unit per acre
Setback and Height Standards		
A	Front setback (min)	50 ft
B	Side setback (min) [2]	20 ft
C	Rear setback (min)	30 ft
D	Building height (max)	35 ft

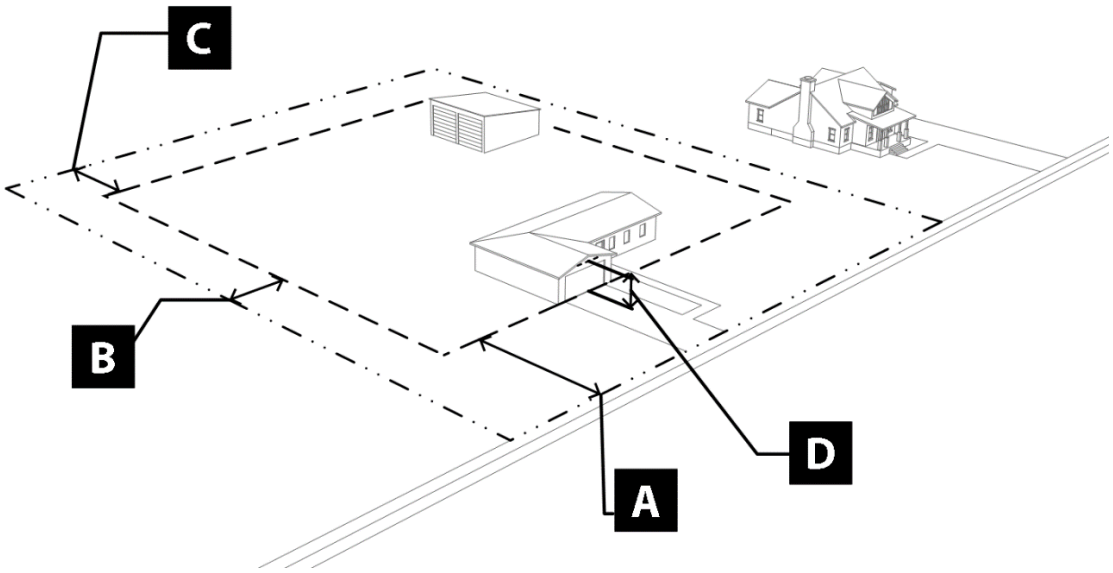
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



SECTION 3.3. RESIDENTIAL DISTRICTS

A. GENERAL PURPOSE OF RESIDENTIAL DISTRICTS

The general purpose of residential districts is to:

(1) Support the development pattern and character of Kannapolis's established neighborhoods;

(2) Provide a variety of neighborhoods and housing options;

(3) Create and expand complete neighborhoods that integrate transit, employment, retail, and services within convenient walking distances to homes;

(4) Encourage well-planned and appropriately scaled infill and redevelopment that is generally compatible with development in the surrounding area;

(5) Allow for human-scale, neighborhood-serving commercial and employment uses; and

(6) Ensure the requirements of this Ordinance are in accordance with the comprehensive plan.

B. ESTABLISHED RESIDENTIAL DISTRICTS

The residential districts established by this Ordinance are identified in Table 3.3.B: Established Residential Districts.

TABLE 3.3.B: Established Residential Districts

R1 Residential 1 District
R2 Residential 2 District
R4 Residential 4 District
R6 Residential 6 District
R7 Residential 7 District
R8 Residential 8 District
R18 Residential 18 District

C. RESIDENTIAL 1 (R1) DISTRICT

(1) PURPOSE

The purpose of the Residential 1 (R1) District is to provide lands for large-lot suburban neighborhoods that accommodate single family detached homes at a maximum density of one unit per acre. The district supports a low-density residential environment and may include compatible public, civic, and institutional uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density Standards [1]	
	Lot area (min)	43,560 sq ft
	Lot width (min)	150 ft
	Density (max)	1 unit per acre
	Setback and Height Standards	
A	Front setback (min)	45 ft
B	Side setback (min) [2]	20 ft
C	Rear setback (min)	30 ft
D	Building height (max)	35 ft

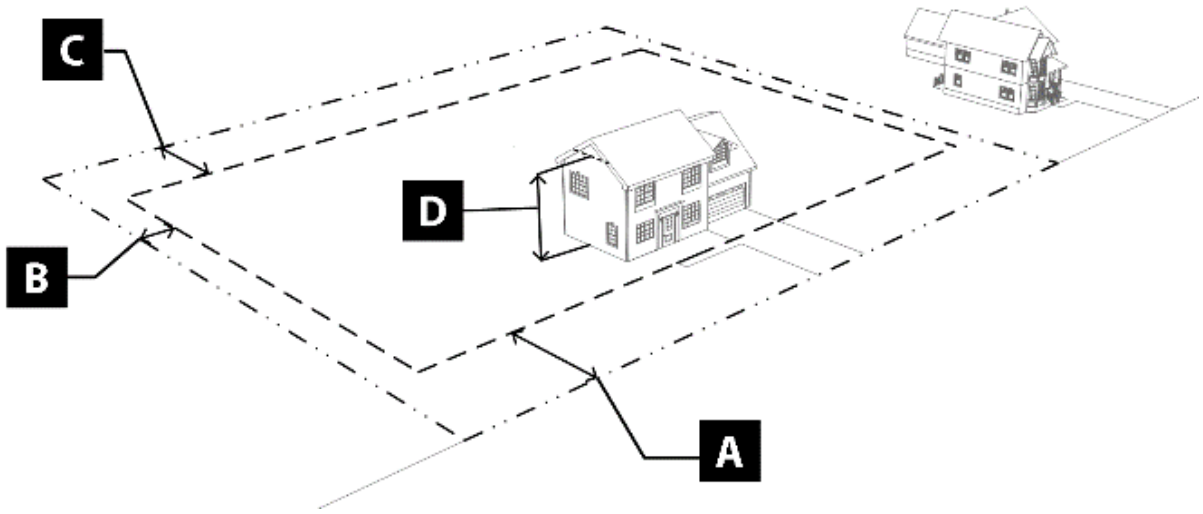
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



D. RESIDENTIAL 2 (R2) DISTRICT

(1) PURPOSE

The purpose of the Residential 2 (R2) District is to provide lands for medium- and large-lot suburban neighborhoods that accommodate single family detached homes at a maximum density of two units per acre. The district is intended to support a low-density residential environment and may include compatible public, civic, and institutional uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density Standards	
	Lot area (min)	None
	Lot width (min)	100 ft
	Density (max)	2 units per acre
	Setback and Height Standards	
A	Front setback (min)	35 ft
B	Side setback (min) [2]	15 ft
C	Rear setback (min)	30 ft
D	Building height (max)	35 ft

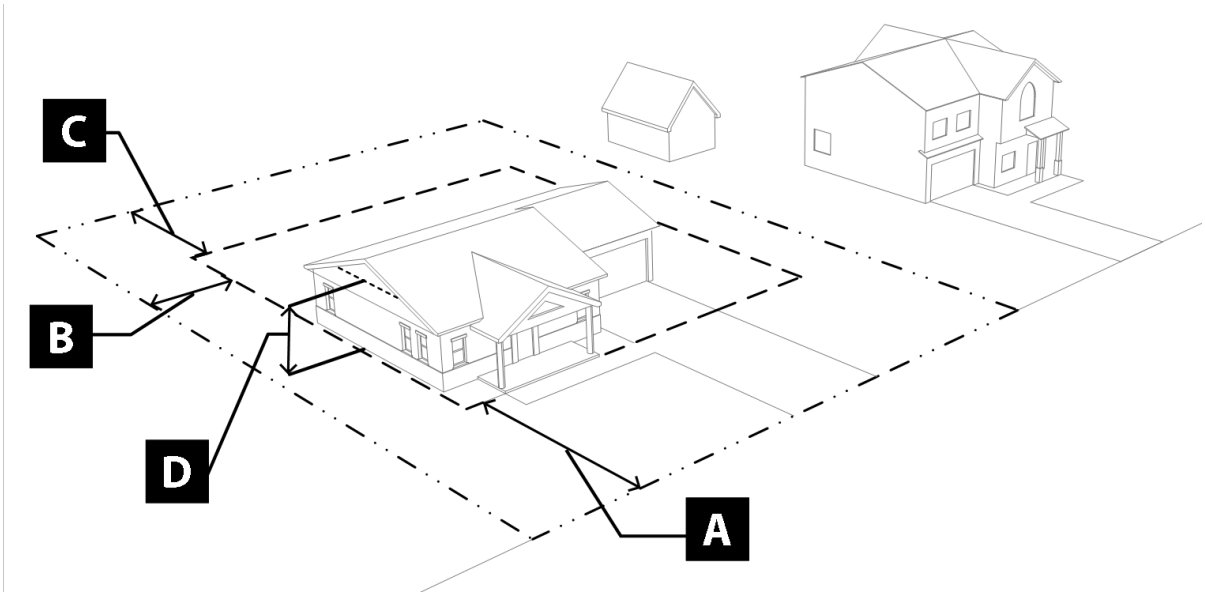
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



E. RESIDENTIAL 4 (R4) DISTRICT

(1) PURPOSE

The purpose of the Residential 4 (R4) District is to provide lands for medium-lot suburban neighborhoods that accommodate single family detached homes at a maximum density of four units per acre. The district is intended to support a low-to medium-density residential environment and may include compatible public, civic, and institutional uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density Standards	
	Lot area (min)	None
	Lot width (min)	75 ft
	Density (max)	4 units per acre
	Setback and Height Standards	
A	Front setback (min)	25 ft
B	Side setback (min) [2]	10 ft
C	Rear setback (min)	25 ft
D	Building height (max)	35 ft

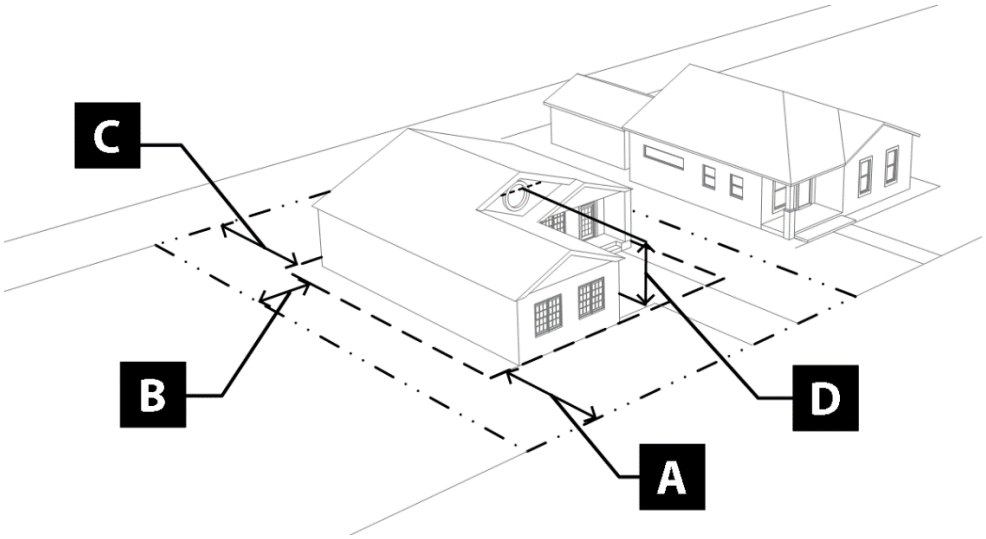
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



F. RESIDENTIAL 6 (R6) DISTRICT

(1) PURPOSE

The purpose of the Residential 6 (R6) District is to provide lands for medium- to small-lot neighborhoods that accommodate single family detached, duplex, and triplex dwellings at a maximum density of six units per acre. The district is intended to promote a medium-density residential environment and may include compatible public, civic, and institutional uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density Standards	
	Lot area (min)	None
	Lot width (min) [2]	90 ft / 60 ft / 24 ft
	Density (max)	6 units per acre
	Setback and Height Standards	
A	Front setback (min)	15 ft
B	Side setback (min) [3]	5 ft
C	Rear setback (min)	25 ft
D	Building height (max)	35 ft

(3) OTHER STANDARDS

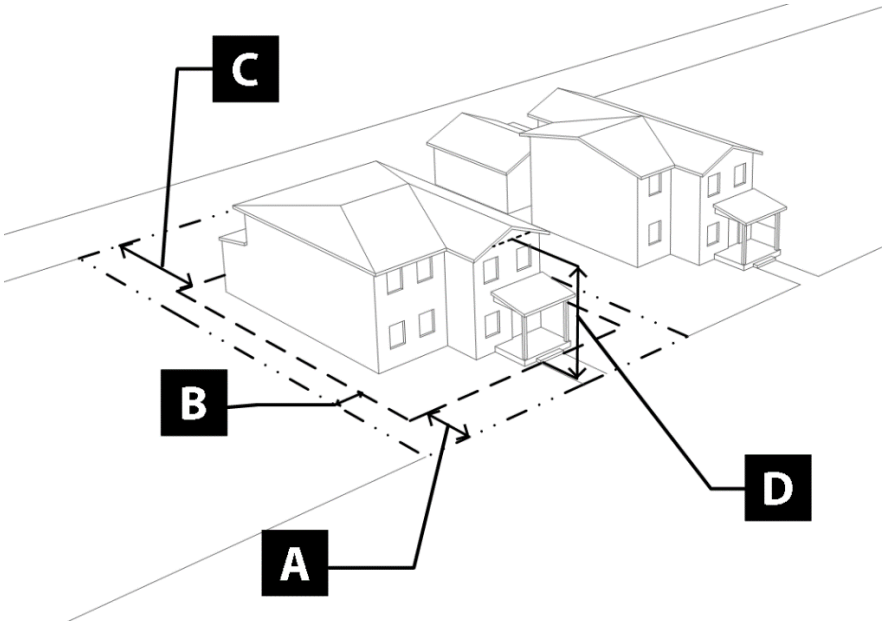
Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Minimum lot width of 90 feet applies to any lot containing a duplex or triplex. Minimum lot width of 24 feet applies to any lot containing a single unit of a single-family attached dwelling. Minimum lot width of 60 feet applies in all other cases.

[3] There is no minimum side setback from an abutting lot containing a unit that is part of the same duplex or triplex. The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



G. RESIDENTIAL 7 (R7) DISTRICT

(1) PURPOSE

The purpose of the Residential 7 (R7) District is to provide lands for small-lot neighborhoods that accommodate single family detached, duplex, and triplex dwellings at a maximum density of seven units per acre. The district is intended to promote a medium-density residential environment and may include compatible public, civic, and institutional uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density Standards	
	Lot area (min)	None
	Lot width (min) [2]	90 ft / 60 ft / 52 ft / 24 ft
	Density (max)	7 units per acre
	Setback and Height Standards	
A	Front setback (min)	10 ft
B	Side setback (min) [3]	5 ft
C	Rear setback (min)	20 ft
D	Building height (max)	35 ft

(3) OTHER STANDARDS

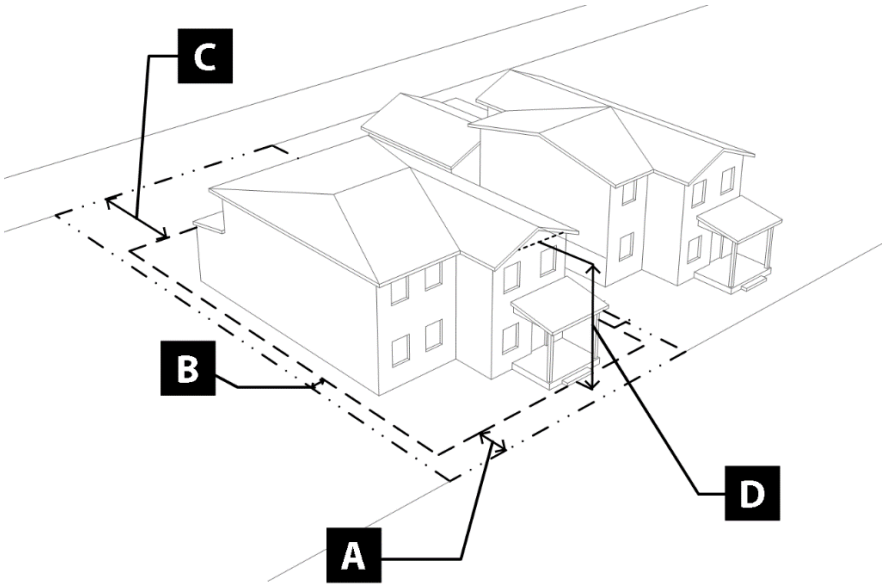
Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Minimum lot width of 90 feet applies to any lot containing a duplex or triplex. Minimum lot width of 52 feet applies to any lot having vehicular access only from an alley. Minimum lot width of 24 feet applies to any lot containing a single unit of a single-family attached dwelling or townhouse. Minimum lot width of 60 feet applies in all other cases.

[3] There is no minimum side setback from an abutting lot containing a unit that is part of the same duplex or triplex. The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



H. RESIDENTIAL 8 (R8) DISTRICT

(1) PURPOSE

The purpose of the Residential 8 (R8) District is to provide lands for neighborhoods that accommodate a mix of single family detached, duplex, and triplex dwellings; townhouses; and small-scale multifamily developments at a maximum density of eight units per acre. The district is intended to support a medium-density residential environment and incorporate some context-sensitive neighborhood-oriented commercial, office, live-work, employment, community, and educational development.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min) [2]	90 ft / 60 ft / 52 ft / 18 ft
	Density (max)	8 units per acre
	Impervious surface ratio (max)	0.5
	Setback and Height Standards	
A	Front setback (min)	10 ft
B	Side setback (min) [3]	5 ft
C	Rear setback (min)	5 ft
D	Building height (max)	35 ft

(3) OTHER STANDARDS

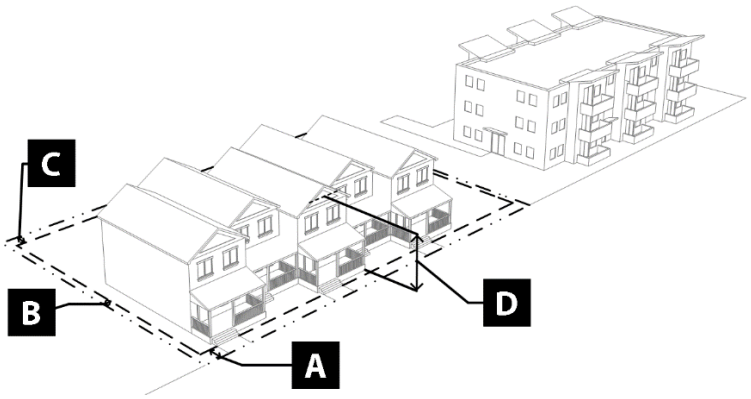
Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Minimum lot width of 90 feet applies to any lot containing a duplex or triplex. Minimum lot width of 52 feet applies to any lot having vehicular access only from an alley. Minimum lot width of 18 feet applies to any lot containing a single unit of a single-family attached dwelling or townhouse. Minimum lot width of 60 feet applies in all other cases.

[3] There is no minimum side setback from an abutting lot containing a unit that is part of the same duplex, triplex, or townhouse dwelling. The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



I. RESIDENTIAL 18 (R18) DISTRICT

(1) PURPOSE

The purpose of the Residential 18 (R18) District is to provide lands for primarily residential neighborhoods that include a variety of residential uses, including duplexes, triplexes, townhouses, and multifamily development at a maximum density of 18 units per acre. The district is intended to support a high-density residential environment and incorporate limited context-sensitive neighborhood-oriented commercial, office, live-work, employment, office, live-work, community, and educational activities.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min) [2]	90 ft / 60 ft / 48 ft / 18 ft
	Density (max)	18 units per acre
	Impervious surface ratio (max)	0.5
	Setback and Height Standards	
A	Front setback (min)	10 ft
B	Side setback (min) [3]	5 ft
C	Rear setback (min)	5 ft
D	Building height (max)	48 ft

(3) OTHER STANDARDS

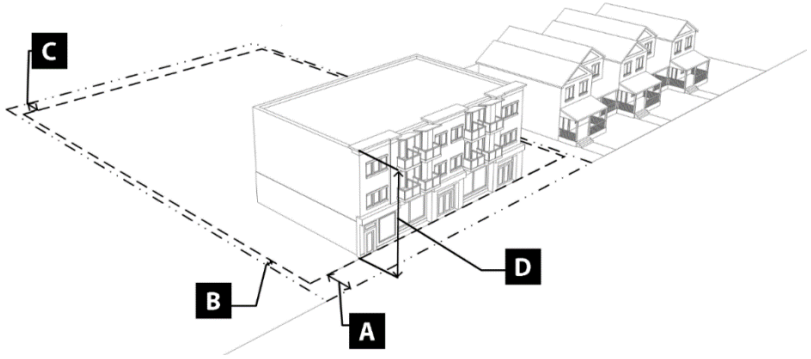
Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Minimum lot width of 90 feet applies to any lot containing a duplex or triplex. Minimum lot width of 48 feet applies to any lot having vehicular access only from an alley. Minimum lot width of 18 feet applies to any lot containing a single unit of a single-family attached dwelling or townhouse. Minimum lot width of 60 feet applies in all other cases.

[3] There is no minimum side setback from an abutting lot containing a unit that is part of the same duplex, triplex, or townhouse dwelling. The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



SECTION 3.4. MIXED-USE DISTRICTS

A. GENERAL PURPOSE OF THE MIXED-USE DISTRICTS

The general purpose of the mixed-use districts is to:

(1) Provide centers of commerce, employment, and entertainment for residents and visitors;

(2) Support mixed-use development and walkable urbanism, where business, office, retail, and residential development is designed and integrated in compatible ways;

(3) Support development that is scaled to local, community, and regional needs;

(4) Expand transportation options to support multiple modes of transportation; and

(5) Encourage high-quality design of the built environment and public spaces.

B. ESTABLISHED MIXED-USE, COMMERCIAL, AND INDUSTRIAL DISTRICTS

The mixed-use districts established by this Ordinance are identified in Table 3.4.I: Established Mixed-use Districts.

TABLE 3.4.I: Established Mixed-use Districts

MU-N Mixed-Use Neighborhood District
MU-SC Mixed-Use Suburban Corridor District
MU-UC Mixed-Use Urban Corridor District
MU-AC Mixed-Use Activity Center District
TOD Transit-Oriented Development District
CC Center City District

C. MIXED-USE DISTRICT DESIGN STANDARDS

In addition to the standards in Sections 3.4.D through 3.4.I below, and the standards in Section 5.7, Form and Design Standards, the following design standards shall apply to development in MU-N, MU-SC, MU-UC, MU-AC, TOD, and CC districts.

(1) BUILDING FORM

Buildings shall face the street and shall be configured in relation to the street and adjacent buildings so that building walls frame and enclose one or more of the following, where appropriate:

a. The length of sidewalks and streets;

b. The corners of street intersections or entry points into the development;

c. Public spaces or other public and site amenities; and

d. A plaza, square, outdoor dining area, or other outdoor gathering place.

(2) BUILDING FAÇADE

a. GROUND FLOOR

The first floors of all buildings shall be designed to support pedestrian-scale activity by use of transparent windows and doors. Each ground floor building façade that faces a public or private street, a pedestrian way, or an open space set-aside shall be composed of a minimum amount of

transparent windows and/or doors required by Table 3.4.C(2): Minimum Ground Floor Transparency, unless the ground floor is occupied by a residential use.

Table 3.4.C(2): Minimum Ground Floor Transparency

District	Minimum Percentage of Ground Floor Façade Length Composed of Transparent Materials [1]
MU-N	35
MU-SC	35
MU-UC	40
MU-AC	45
TOD	50
CC	50

NOTES:

[1] Applies to ground floor building façade having frontage on a public or private street, a pedestrian way, or an open space set-aside.

b. UPPER FLOOR WINDOWS

All upper floor windows shall be recessed, with the glass a minimum of two inches back from the surrounding façade surface material or adjacent trim.

c. SILLS, BELT COURSES, EAVES, CORNICES, AND ORNAMENTAL FEATURES

Sills, belt courses, eaves, cornices, and ornamental features may project from the building facade no more than two feet and may extend over a public or private sidewalk, shared use path, amenity zone, or planting strip, provided they shall maintain a minimum vertical clearance of 12 feet over the public right-of-way.

(3) BALCONIES

Balconies are encouraged but not required in upper-story residential units.

(4) CANOPIES AND AWNINGS

Canopies, awnings, and similar appurtenances are subject to Section 9.3.B(5), Allowable Encroachments into Required Yards or Rights-of-Way.

(5) BUILDING ENTRANCES

Where the façade of a principal building abuts a street or other public space, at least one operable pedestrian entrance providing both ingress and egress shall be provided. The required pedestrian entrance shall open directly to the sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area between the entrance and the street. All primary pedestrian entrances shall be clearly defined and emphasized using changes in the wall plane or façade material, pilasters, awnings, canopies, porches, or other architectural elements. The principal building entrance shall not open onto a parking lot.

(6) PARKING STRUCTURES

Parking structures shall be wrapped with a non-parking use allowed in the district in which the structure is located, along a minimum of 75 percent of the street level first floor. Where the street-level facade of a parking structure abuts or faces a street frontage, the facade shall be articulated through use of at least three of the following features:

a. Windows or window-shaped openings;

b. Masonry columns;

c. Decorative wall insets or projections;

d. Awnings;

e. Changes in color or texture of exterior materials;

f. Integrated vegetation (hanging or along trellises); or

g. Other similar features approved by the Planning Director.

(7) PARKING LOCATION

a. All new surface vehicle parking areas in the MU-N, MU-SC, and MU-UC districts shall be located to the side or rear of the development's principal building(s).

b. All new surface vehicle parking areas in the MU-AC, CC, and TOD districts shall be located to the rear of the development's principal building.

(8) CONNECTIVITY

a. Walkways shall be provided which connect building entrances and streets adjoining the site.

b. Development shall be designed to allow pedestrian and bicycle cross-access between the site and adjacent parcels, to the extent practicable. The Planning Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints. Easements allowing cross-access between adjoining parcels of land, along with maintenance agreements shall be recorded in the appropriate land records.

(9) MID-BLOCK ALLEY

Where included on the Thoroughfare Plan, a mid-block alley shall be dedicated and improved in accordance with the LDSM.

(10) SIDEWALKS, STREET TREES, AND CURB AND GUTTER

a. Curb, gutter, sidewalks, and tree grates or a planting area between the street and the sidewalk shall be provided on both sides of the street in accordance with Table 3.4.C(10): Minimum Sidewalk Width, subject to subsection b below, Section 5.1.C(2), Sidewalks and Other Pedestrian Facilities, and Section 5.1.C(4), Public Streets.

Table 3.4.C(10): Minimum Sidewalk Width

District	Minimum Sidewalk Width
MU-N	6
MU-SC	6
MU-UC	7
MU-AC	10
TOD	10
CC	10

b. In the MU-N, MU-SC, and MU-UC districts, a sidewalk planting strip at least six feet wide between the sidewalk and the curb shall be provided, with street trees planted a maximum average of 40 feet on center along the length of the planting strip.

c. In the MU-AC, TOD, and CC districts, a minimum 6-foot deep by 8-foot wide street tree planting area, or other planting area providing comparable soil volume and water infiltration, between the sidewalk and the curb shall be provided for the location of street trees, every 40-50 feet on center, with street trees planted a maximum average of 40 feet on center along the length of the sidewalk.

D. MIXED-USE NEIGHBORHOOD DISTRICT

(1) PURPOSE

The purpose of the Mixed-Use Neighborhood (MU-N) District is to provide lands for a mix of neighborhood-serving retail, service, office, and public, civic, and institutional uses, as well as residential uses including low-rise and mid-rise multifamily dwellings, townhouse dwellings, duplexes, and triplexes. Development should be walkable, have an active streetscape, and be compatible in form and scale with surrounding residential uses. The mixing of residential uses with nonresidential uses within a building, with residential development on upper floors, is encouraged. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min) [2]	50 ft/ 18ft
	Density (max)	16 units per acre
	Impervious surface ratio (max)	0.70
	Setback, Height, and Floor Area Standards	
A	Front build-to zone (min | max) [3]	5 | 25 ft
	Percentage of build-to zone width occupied by building (min) [4]	60%
B	Side setback (min) [5]	None
C	Rear setback (min)	10 ft
D	Building height (max)	50 ft
	Gross floor area per building (max)	12,000 sf

(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

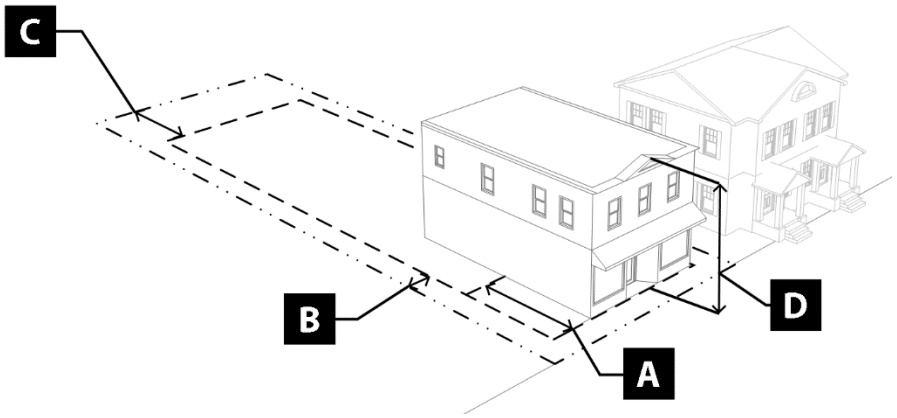
[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Minimum lot width of 18 feet applies to any lot containing a single unit of a single-family attached dwelling or townhouse. Minimum lot width of 50 feet applies in all other cases.

[3] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[4] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[5] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



E. MIXED-USE SUBURBAN CORRIDOR DISTRICT

(1) PURPOSE

The purpose of the Mixed-Use Suburban Corridor (MU-SC) District is to provide lands on major commercial corridors for a mix of commercial, office, institutional, and multifamily residential uses. This district includes more large-format retail and auto-oriented forms than the MU-UC district. New development in the MU-SC district is intended to support automobile-oriented building forms and parking locations as well as development patterns that support multiple modes of mobility. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min)	50 ft
	Density (max)	12 units per acre
	Impervious surface ratio (max)	0.80
	Setback and Height Standards	
A	Front build-to zone (min | max) [2]	0 | 25 ft
	Percentage of build-to zone width occupied by building (min) [3]	60%
B	Side setback (min)	5 ft
C	Rear setback (min) [4]	None | 10 ft
D	Building height (max)	50 ft

(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

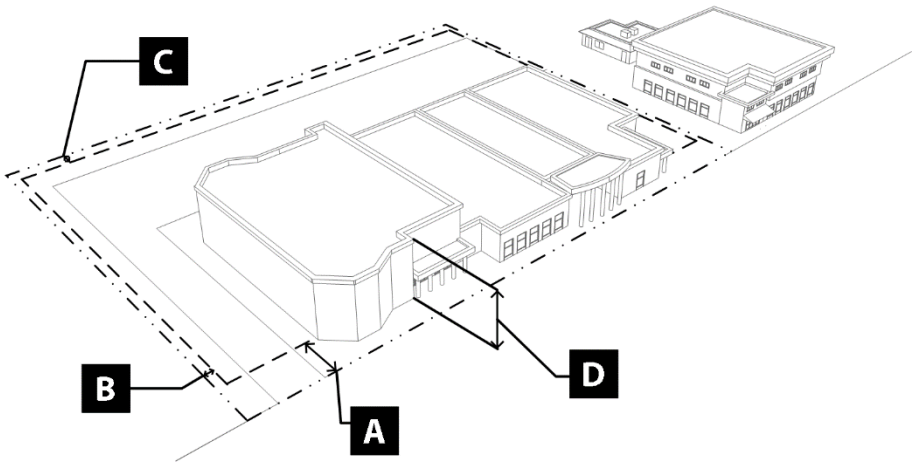
NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[3] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[4] The minimum rear setback is 10 feet, except there is no minimum rear setback where the rear lot line abuts an alley.



F. MIXED-USE URBAN CORRIDOR DISTRICT

(1) PURPOSE

The purpose of the Mixed-Use Urban Corridor (MU-UC) District is to provide lands on existing urban corridors for walkable development patterns with active streetscapes. The district includes places to live, work, and shop and allows a mix of community-serving retail and office uses, civic uses, and townhouse and multifamily residential uses. The mixing of residential uses with nonresidential uses within a building, with residential development on upper floors, is encouraged.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min)	45 ft
	Density (max)	None
	Impervious surface ratio (max)	0.80
	Setback and Height Standards	
A	Front build-to zone (min | max) [2]	0 | 25 ft
	Percentage of build-to zone width occupied by building (min) [3]	70%
B	Side setback (min)	None
C	Rear setback (min) [4]	None | 10 ft
D	Building height (max)	60 ft

(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

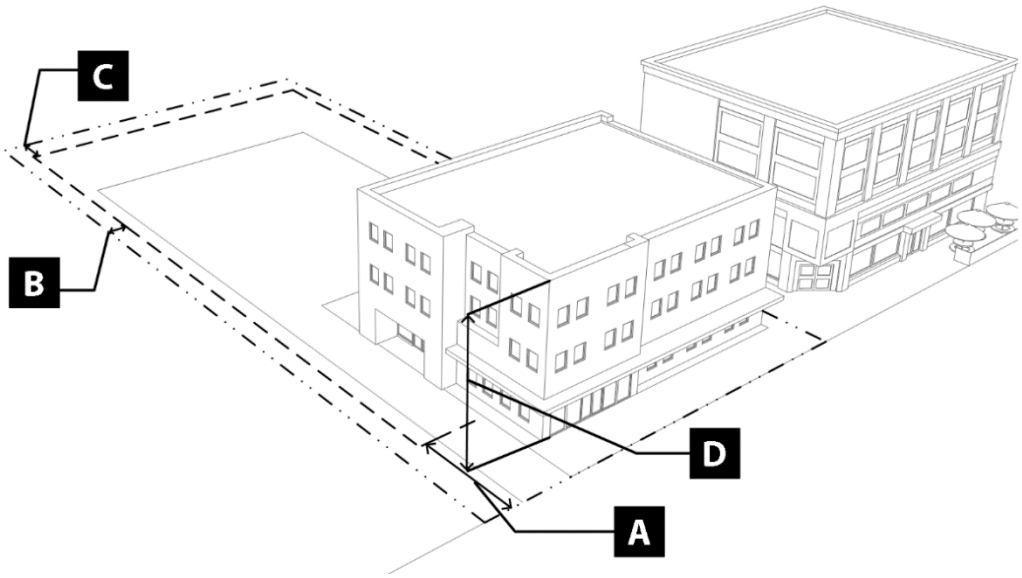
NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[3] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[4] The minimum rear setback is 10 feet, except there is no minimum rear setback where the rear lot line abuts an alley.



G. MIXED-USE ACTIVITY CENTER DISTRICT

(1) PURPOSE

The purpose of the Mixed-Use Activity Center (MU-AC) District is to provide lands for walkable, transit-oriented, mixed-use centers that feature high quality building design and active streetscapes within a "main street" style environment. The district allows a mix of office, retail, entertainment, and civic uses that serve neighborhood or community-wide needs. The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	LOT AND DENSITY/INTENSITY STANDARDS	
	Lot area (min)	None
	Lot width (min)	40 ft
	Density (max)	None
	Impervious surface ratio (max)	0.80
	SETBACK AND HEIGHT STANDARDS	
A	Front build-to zone (min | max) [2]	0 | 15 ft
	Percentage of build-to zone width occupied by building (min) [3]	75%
B	Side setback (min)	None
C	Rear setback (min) [4]	None | 10 ft
D	Building height (max)	70 ft

(3) OTHER STANDARDS

OTHER STANDARDS	LOCATION IN KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

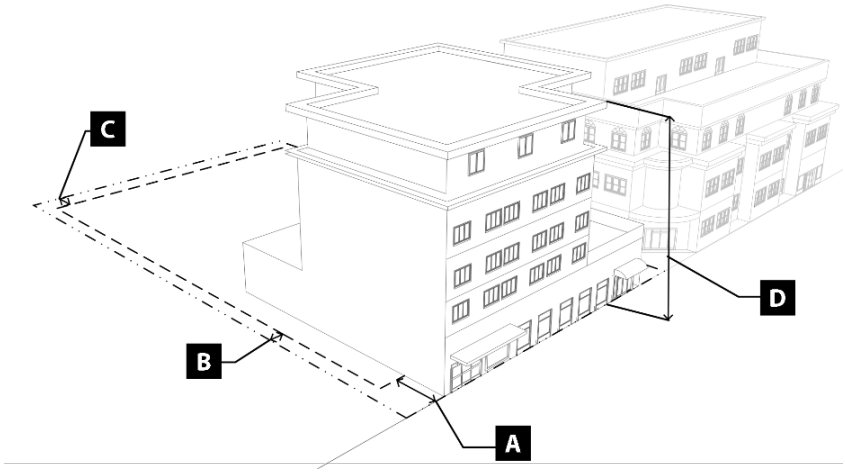
NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[3] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[4] The minimum rear setback is 10 feet, except there is no minimum rear setback where the rear lot line abuts an alley.



H. TRANSIT-ORIENTED DEVELOPMENT

(1) PURPOSE

The purpose of the Transit-Oriented Development (TOD) District is to provide lands for walkable, transit-oriented, mixed-use development that features high quality building design and materials and supports active streetscapes. TOD development should include densities and use mixes that fully support non-auto-dependent lifestyles. The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min)	40 ft
	Density (max)	See Section 3.4.H(5)
	Floor Area Ratio (max)	
	Impervious surface ratio (max)	0.95
	Setback and Height Standards	
A	Front build-to zone (min | max) [2]	0 | 15 ft
	Percentage of build-to zone width occupied by building (min) [3]	75%
B	Side setback (min)	None
C	Rear setback (min) [4]	None | 10 ft
D	Building height (min | max)	25 ft | 82 ft

(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

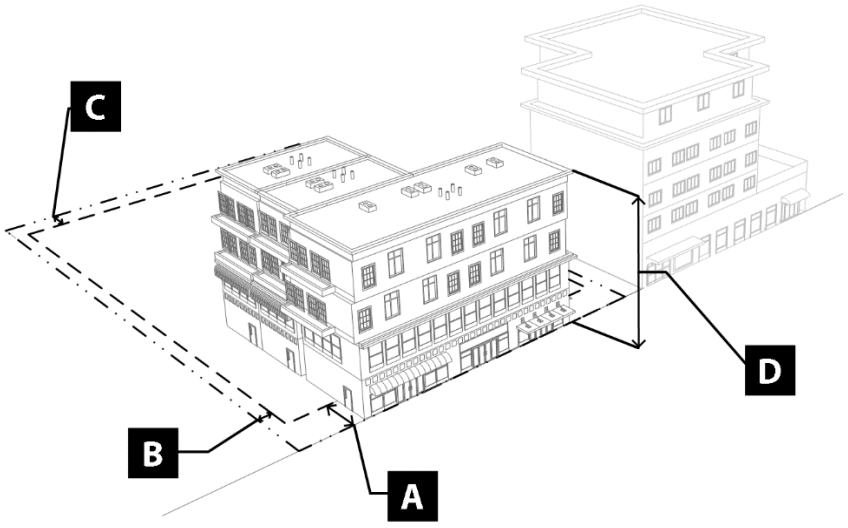
NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[3] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[4] The minimum rear setback is 10 feet, except there is no minimum rear setback where the rear lot line abuts an alley.



(4) SUBDISTRICTS

Lands within a TOD District shall be classified in one of the following subdistricts:

a. The Transit-Oriented Development – Core (TOD-C) subdistrict generally applies to lands within one-quarter of a mile of a transit station.

b. The Transit-Oriented Development – Edge (TOD-E) subdistrict generally applies to lands between one-quarter of a mile and one-half of a mile from a transit station. No land area shall be classifed in the TOD-E subdistrict unless it adjoins land area classified in the TOD-C subdistrict.

(5) FLOOR AREA AND DENSITY

The floor area ratio and density within the TOD-C and TOD-E subdistricts shall not be less than that set forth in Table 3.4.H(5).

Table 3.4.H(5): Density and Floor Area Ratio Standards

Subdistrict	Density (residential units per acre)		Floor Area Ratio (nonresidential uses)	
	Minimum	Maximum	Minimum	Maximum
TOD-C	16	50	0.5	3.0
TOD-E	12	36	0.3	2.0

(6) PARKING STANDARDS

a. MINIMUM NUMBER

Notwithstanding the minimum parking standards established for the TOD district by Section 5.2.E, Off-street Vehicular Parking Space Standards, there shall be no minimum number of parking spaces required on any site or portion of a site within the TOD district that is located within 500 feet of a high capacity transit station.

b. MAXIMUM NUMBER

Within the TOD district, the maximum number of parking spaces for each use allowed in the district is established by Section 5.2.E, Off-street Vehicular Parking Space Standards.

I. CENTER CITY DISTRICT

(1) PURPOSE

The purpose of the Center City (CC) District is to serve as the focal point for commerce, government, entertainment, and cultural events in Kannapolis. Development in the district is pedestrian oriented and includes a mix of downtown retail, service, office, light Industrial, and residential uses in the existing central business district. The district is intended to be walkable, support multiple modes of mobility, have an active streetscape, and feature high quality design and building materials.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Density/Intensity Standards	
	Lot area (min)	None
	Lot width (min)	20 ft [2]
	Density (max)	None
	Impervious surface ratio (max)	0.95
	Setback and Height Standards	
A	Front build-to zone (min | max) [3]	0 | 15 ft
	Percentage of build-to zone width occupied by building (min) [4]	75%
B	Side setback (min)	None
C	Rear setback (min) [5]	None | 10 ft
D	Building height (max)	72 ft

(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

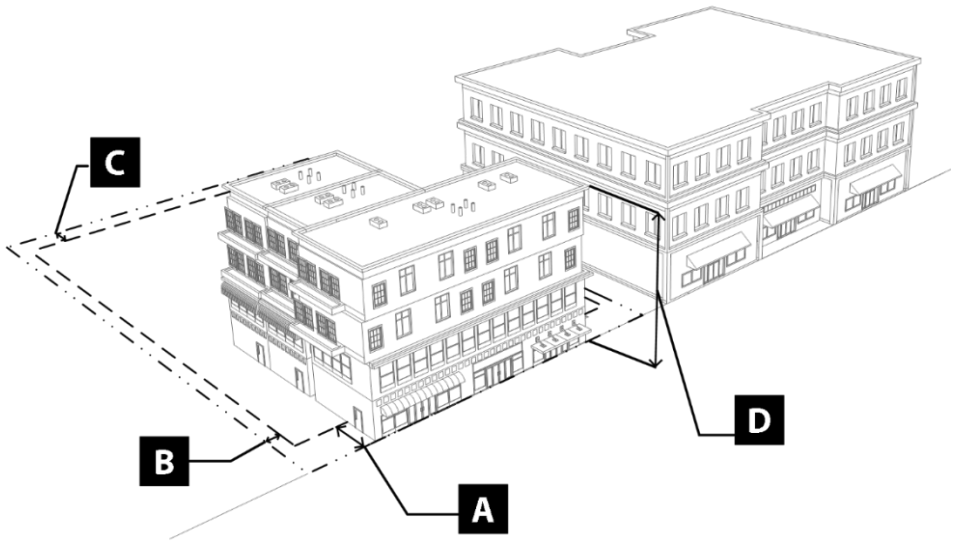
[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] Dimensional and Intensity Standards, the Lot width minimum shall be 20' except that the Lot width minimum for attached townhomes may be reduced to 16' if such units are rear load alley fed units

[3] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum build-to zone boundary may be increased by 15 feet along 25 percent of the lot width for a civic space or outdoor dining area.

[4] Buildings shall be located so that they occupy the minimum percentage of the linear width of the lot's build-to zone (see Section 9.3.A(6)).

[5] The minimum rear setback is 10 feet, except there is no minimum rear setback where the rear lot line abuts an alley.



(4) LOTS FRONTING DALE EARNHARDT BOULEVARD OR LOOP ROAD

Lots that have frontage along Dale Earnhardt Boulevard or Loop Road are exempt from the following standards on those portions of the lot that are within 200 feet of the front lot line:

a. Section 3.4.C(2), Building Façade;

b. Section 3.4.C(5), Building Entrances; and

c. Section 3.4.C(7), Parking Location.

SECTION 3.5. NONRESIDENTIAL DISTRICTS

A. GENERAL PURPOSE OF NONRESIDENTIAL DISTRICTS

The general purpose of nonresidential districts is to:

(1) Provide appropriately located lands for commerce and employment serving the City's residents, businesses, and workers, consistent with the goals and policies of the comprehensive plan and the applicable City plans and policies to support quality economic development;

(2) Strengthen the City's economic base, and provide employment opportunities for residents;

(3) Create suitable environments for various types of businesses and ensure their compatibility with surrounding development;

(4) Accommodate new infill development; and

(5) Ensure nonresidential development is located and designed to protect and/or be compatible with residential areas.

B. ESTABLISHED NONRESIDENTIAL DISTRICTS

The nonresidential districts established by this Ordinance are identified in Table 3.4.I: Established Nonresidential Districts.

TABLE 3.4.I: Established Nonresidential Districts

O-I Office-Institutional District
GC General Commercial District
LI Light Industrial District
HI Heavy Industrial District

C. OFFICE-INSTITUTIONAL DISTRICT

(1) PURPOSE

The purpose of the Office-Institutional (O-I) District is to provide lands for low-intensity office uses and a variety of public, civic, and institutional uses, including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities, and charitable institutions.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Intensity Standards	
	Lot area (min)	None
	Lot width (min)	60 ft
	Impervious surface ratio (max)	0.8
	Setback and Height Standards	
A	Front setback (min)	10 ft
B	Side setback (min) [2]	None
C	Rear setback (min)	None
D	Building height (max)	50 ft

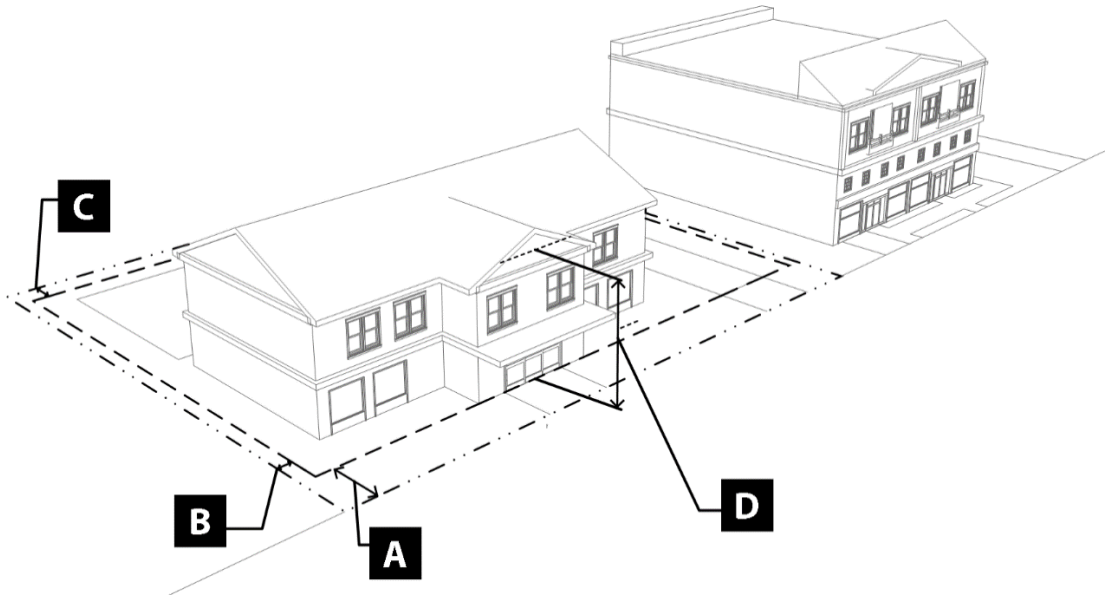
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



D. GENERAL COMMERCIAL DISTRICT

(1) PURPOSE

The purpose of the General Commercial (GC) District is to provide lands to accommodate a broad range of nonresidential uses characterized primarily by retail, office, and service establishments. Development is primarily auto oriented.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

Lot and Density/Intensity Standards		
	Lot area (min)	None
	Lot width (min)	50 ft
	Density (max)	18 units per acre
	Impervious surface ratio (max)	0.8
Setback and Height Standards		
A	Front setback (min)	10 ft
B	Side setback (min) [2]	None
C	Rear setback (min)	None
D	Building height (max)	48 ft

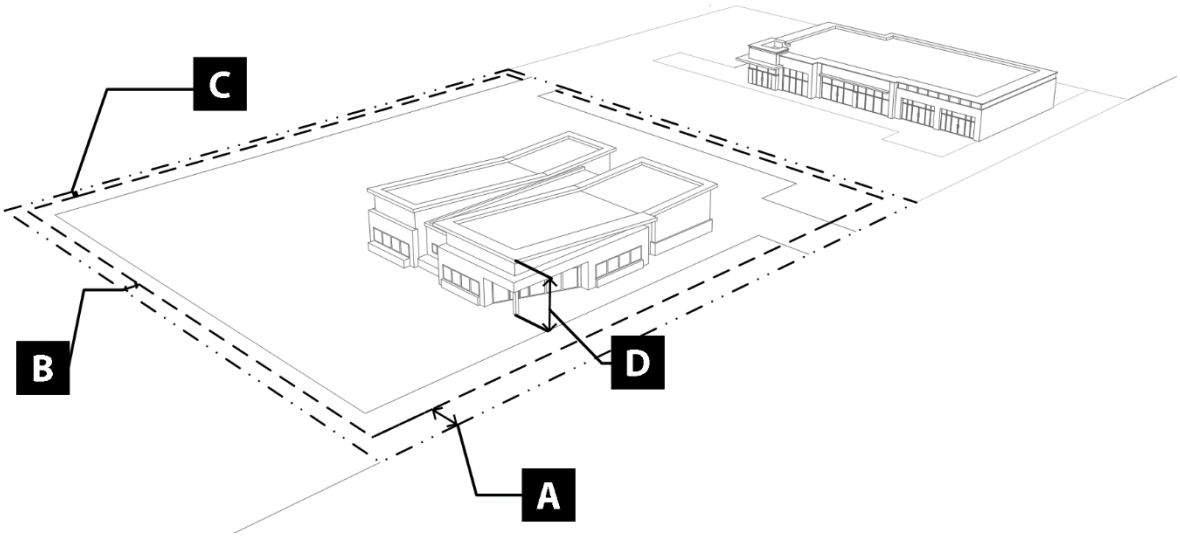
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



E. LIGHT INDUSTRIAL DISTRICT

(1) PURPOSE

The purpose of the Light Industrial (LI) District is to provide lands that accommodate light production and processing, wholesaling, distribution, storage, industrial services, and limited office uses, which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust, and which are generally conducted within a building. The district also accommodates limited commercial uses that primarily serve the principal light industrial uses.

(2) DIMENSIONAL AND INTENSITY STANDARDS [1]

Lot and Intensity Standards		
	Lot area (min)	None
	Lot width (min)	50 ft
	Impervious surface ratio (max)	0.8
Setback and Height Standards		
A	Front setback (min)	20 ft
B	Side setback (min) [2]	None
C	Rear setback (min)	None
D	Building height (max)	72 ft

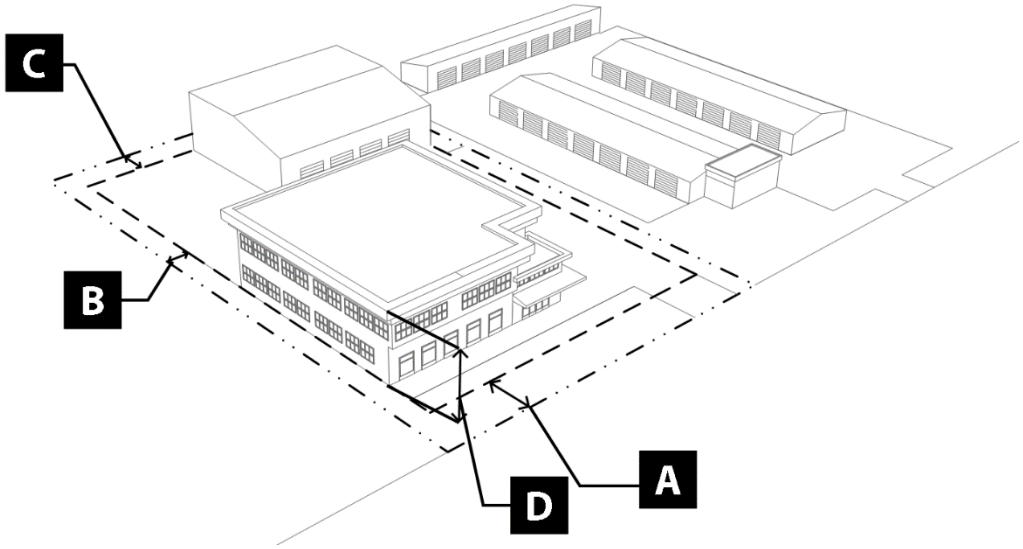
(3) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



F. HEAVY INDUSTRIAL DISTRICT

(1) PURPOSE

The purpose of the Heavy Industrial (HI) District is to provide lands for heavy and concentrated fabrication, manufacturing, and industrial uses that generally involve greater potential for adverse off-site impacts on the environment and surrounding development (i.e. from dust, fumes, smoke, odor, noise, or vibration, or due to extensive movement of vehicles, materials, and goods). This district provides an environment for industries that are adequately separated and buffered from incompatible residential or commercial development.

(1) DIMENSIONAL AND INTENSITY STANDARDS [1]

	Lot and Intensity Standards	
	Lot area (min)	None
	Lot width (min)	50 ft
	Impervious surface ratio (max)	0.9
	Setback and Height Standards	
A	Front setback (min)	30 ft
B	Side setback (min) [2]	None
C	Rear setback (min)	None
D	Building height (max)	72 ft

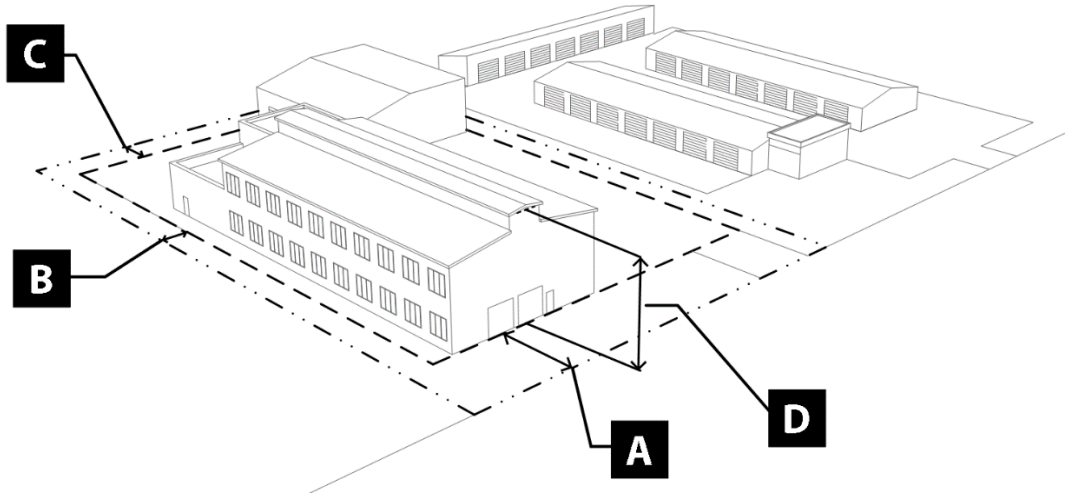
(2) OTHER STANDARDS

Other Standards	Location in KDO
Use Regulations	Article 4
Development Standards	Article 5
Subdivision Standards	Article 6
Rules of Measurement	Section 9.3

NOTES:

[1] May be superseded by other standards in this Ordinance (see Section 3.1.C, Superseding Dimensional and Intensity Standards).

[2] The side setback for the street-facing yard of a corner lot shall equal 75 percent of the required front yard setback.



SECTION 3.6. LEGACY DISTRICTS

A. ESTABLISHED LEGACY DISTRICTS

The Legacy districts established by this Ordinance are identified in Table 3.6.A: Established Legacy Districts.

TABLE 3.6.A: Established Legacy Districts

CD Campus Development District
CD-R Campus Development - Residential District
C-1 Light Commercial and Office District

B. LEGACY DISTRICT REGULATIONS

Uses allowed in each of the Legacy districts are identified in Article 4: Use Regulations. Other standards that apply in the Legacy districts are in Appendix B.

SECTION 3.7. PLANNED DEVELOPMENT DISTRICTS

A. GENERAL PROVISIONS

(1) GENERAL PURPOSE OF PLANNED DEVELOPMENT ZONING DISTRICTS

The purpose of planned development zoning districts is to encourage innovative and efficient land planning and physical design concepts. Planned development zoning districts are intended to:

a. Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;

b. Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;

c. Provide greater freedom and flexibility in selecting:

1. The form and design of development;

2. The ways by which pedestrians and vehicular traffic circulate;

3. How the development will be located and designed to respect the natural features of the land and protect the environment;

4. The location and integration of open space and civic space into the development; and

5. Design amenities.

d. Allow greater freedom in providing a well-integrated mix of nonresidential development, residential development, lot sizes, and densities and intensities within the same development;

e. Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;

f. Provide pedestrian connections within the same development, and to the public right-of way;

g. Encourage the provision of centrally-located open space amenities within the development;

h. Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and

i. Promote development form that respects and takes advantage of a site's natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, trees, and culturally significant human-made and historic resources.

(2) CLASSIFICATION

Land shall be classified to a planned development district only in accordance with the procedure and standards in Section 2.5.A(4), Planned Development.

(3) GENERAL REQUIREMENTS

The standards in this section apply to all planned development districts, in addition to the specific standards that apply to each type of planned development in Sections 3.7.B through 3.7.D below.

a. PLANNED DEVELOPMENT (PD) PLAN

1. As set forth in Section 2.5.A(4), Planned Development, a Planned Development (PD) Plan is a required component in the establishment of a planned development district. The PD Plan shall identify the following, in accordance with the purposes and requirements of the specific type of planned development district:

(a) The planning and development goals for the planned development district;

(b) The principal, accessory, and temporary uses permitted in the planned development district and any standards that apply to specific uses in the district. Permitted uses shall be in compliance with Section 4.2.B(5), Principal Use Table;

(c) The general location of each development area in the planned development district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(d) The dimensional standards that apply in the planned development district;

(e) Where relevant, the standards and requirements that ensure development on the perimeter of the planned development district are designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

(f) The general location, amount, and type (whether designated for active or passive recreation) of open space;

(g) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this section and this Ordinance;

(h) The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, consistent with the requirements of this Ordinance;

(i) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

(j) The general location of on-site potable water and wastewater facilities, as applicable, and how they will connect to existing and planned City and regional systems, consistent with the requirements of this Ordinance;

(k) The general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, consistent with the requirements of this Ordinance;

(l) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to, parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

(m) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and

(n) Any modifications to the development standards in Article 5: Development Standards, that will be applied to planned development, in accordance with Table 3.5.A(3)a: Development Standards that May Be Modified, below. Any modifications to development standards shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

Table 3.5.A(3)a: Development Standards that May Be Modified

Standard		Means to Modify
Section 5.1	Mobility, Circulation, and Connectivity Standards	PD Plan and PD Agreement, except modification of Section 5.1.C(2), Sidewalks and Other Pedestrian Facilities, is prohibited, except as otherwise allowed in this Ordinance
Section 5.2	Off-Street Parking, Bicycle Parking, and Loading Standards	PD Plan and PD Agreement
Section 5.3	Landscaping and Buffer Standards	PD Plan and PD Agreement
Section 5.4	Open Space Set-Aside Standards	Modifications prohibited
Section 5.5	Fence and Wall Standards	PD Plan and PD Agreement
Section 5.6	Exterior Lighting Standards	PD Plan and PD Agreement
Section 5.7	Form and Design Standards	PD Plan and PD Agreement
Section 5.8	Neighborhood Compatibility	PD Plan and PD Agreement, except modification is prohibited at the periphery of the district where single-family residential lot(s) outside of the district give rise to the neighborhood compatibility requirements
Section 5.9	Sign Standards	PD Plan and PD Agreement
Section 5.10	Stormwater Management Standards	Modification prohibited
Section 5.11	Sustainable/Green Building Standards	PD Plan and PD Agreement
Section 5.12	Sustainable/Green Building Incentives	PD Plan and PD Agreement
Section 5.13	Traffic Impact Analysis (TIA)	Modification prohibited
Article 6	Subdivision Standards	PD Plan and PD Agreement

2. If development in a planned development district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the City's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

3. The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

b. PLANNED DEVELOPMENT (PD) AGREEMENT

1. As set forth in Section 2.5.A(4), Planned Development, a Planned Development (PD) Agreement is a required component in the establishment of a planned development district. A PD Agreement shall include, but not be limited to:

(a) Conditions related to approval of the application for the individual planned development district classification;

(b) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

(c) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

1. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations; and

2. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations;

(d) Provisions related to environmental protection and monitoring (e.g., restoration or mitigation measures, annual inspection reports);

(e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual planned development district; and

(f) Any other provisions the City Council determines relevant and necessary to the development of the planned development.

2. All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

B. PLANNED DEVELOPMENT DISTRICT

(1) PURPOSE

The purpose of the Planned Development (PD) District is to encourage integrated master planned development in locations throughout the City. A range of residential and nonresidential uses are allowed, with the intent of providing a variety of housing options and mutually supportive nonresidential uses that serve the residents and the surrounding neighborhood. Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zoning district. District standards shall support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.

(2) USE STANDARDS

Allowed uses and use-specific standards for principal, accessory and temporary uses are identified in Article 4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district.

(3) DIMENSIONAL STANDARDS

DISTRICT STANDARDS	
Contiguous district area, minimum	No minimum
Density, maximum	To be established in PD Plan and PD Agreement
LOT STANDARDS	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
SETBACKS	
Front	To be established in PD Plan and PD Agreement
Side	
Rear	
PD district boundary setback, minimum	25 feet
BUILDING STANDARDS	
Building height	To be established in PD Plan and PD Agreement

(4) PD DISTRICT DEVELOPMENT STANDARDS

Each individual PD district shall comply with the following standards.

a. GENERAL STANDARDS

1. The PD district shall be designed so that uses are generally compact and well-integrated, rather than widely separated and buffered.

2. Compatibility between different uses shall be achieved through site planning and architectural design.

b. STREETS

1. The PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development.

2. Proposed streets and alleys inside the PD district:

(a) Shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic;

(b) May be designed to discourage through traffic from traversing the development;

(c) Shall be designed for the safe and efficient movement of automobiles, bicycles, and pedestrians; and

(d) Shall be connected in a way that encourages walking and bicycling and reduces the number and length of automobile trips.

c. PEDESTRIAN AMENITIES

At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 5.1, Mobility, Circulation, and Connectivity Standards.

d. RESIDENTIAL USES

1. If more than 15 dwelling units are proposed, the PD district shall include at least two different residential uses (e.g., single-family detached, townhouse, multi-family).

2. Garages on single-family lots shall comply with the following standards:

(a) If the garage faces the same street as the dwelling, it shall be recessed from the non-garage front façade of the dwelling by at least one car length; and

(b) The garage façade shall not exceed 40 percent of the front façade.

C. PLANNED DEVELOPMENT – TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

(1) PURPOSE

The purpose of the Planned Development - Traditional Neighborhood Development (PD-TND) District is to encourage innovative and high-quality development that incorporates traditional neighborhood development practices such as compact form with a neighborhood center, a mix of uses, a strong public realm that is human-scale and pedestrian-oriented, integrated open space and recreational opportunities, mixed-use development, and a range of housing choices. Substantial flexibility is provided, with the expectation that development quality will surpass what is otherwise achievable through the base zoning districts. District standards support the City's existing traditional neighborhoods, encourage walkable urbanism, and provide a range of nonresidential uses that serve residents and the surrounding neighborhood.

(2) USE STANDARDS

Allowed uses and use-specific standards for principal, accessory and temporary uses are identified in Article 4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district.

(3) DIMENSIONAL STANDARDS

DISTRICT STANDARDS	
Contiguous district area, minimum	8 acres
Density, maximum	To be established in PD Plan and PD Agreement
LOT STANDARDS	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
SETBACKS	
Front	To be established in PD Plan and PD Agreement
Side	
Rear	
BUILDING STANDARDS	
Building height	To be established in PD Plan and PD Agreement

(4) PD-TND DISTRICT DEVELOPMENT STANDARDS

Each individual PD-TND district shall comply with the following standards.

a. CENTER AND SUB-CENTERS

A PD-TND district shall be designed with a neighborhood center and may also be served by one or more sub-centers (other neighborhood centers). A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections. If included, the civic use shall be located in a prominent location. Areas adjacent to neighborhood centers shall be zoned for commercial use.

b. WALKING DISTANCE

At least 80 percent of all residential dwelling units in a PD-TND should be within an eight-minute walk (approximately 1,850 feet) of the neighborhood center or a sub-center .

c. USE MIXING

A PD-TND district shall be designed to provide a mix of residential and nonresidential uses such as single-family dwellings, multi-family dwellings, retail sales and service uses, office uses, and civic and recreational uses. One of the primary purposes of integrating residential and nonresidential uses is to allow residents to meet more of their daily needs within the development. In addition,

provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.

d. OPEN SPACE SET-ASIDES

1. Location, Configuration, and Improvements

(a) The location, shape, size, and character of the common open space set-asides shall be suitable for the planned development.

(b) A PD-TND district shall include open space set-asides that provide for passive and active recreation. Common open space set-asides shall be improved except that areas containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements located in the set-asides shall be appropriate to the uses which are authorized for it and shall conserve and enhance the amenities of the set-asides based on its topography and unimproved condition.

2. Open Space Design

(a) Open space set-asides should be designed in a hierarchy of formal and informal areas used to enhance community activity, identity, and civic pride.

(b) Formal areas consist of squares, greens, common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets and/or buildings.

(c) Informal areas (typically located throughout the development), take the form of walking paths, greenways, pocket parks, active or passive recreation areas, and areas set aside for retention of vegetation and other natural features.

3. Establishment, Ownership and Operation

(a) A PD-TND district shall include formal open space set-aside areas for recreation and community gathering.

(b) All common open space set-asides shall be set aside and improved no later than the date on which the certificates of occupancy are issued for the first 25 percent of the total number of dwelling units to be constructed within the project area.

(c) Common open space set-asides and recreational facilities shall not be operated as a for-profit enterprise.

(d) All required common open space set-asides shall be conveyed to a homeowners association created for the development.

(e) All land represented as common open space set-asides on the approved PD Plan shall be conveyed to a homeowners association or similar group organized for the purpose, among others, of owning and maintaining common buildings, area, and land within the planned development.

(f) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements, reviewed for compliance with PD Plan by the Planning Director, and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowners association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, that the association is responsible for liability insurance and local taxes, that any fees levied by the association that remain unpaid will become a lien on the individual property, and that the association will be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development, or exclusive of semi-exclusive use by any property owner(s), of any common open space and shall provide for continued maintenance of any common open space set-asides, and recreational facilities.

(g) Zoning permits or building permits for any phase of the approved PD Plan shall not be issued unless and until the open space set aside which is part of that phase has been dedicated and improved as specified on the approved PD Plan.

(h) No portion of the planned development shall be conveyed or dedicated to public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwellings to be constructed within the planned development; the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

4. Use of Open Space Set-Aside Areas

Common open space set-asides shall be usable for recreational purposes or for provision of visual, aesthetic, and environmental amenities. The uses authorized for the active or passive common open space set-asides shall be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Common open space set-asides shall be used for the benefit of all property owners in the PD-TND district rather than for the exclusive or semi-exclusive use of one or more property owners.

e. LANDSCAPING

1. Perimeter landscaping buffers shall not be required between uses internal to a PD-TND district but shall be provided along the perimeter of the district.

2. Streetscape landscaping requirements may be modified by a PD Plan, but the PD Plan shall include provisions that ensure a transition from the roadway to the sidewalk that enhances aesthetics and pedestrian safety.

f. BUILDING CONFIGURATION

1. Public Buildings and Uses

(a) Public buildings and uses (for example government or cultural facilities, assembly uses, or schools) that serve as focal points and landmarks are encouraged.

(b) Public buildings and uses should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners as noted on the PD Plan.

(c) When possible, public buildings and uses shall be located on, or adjacent to, a square, plaza, or village green.

2. Location and Relationship between Buildings

Buildings should have a fairly consistent, narrow setback alignment along the street frontage so that the pattern of buildings along the street:

(a) Helps define the street edge; and

(b) Clearly distinguishes the public realm of the street and the private space of individual lots.

3. Relationship between Building Types

Buildings in a PD-TND district should be built on a human scale and designed with a common and harmonious design and landscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

g. SUBDIVISION STANDARDS

The requirements of Article 6: Subdivision Standards, shall apply, except as provided below.

1. The entire area of the PD-TND district shall be divided into blocks, streets, alleys, open space and natural areas, to the maximum extent practicable.

2. The development should be laid out predominantly in an orthogonal grid pattern; however, the street pattern may include radial, curvilinear, or other non-orthogonal elements. Cul-de-sacs are prohibited. Exceptions to the requirements in this section are allowed due to unusual topographical, environmental, or physical conditions.

3. Sidewalks shall be located on both sides of every street. They shall be a minimum of five feet wide, consistent with the requirements in this Ordinance.

4. A seven-foot-wide planting strip shall be located between the street and the sidewalk. Street trees shall be planted in the planting strip and spaced approximately 40 feet on center.

h. STREET STANDARDS

1. Streets shall be organized according to a hierarchy based on function, capacity, and design speed.

2. Streets shall terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs shall be provided to adjacent open land to provide for future connections. Permanent cul-de-sacs and hammerhead turnarounds are discouraged.

3. Major and minor thoroughfares are not permitted to penetrate the development.

4. Gated streets are prohibited.

5. There shall be a network of alleys to the rear of the lots, where appropriate, with a minimum of 50 percent of the residential single-family dwellings served by alleys.

6. Direct vehicular access from a lot to an alley is preferred.

7. The right-of-way area of private alleys shall be a common area maintained by a homeowners association.

8. No building lot lines shall extend into, or to the center of, the private alley rights-of-way.

D. PLANNED DEVELOPMENT – CAMPUS DISTRICT

(1) PURPOSE

The Planned Development-Campus (PD-C) District is intended to allow flexibility in development that will result in high-quality, master planned employment and/or institutional uses, such as colleges and universities, hospitals, offices, and light industrial uses in a campus-like setting. The district should use innovative design to integrate core employment and/or institutional uses with supporting commercial, institutional, and residential uses while protecting the larger community, nearby neighborhoods, and the environment from impacts arising from the Campus District development.

(2) USE STANDARDS

Allowed uses and use-specific standards for principal, accessory and temporary uses are identified in Article 4: Use Regulations, but only those uses identified as permitted in the PD Plan are permitted in the district.

(3) DIMENSIONAL STANDARDS

DISTRICT STANDARDS	
Contiguous district area, minimum	5 acres or 1 or more contiguous blocks
Density, maximum	To be established in PD Plan and PD Agreement
LOT STANDARDS	
Lot area	To be established in PD Plan and PD Agreement
Lot width	
SETBACKS	
Front	To be established in PD Plan and PD Agreement
Side	
Rear	
BUILDING STANDARDS	
Building height	To be established in PD Plan and PD Agreement

(4) PD-C DISTRICT DEVELOPMENT STANDARDS

Each individual PD-C District shall comply with the following standards.

a. MOBILITY, CIRCULATION, AND CONNECTIVITY

1. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Section 5.1, Mobility, Circulation, and Connectivity Standards.
2. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. Proposed pedestrian circulation within the district shall be properly integrated with buildings, parking areas, and open space.
3. A PD-C district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on roadways external to the PD-C district.
4. Any proposed streets, alleys, and driveways inside a PD-C district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic associated with the proposed development.

b. PARKING

Off-street parking facilities shall be sufficient to accommodate the district's employees, residents, and visitors.

c. DESIGN

The form and function of proposed buildings shall be compatible with development immediately adjacent to the district, in terms of building separation, massing, scale, and proportion.

SECTION 3.8. OVERLAY DISTRICTS

A. GENERAL PURPOSE OF THE OVERLAY DISTRICTS

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that supersede the standards of the underlying base zoning districts.

B. ESTABLISHED OVERLAY DISTRICTS

The overlay districts established by this Ordinance are identified in Table 3.8.B: Established Overlay Districts.

TABLE 3.8.B: Established Overlay Districts

AO Airport Overlay District
FPO Flood Plain Overlay District
MHO Manufactured Home Overlay District
TPO Thoroughfare Protection Overlay District
NPO Neighborhood Protection Overlay District
RSO River-Stream Overlay District
WPO Watershed Protection Overlay District

C. AIRPORT OVERLAY (AO) DISTRICT

(1) PURPOSE

The purpose of the Airport Overlay (AO) District is to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation in order to protect the safety and welfare of the users of the Concord Regional Airport, the safety and welfare of 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.

(2) DISTRICT BOUNDARIES

The AO District consists of five zones, identified in Table 3.8.C(5) below. The boundaries of each zone shall be as shown on the official Concord Regional Airport Hazard Zoning Map, which is incorporated herein by reference. The district boundaries may be modified from time to time by an amendment to this Ordinance.

(3) APPLICABILITY

a. Approval of a zoning clearance permit in accordance with Section 2.5.C(1),, Zoning Clearance Permit, shall be required prior to any material change in the use of land or any erection, alteration, planting, or establishment of any structure or tree in any AO District zone established in this section. In making a decision on the zoning clearance permit application and when otherwise enforcing the provisions of this section, the Planning Director will consult with the Concord Regional Airport Aviation Director where required by this section or in other cases where the Planning Director determines such consultation is appropriate.

b. The Planning Director's approval of a zoning clearance permit in accordance with subsection a above, may be subject to conditions of approval, if deemed advisable to

effectuate the purpose of this section and reasonable in the circumstances, requiring the owner of the structure or tree in question to permit the City of Concord, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(4) USE STANDARDS

Permitted uses shall be those within the underlying base zoning districts, provided no use may:

a. Create electrical interference with navigational signals or radio communication between the airport and aircraft;

b. Make it difficult for pilots to distinguish between airport lights and other lights;

c. Result in glare in the eyes of pilots using the airport;

d. Impair visibility in the vicinity of the airport;

e. Attract birds or other concentrations of wildlife; or

f. Otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use the airport.

(5) GENERAL AIRPORT OVERLAY DEVELOPMENT STANDARDS

The five zones identified in Table 3.8.C(5): Airport Overlay Development Standards, are hereby established in the AO District. Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow or be maintained in any of the zones in Table 3.8.C(5) in accordance with the height restrictions established for the zone in Table 3.8.C(5). Unless otherwise specified, height shall be measured from mean sea level. An area located in more than one of the zones in Table 3.8.C(5) shall be subject to the most stringent height restrictions of the zones in which it is located.

TABLE 3.8.C(5): Airport Overlay Development Standards

ZONE	DESCRIPTION	HEIGHT RESTRICTIONS
PRECISION INSTRUMENT RUNWAY APPROACH ZONE	The inner edge of this approach zone coincides with the width of the primary surface of the runway and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its center line being the continuation of the center line of the runway.	Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line, then at a slope of 40:1 for an additional 40,000 feet.
LOCAL BUFFER APPROACH ZONE	The extent of this zone coincides with the Precision Instrument Runway Approach Zone (see Article 10: Definitions).	Uses shall not exceed the maximum height specified for the Precision Instrument Runway Approach Zone, less 10 feet on southern approach only. Uses encroaching into this zone shall be allowed only as special uses, and shall not be constructed, erected, or otherwise established unless and until a special use permit has been issued.

TABLE 3.8.C(5): Airport Overlay Development Standards

ZONE	DESCRIPTION	HEIGHT RESTRICTIONS
TRANSITIONAL ZONES	These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway center line and the runway center line extended a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway center line.	Slopes upward and outward seven feet horizontally for each foot vertically beginning at all the sides of and at the same elevation as the primary surface and the approach zones and extending to a height of 150 feet above the airport elevation, or 840 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument run approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet from the edge of the approach surface measured at 90-degree angles to the extended runway center line.
HORIZONTAL ZONE	The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs.	One hundred fifty feet about the airport elevation or a height of 840 feet above mean sea level.
CONICAL ZONE	The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.	Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or 1,040 feet above mean sea level.

(6) NONCONFORMING USES

a. This section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or that was lawfully established prior to July 1, 2022, but that does not conform to the regulations in this section, to otherwise interfere with the continuance of a nonconforming use, or to require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was lawfully begun prior to July 1, 2022, and is diligently prosecuted.

b. No zoning clearance permit shall be granted that would allow the expansion of a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on July 1, 2022.

c. Whenever the Concord Regional Airport Aviation Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no zoning clearance permit shall be granted that would

allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

d. Notwithstanding other provisions in this section, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of markers and lights that are deemed necessary by the Concord Regional Airport Aviation Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

(7) VARIANCES

a. Applications for variances from the height standards in this section shall be in submitted and reviewed in accordance with Section 2.5.D(1), Variance – Zoning. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The application shall also include verification that a copy of the application has been furnished to the Concord Regional Airport Aviation Director for advice as to the aeronautical effects of the variance. The Board of Adjustment shall not grant or deny the application until the Aviation Director submits a response to the application or 30 days after the application submittal, whichever occurs first. The Board of Adjustment shall grant a variance only if the Board makes all reqiured findings in Section 2.5.D(1), Variance – Zoning, and if the Board determines that the proposed variance will not create a hazard to air navigation.

b. Any variance granted may include conditions that require the owner of the structure or tree in question to permit the City of Concord, at the owner's expense, to install, operate and maintain markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(8) ENFORCEMENT

The Planning Director is authorized to commence and proceed to prevent, restrain, correct or abate any violation of this section in accordance with Article 8: Enforcement.

D. FLOODPLAIN PROTECTION OVERLAY (FPO) DISTRICT

(1) STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the City Council of the City of Kannapolis, North Carolina, does ordain as follows:

(2) FINDINGS OF FACT

a. The flood prone areas within the jurisdiction of City of Kannapolis are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards.

(3) PURPOSE OF DISTRICT

It is the purpose of the Floodplain Protection Overlay (FPO) District 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:

a. 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;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

d. Control filling, grading, dredging and all other development that may increase erosion or flood damage; and

e. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(4) OBJECTIVES OF DISTRICT

The objectives of this Section 3.8.D are to:

a. Protect human life, health, and safety;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business losses and interruptions;

e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable, sewer lines, streets and bridges located in flood prone areas;

f. Minimize damage to private and public property due to flooding;

g. Make flood insurance available to the community through the National Flood Insurance Program (NFIP);

h. Maintain the natural and beneficial functions of floodplains;

i. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

j. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

(5) DEFINITIONS

For purposes of this Section 3.8.D, the following terms and uses (shown in bold font), shall have the meaning ascribed to them below.

Accessory Structure (Appurtenant Structure)

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like, qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal

A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

Area of Future-Conditions Flood Hazard

The land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

Area of Shallow Flooding

A designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Building

See "Structure".

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design Flood

See "Regulatory Flood Protection Elevation."

Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Digital Flood Insurance Rate Map (DFIRM)

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal

As defined in N.C.G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated Building

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building or structure

Any building and/or structure for which the "start of construction" commenced before the effective date of the City's floodplain regulations.

Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the City's floodplain regulations.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

a) The overflow of inland or tidal waters; and/or

b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Prone Area

See "Floodplain"

Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of this section, prior to the commencement of any development activity. (See Section 2.5.C(7).)

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations

This section, this Ordinance, and other building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material

Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis

An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Freeboard

The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous Waste Management Facility

As defined in N.C.G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

e) Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC)

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's floodplain management regulations.

d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck

Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

c) Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG)

The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Repository

The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-Encroachment Area (NEA)

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Post-FIRM

Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM

Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground

At least 51 percent of the actual cash value of the structure is above ground.

Recreational Vehicle (RV)

A vehicle, which is:

a) Built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projection;
c) Designed to be self-propelled or permanently towable by a light duty truck;
d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
e) Is fully licensed and ready for highway use.

Reference Level

The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

Regulatory Flood Protection Elevation

The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid Waste Disposal Facility

Any facility involved in the disposal of solid waste, as defined in N.C.G.S. 130A-290(a)(35).

Solid Waste Disposal Site

As defined in N.C.G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

Start of Construction

Includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a) Any correction of existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued in accordance with Section 2.5.D(1), Variance – Zoning.

Technical Bulletin and Technical Fact Sheet

A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

Temperature Controlled

Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Threats to Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Variance

See Section 2.5.D(1).

Violation

The failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Ordinance is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE)

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(6) LANDS TO WHICH REGULATIONS APPLY

This Section 3.8.D shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Kannapolis and within the jurisdictions of any other community whose governing body agrees, by resolution, to such applicability.

(7) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Cabarrus County dated November 16, 2018, and associated Digital Flood Insurance Maps (DFIRM) panels, including any digital data developed as part of the FIS which are adopted by reference and declared to be a part of this Ordinance, and all revisions thereto, and shall constitute the official boundaries of the Floodplain Overlay District.

(8) COMPLIANCE WITH THIS ORDINANCE

No structure or land shall be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

(9) ABROGATION AND GREATER RESTRICTIONS

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section 3.8.D and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(10) INTERPRETATION AND APPLICATION

In the interpretation and application of this Section 3.8.D, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the City; and

c. Deemed neither to limit nor repeal any other powers granted under State statutes.

(11) PENALTIES FOR VIOLATION

Violation of the provisions of this Section 3.8.D or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall subject the violator to Section 8.6. Nothing contained in this section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(12) WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section, or any administrative decision made pursuant to this section.

(13) DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Planning Director or his/her designee, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this Section.

(14) DUTIES OF ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

a. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this section have been satisfied.

b. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

c. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is maintained.

e. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this section are met.

f. Obtain actual elevation, in relation to mean sea level, of the reference level, including the basement, and all attendant utilities of all new or substantially improved structures, in accordance with Section 3.8.D(16).

g. Obtain actual elevation, in relation to mean sea level, to which the new or substantially improved structures and utilities have been floodproofed, in accordance with Section 3.8.D(16).

h. Obtain actual elevation, in relation to mean sea level, of all public utilities in accordance with Section 3.8.D(16).

i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or surveyor in accordance with Section 3.8.D(16).

j. Where interpretation is needed as to the exact location of boundaries of the areas of the Special Flood Hazard Areas, floodways, or non-encroachment areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Section 2.5.D(4), Appeal of Administrative Decision.

k. When Base Flood Elevation (BFE) data has not been provided in accordance with this section, obtain, review and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State or other source in order to administer the provisions of this section.

l. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area date has been provided in accordance with this section, obtain review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this section.

m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

n. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection.

o. Make on site inspections of work in progress.

p. Issue stop work orders as required.

q. Revoke floodplain development permits as required.

r. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of their inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. Follow through with corrective procedures of Section 3.8.D(18), Remedy to Violation.

t. Review, provide input, and make recommendations for variance requests.

Maintain a current map repository including, but not limited to, FIS Report, FIRM and other official flood maps and studies adopted in accordance with o,

u. Lands to Which Regulations Apply, including any revisions including Letters of Map Change, issued by FEMA.Notify State and FEMA of mapping needs.

v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

(15) FLOODPLAIN DEVELOPMENT PERMIT

a. A floodplain development permit shall be required in conformance with Section 2.5.C(9) and the provisions of this section prior to the commencement of any development activities within Special Flood Hazard Areas.

b. Application of a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The Applicant shall submit a flood prevention plan in accordance with the LDSM.

c. The floodplain development permit shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.

2. The Special Flood Hazard Area determined for the proposed development in accordance with available data specified in Section 3.8.D(7), Basis for Establishing the Areas of Special Flood Hazard.

3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

5. All certification submittal requirements with timelines.

6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

7. The flood openings requirements.

8. Limitations of below BFE enclosure uses (if applicable) (i.e. parking, building access, and limited storage only).

(16) CERTIFICATION REQUIREMENTS

a. ELEVATION CERTIFICATES

1. An elevation certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

2. An elevation certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, and a description of any work done after the establishment of the reference level elevation.

3. A final as-built elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause the issuance of a certificate of compliance/occupancy to be withheld.

b. FLOODPROOFING CERTIFICATE

1. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan area is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to the permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

2. A final finished construction floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operation plan, and an inspection and maintenance plan are required prior to the issuance of a certificate of compliance/occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate date, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to certificate of occupancy. Failure to submit the certification or failure to make required corrections

shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certificate design shall be cause to deny a certificate of compliance/occupancy.

c. If a manufactured home is placed within Zone A, AO, AE, AH, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with Section 3.8.D(21)b, Manufactured Homes.

d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation, a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream, and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

e. CERTIFICATION EXCEPTIONS

The following structures, if located within Zone A, AO, AE, AH, A99, are exempt from the elevation/floodproofing certification requirements specified in Section 3.8.D(16)a, Elevation Certificates, and Section 3.8.D(16)b, Floodproofing Certificate:

1. Recreational vehicles meeting requirements of Section 3.8.D(26);

2. Temporary structures meeting requirements of Section 3.8.D(23); and

3. Accessory structures less than 150 square feet meeting requirements of Section 3.8.D(24).

f. DETERMINATION FOR EXISTING BUILDINGS AND STRUCTURES

For applications for building permits to improve buildings and structures, including alternations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvements of or work on such building and structures, the Floodplain Administrator shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirement of the North Carolina State Building Code and this section is required.

(17) INSPECTIONS AND VIOLATIONS

a. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to this section and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the City at a reasonable hour for the purposes of inspection or other enforcement action.

b. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the Floodplain Administrator may order the work to be

immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.

c. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or City laws, or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or City law may also be revoked.

d. When the Floodplain Administrator finds violations of applicable State and City laws, it shall be the duty of the Administrator to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(18) REMEDY TO VIOLATION

a. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. That the building or property is in violation of the floodplain management regulations;

2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

b. If, upon a hearing held in accordance with the notice prescribed above, the Floodplain Administrator finds that the building or development is in violation of this Section 3.8.D, the Administrator shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, or more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, the Administrator may order that corrective action be taken in such lesser period as may be feasible.

c. Any applicant or landowner for which a floodplain development permit has been denied, or to which conditions have been attached, or any applicant or landowner who has received an order to take corrective action, may initiate an appeal from the decision or order in accordance with Section 2.5.D(4), Appeal of Administrative Decision.

d. If the owner of a building or property fails to comply with an order to take corrective actions for which no appeal has been made or fails to comply with an order of the City Council following an appeal, the owner shall be guilty of a Class 1 misdemeanor in accordance with N.C.G.S. § 143-215.58. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction, be subject to Section 8.6.B, Penalties for Violation. Nothing contained in this section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(19) VARIANCE PROCEDURES

a. The Board of Adjustment shall hear and decide requests for variances from the requirements of this Section 3.8.D in accordance with the procedures and standards in Section 2.5.D(1), Variance – Zoning.

b. Any person aggrieved by the decision of the Board of Adjustment may appeal the decision to the Court, as provided by N.C.G.S. Chapter 7A.

c. Variances may be issued for:

1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

2. Functionally dependent facilities, provided such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

3. Any other type of development, provided it meets the requirements of this section (3.8.D(19)).

d. In approving a variance, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in in this Section 3.8.D, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location as a functionally dependent facility, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. The findings listed above shall be submitted to the Board of Adjustment in writing and included in the application for a variance.

f. Upon consideration of the factors listed above, and the purposes of this Section 3.8.D, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Section 3.8.D.

g. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

h. Conditions for variances are as follows:

1. Variances shall not be issued when the variance will render the structure in violation of other Federal, State, or City laws, regulations, or ordinances.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall only be issued prior to development permit approval.

4. Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

i. A variance may be issued for solid waste disposal facilities per site, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the flowing conditions are met:

1. The use serves a critical need in the community;

2. No feasible location exists for the use outside the Special Flood Hazard Area;

3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation;

4. The use complies with all other applicable Federal, State, and local laws; and

5. The City of Kannapolis has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

j. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risk of life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

k. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(20) PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas, the following provisions are required:

a. All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure;

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panel/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches;

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

h. Nothing in this section (3.8.D) shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section (3.8.D) and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section (3.8.D);

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 3.8.D(19)i. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 3.8.D(16);

j. All subdivision and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law;

k. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements; and

l. When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

m. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

(21) SPECIFIC STANDARDS FOR CONSTRUCTION OF PERMANENT STRUCTURES

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 3.8.D(7) or Section 3.8.D(16), the following provisions, in addition to the provisions of Section 3.8.D(20) are required:

a. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including the basement, elevated no lower than the Regulatory Flood Protection Elevation.

b. MANUFACTURED HOMES

The following shall apply to manufactured homes only:

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation.

2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to N.C.G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

3. All enclosures or skirting below the lowest floor shall meet the requirements of Section 3.8.D(22).

4. An evacuation plan must be developed of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prove areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

c. NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial, or non-residential structure shall have the reference level, including the basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in A, AE, AO, AH and A99 Zones may be floodproofed to the regulatory flood prevention elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 3.8.D(16)b, Floodproofing Certificate. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in o,

Lands to Which Regulations Apply, along with the operational and maintenance plans.

(22) ELEVATED BUILDINGS

a. New construction or substantial improvements of elevated buildings that include fully enclosed areas which are below the lowest floor:

1. Shall not be temperature controlled or conditioned. Shall not be designed or used for human habitation but shall only be used for the parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;

2. Shall have the minimum access to the enclosed area necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

3. Shall not have the interior portion of the enclosed area partitioned or finished into separate rooms, except to enclose storage rooms;

4. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

5. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(23) TEMPORARY NON-RESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

a. All applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification.

b. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;

1. A specified time period for which the temporary use will be permitted time specified may not exceed three months, renewable up to one year;

2. The name, address and phone number of the individual responsible for the removal of the temporary structure;

3. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(24) ACCESSORY AND OTHER STRUCTURES

a. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Boundary Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

2. Accessory structures shall not be temperature-controlled;

3. Accessory structures shall be designed to have low flood damage potential;

4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

5. Accessory structures shall be firmly anchored in accordance with Section 3.8.D(20);

6. Service facilities such as electrical shall be installed in accordance with Section 3.8.D(20).

7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below base flood elevation in conformance with Section 3.8.D(22).

b. An accessory structure with a footprint of less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 3.8.D(16).

c. TANKS

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground tanks: Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

2. Above-ground tanks, elevated: Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation designed to prevent floatation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirement of the applicable flood hazard area;

3. Above-ground tanks not elevated: Above-ground tanks that do not meet the elevation requirement of subsection 2 above shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood without release of content in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions;

4. Tanks, inlets and vents: Tank inlets, fill openings and vents shall be:

(a) At or above Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of design flood.

d. OTHER DEVELOPMENT

1. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockage fences and wire mesh fences, shall meet the requirements of Section 3.8.D(28).

2. Retaining walls, sidewalks and driveways in regulated floodways and NEAs that involve placement of fill in regulated floodways shall meet the requirements of Section 3.8.D(28).

3. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the requirements of Section 3.8.D(28).

4. Commercial storage facilities are not considered "limited storage" as noted in this section and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

(25) ADDITIONS/IMPROVEMENTS

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; and

2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this section. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceed 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified and that are the minimum necessary to assume safe living conditions;

2. Any alterations of a historic structure provided that the alteration will not produce the structure's continued designation as an historic structure.

(26) RECREATIONAL VEHICLES

A Recreation vehicle shall either:

a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

b. Meet all requirements for new construction.

(27) STANDARDS FOR LAND SUBDIVISIONS

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(28) FLOODWAYS AND NON-ENCROACHMENT AREAS

a. Areas designated floodways or non-encroachment areas are located within Special Flood Hazard Areas established in Section 3.8.D(7). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 3.8.D(20) through Section 3.8.D(22), shall apply to all development within such areas:

b. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

2. A Conditional Letter of Map Revisions (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

c. If subsection b above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.

d. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, providing the following provisions are met:

1. The anchoring and the elevation standards of Section 3.8.D(21); and

2. The no encroachment standard of subsection b above.

(29) STREAMS WITHOUT BASE FLOOD ELEVATIONS AND/OR FLOODWAYS

a. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 3.8.D(7), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 3.8.D(20), shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this

division and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 3.8.D(20) and Section 3.8.D(21).

(b) When floodway data is available from a Federal, State, or other resource, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Section 3.8.D(21) and Section 3.8.D(24).

(c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) date if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 3.8.D(7) and utilized in implementing this section..

(d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation. All other applicable provisions of Section 3.8.D(21) and Section 3.8.D(22) shall also apply.

(30) STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards of Sections Section 3.8.D(20) and Section 3.8.D(21); and

b. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

(31) AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the Special Flood Hazard Areas established in Section 3.8.D(7) are areas designated as shallow flooding areas. These areas have special flood hazard associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 3.8.D(20) through Section 3.8.D(22), all new construction and substantial improvements shall meet the following requirement:

a. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least four feet above the highest adjacent grade if no depth is specified.

(32) AREA OF SHALLOW FLOODING (ZONE AH)

Located within the Special Flood Hazard Areas established in Section 3.8.D(7) are areas designated as shallow flooding areas. These are subject to inundation by one percent annual chance shallow flooding (usually area of ponding) where average depths are one to three feet. Base Flood Elevations derived from detailed hydraulic analyses are shown in this zone. For all new construction and substantial improvement, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(33) EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This subsection in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted October 27, 2008 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforces. The enactment of this section shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Kannapolis enacted on October 27, 2008, as amended, which are not reenacted herein are repealed.

E. MANUFACTURED HOME OVERLAY (MHO) DISTRICT

(1) PURPOSE

The purpose of the Manufactured Home Overlay (MHO) District is to provide land area for the provision of manufactured housing in order to provide market rate affordable housing opportunities for low- and moderate-income persons, consistent with state and federal law. The district is intended to provide for the use of a manufactured home as a principal use of land developed in harmony with the underlying zoning district regulations and in accordance with specific design and/or installation regulations.

(2) CLASSIFICATION OF MANUFACTURED HOMES

a. For purposes of this section, manufactured homes (see Article 10: Definitions) shall be classified into the following two types:

1. A Type 1 manufactured home is a single-section manufactured home less than 17 feet in width; and

2. A Type 2 manufactured home is a multi-section manufactured home greater than or equal to 17 feet in width.

b. The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.

c. Modular housing constructed to meet the North Carolina State Building Code are not considered manufactured homes for purposes of this section and shall be exempt from the restrictions of this section. Such modular housing shall be permitted in any single-family detached dwelling zoning district subject to compliance with all other applicable provisions of this Ordinance.

(3) ESTABLISHMENT

a. The MHO District is established in order to provide flexibility with regard to various manufactured home products:

b. The MHO District boundaries shall be identified on the Zoning Map.

(4) MODIFICATION OF UNDERLYING USE PERMISSIONS

Within the MHO District, use permissions shall be those that apply in the underlying zoning district, except as follows:

a. The following additional uses are permitted, subject to the standards in Section 4.2.D(3)a.2, Manufactured Home:

1. Type 1 manufactured homes; and
2. Type 2 manufactured homes.

F. THOROUGHFARE PROTECTION OVERLAY (TPO) DISTRICT

(1) FINDINGS AND PURPOSE

a. Certain transportation corridors are of critical importance to the City, carrying high volumes of traffic and transit riders, and serving as visual gateways into the community. Such corridors may be entryways for visitors and residents and destinations, workplaces, and homes for shoppers, workers, and residents.

b. The Thoroughfare Protection Overlay (TPO) District is intended to enhance the economic value, aesthetic appeal, and orderly development of properties along specified major transportation corridors in Kannapolis. Standards are provided to ensure that development in the district supports multiple modes of transportation and is consistent with enhanced urban form and design standards.

(2) APPLICABILITY

a. Except as otherwise provided in subsections c and d below, all development within the TPO District shall comply with the standards that apply in the subdistrict where it is located.

b. If the provisions of this section conflict with another provision in this Ordinance, the more restrictive provision shall control.

c. Single-family and duplex dwellings on individual lots shall be exempt from the requirements of this section except for the Corridor Preservation Areas in the Coddle Creek Subdistrict.

d. In addition, the following are exempt from the standards in Section 3.8.F(5), General Development Standards:

1. Any expansion of an existing structure that is nonconforming with respect to the standards in Section 3.8.F(5), General Development Standards, by up to 50 percent of the existing floor area; and
2. Development limited to the modification of an existing parking area.

(3) ESTABLISHMENT AND SUBDISTRICTS

The Thoroughfare Protection Overlay (TPO) District is established and shall consist of the following two subdistricts:

a. CODDLE CREEK SUBDISTRICT

The Coddle Creek Subdistrict consists of multiple segments identified in Table 3.8.F(3)a: Coddle Creek Subdistrict Segments. The subdistrict boundaries extend 200 feet from one or both sides of the identified segment of road or highway, as specified in Table 3.8.F(3)a, measured from and perpendicular to the road right-of-way. Each segment shall include a "Corridor Preservation Area" extending the width specified in Table 3.8.F(3)a from both sides of the identified segment of road or highway, or from one side of the segment if the subdistrict boundaries only exist on one side, measured perpendicular to the road right-of-way. Building and parking areas are prohibited within the Corridor Preservation Area. The Coddle Creek Subdistrict is identified on the Zoning Map.

Table 3.8.F(3)a: Coddle Creek Subdistrict Segments

Road or Highway Segment and Side of Segment	Corridor Preservation Area Width
North side of Davidson Highway (NC 73) from Coddle Creek to the Mecklenburg County line (within Kannapolis city limits)	35 feet
Both sides of Trinity Church Road from Orphanage Road to Barr Road and the east side of Trinity Church Road from Barr Road to Stirewalt Road	55 feet from Orphanage Road to the Westside Bypass (existing Boy Scout Camp Road); 40 feet from Westside Bypass to Stirewalt Road
Both sides of the Kannapolis Parkway (Westside Bypass, including the existing Crisco Road and the existing Boy Scout Camp Road) from Interstate 85 to Mooresville Road (NC 3)	0 feet (No Corridor Preservation Area)
Both sides of Davidson Highway (NC 73) from Interstate 85 to the westernmost boundary of the City's limits	35 feet
Both sides of Mooresville Road (NC 3) from seventy-five feet (75') south of the centerline of Rainbow Drive to the westernmost boundary of the City's limits	40 feet

b. DALE EARNHARDT BOULEVARD SUBDISTRICT

The Dale Earnhardt Boulevard Subdistrict includes properties (or portions of properties) parallel to both sides of the Dale Earnhardt Boulevard rights-of-way to a maximum depth of 300 feet. The subdistrict is measured perpendicular to the to the existing road right-of-way. The Dale Earnhardt Boulevard Subdistrict is identified on the Zoning Map.

(4) MODIFICATION OF UNDERLYING USE PERMISSIONS

Within the TPO District, use permissions shall be those that apply in the underlying zoning district, except as follows:

a. Within the Coddle Creek Subdistrict, the following uses are prohibited:

1. Kennels;

2. Amusement parks;

3. Uses in the Vehicle Services category;

(a) Sites that have frontage on an arterial highway or major collector and are within 500 feet of an the following intersections shall be permitted if no vehicles are stored on site.

1. **Mooresville Rd and Odell School Rd**
2. **Mooresville Rd and Davidson Rd**
3. **Davidson Hwy and Shiloh Church Rd**
4. **Kannapolis Pkwy and Rogers Lake Rd**
5. **Davidson Hwy and Kannapolis Pkwy**
6. **Davidson Hwy and Interstate 85**
7. **Davidson Hwy and Odell School Rd**

4. **Prefabricated building sales;**

5. Self-service storage;

6. Motor freight facilities; and

7. Outdoor storage areas (as an accessory use).

b. Within the Dale Earnhardt Boulevard Subdistrict, the following uses are prohibited:

1. Kennels;
2. Amusement parks;
3. Uses in the Vehicle Sales and Services category; except when the following conditions are met:

(a) The site has frontage on an arterial or major collector road;

(b) The site is within five hundred feet (500') of an intersection with an access ramp to Interstate 85; and

(c) No vehicles are displayed or stored on site.

4. Prefabricated building sales;
5. Self-service storage;
6. Motor freight facilities; and
7. Outdoor storage areas (as an accessory use).

(5) GENERAL DEVELOPMENT STANDARDS

Development in the subdistricts shall comply with the following standards.

a. BUILDING FORM

New buildings shall have generally complex exterior form, including design components such as windows, doors, and changes in roof and facade orientation. Large flat expanses of featureless exterior wall shall be avoided. Roof designs for new buildings, particularly those with less than 10,000 square feet of gross floor area, should be pitched with a slope of 6:12 or greater. Mansard roofs and parapet walls may be considered to conceal roofs with pitches of less than 6:12. Flat roofs are discouraged. To avoid the visual monotony created by large, blank building elevations, the elevation must be separated by a projection or structural relief such as:

1. Constructing a porch with a roof;
2. Incorporating fascia's, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations;
3. Setting part of the facade back at least three feet from the rest of the façade;
4. Creating a visually distinct ground floor;
5. Providing for changes in material or texture; and
6. Installing a row of windows on the building's street facing elevation.

b. EXTERIOR BUILDING MATERIALS

Building materials shall be of a high quality and may include utility brick, standard brick, stucco, synthetic stucco, colored split-faced block, glass stone, tile or other similar high-quality materials. No front or side building elevation, including the visible foundation, may be covered (exposed) with sheet or corrugated aluminum, iron or steel, plain concrete, plain concrete block, or exterior panelized plywood, except as secondary exterior finish materials if they cover no more than 10 percent of the surface area; such materials may cover up to 25 percent of rear building elevations. Awnings should be constructed of canvas or a similar material.

c. SCREENING

1. HVAC and similar types of incidental machinery or equipment shall be screened from view or located in such a manner as to not be visible from the street. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes and antennas shall be similarly screened.

2. All roof-mounted equipment, including HVAC systems, satellite dishes, and other communication equipment, must be screened from adjacent street or parking area views in one of the following ways (solar heating panels are exempt from this standard):

(a) A parapet as tall as the tallest part of the equipment;

(b) A screen around the equipment that is as tall as the tallest part of the equipment; or

(c) The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.

(6) DALE EARNHARDT BOULEVARD SUBDISTRICT STANDARDS

In addition to the standards in Section 3.8.F(5), General Development Standards, development in the Dale Earnhardt Boulevard Subdistrict shall comply with the following standards.

a. LANDSCAPING AND BUFFERING

Standards for landscaping and buffering areas shall be determined by the minimum standards in Section 5.3, Landscaping and Buffer Standards, except that within the required setbacks fronting along Dale Earnhardt Boulevard, only Yoshino Cherry trees, or an alternative species approved by the Planning Director, shall be planted.

(7) CHANGE/RESUMPTION OF USE

When the permitted use of an existing building or structure with nonconforming site improvements is changed, or is resumed after ceasing for more than six consecutive months, the nonconforming site improvements shall be brought into conformity with this Ordinance in accordance with Article 7: Nonconformities, but shall not be required to conform to the standards in this section.

G. NEIGHBORHOOD PROTECTION OVERLAY DISTRICT

(1) PURPOSE

The purpose of the Neighborhood Protection Overlay (NPO) District is to protect and preserve the unique development features and character of established neighborhoods throughout the City, and to promote new development that is compatible with the existing neighborhood character. The district is a flexible tool that may be applied to multiple neighborhoods, each of which could have its own unique attributes.

(2) APPLICABILITY

a. When a specific NPO subdistrict is established in accordance with this section, development within the NPO subdistrict shall comply with the applicable subdistrict standards.

b. In instances where there is a conflict between the standards in this section and the base district standards, the standards in this section shall control, unless expressly stated to the contrary.

(3) NPO DISTRICT BOUNDARIES

The NPO district and subdistrict boundaries shall be identified on the Zoning Map.

(4) ESTABLISHMENT OF NPO SUBDISTRICTS

a. ESTABLISHMENT

Specific NPO subdistricts shall be established in accordance with Section 2.5.A(1), Text Amendment, and Section 2.5.A(2), Zoning Map Amendment, and shall be included in Section 3.8.G(4), Establishment of NPO Subdistricts, as they are established by the City.

b. STANDARDS FOR DESIGNATION

An NPO subdistrict may be established for any neighborhood, if it complies with the following requirements:

1. A neighborhood plan, reviewed by the Planning and Zoning Commission and adopted by the City Council, is approved for the proposed NPO subdistrict, specifying the development context in the subdistrict;

2. At least 65 percent of the land area within the proposed subdistrict, not including street and other rights-of-way, must be developed;

3. Development patterns in the proposed subdistrict demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing buildings in the subdistrict;

4. There is existing or anticipated pressure for new development or redevelopment or new infill development within the proposed subdistrict;

5. The neighborhood shall possess one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:

(a) Scale, size, type of construction, or distinctive building materials;

(b) Lot layouts, setbacks, street layouts, alleys, or sidewalks;

(c) Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping; or

(d) Land use patterns, including mixed or unique uses or activities.

6. The development standards proposed to be applied to the subdistrict should encourage the retention of the general character and appearance of existing development in the district.

c. MODIFICATIONS OF OTHERWISE APPLICABLE DEVELOPMENT STANDARDS

1. Each NPO subdistrict shall identify, with specificity, the development, form, or design standards to be applied to all new construction and expansion of existing structures. Aspects of development that the standards may address include, but are not limited to, the following, in accordance with state law:

(a) Uses allowed or prohibited;

(b) Lot size;

(c) Location of proposed buildings or additions;

(d) Setbacks or required yard depths;

(e) Building height;

(f) Building size (for principal and accessory structures);

(g) Building orientation;

(h) Exterior building material and colors;

(i) Building roof line and pitch;

(j) Building foundation treatment;

(k) Landscaping and screening;

(l) Impervious surface cover;

(m) Paving requirements or limitations;

(n) Exterior lighting;

(o) Required features on a front façade;

(p) Neighborhood character and compatibility;

(q) Views of or from specific locations;

(r) Porches; and

(s) Demolition of structures.

2. The City Council may approve additional development, form, or design standards addressing aspects of development not listed above.

(5) SUBDISTRICT STANDARDS

Reserved.

H. RIVER/STREAM OVERLAY (RSO) DISTRICT

(1) PURPOSE

The purpose of the River/Stream Overlay (RSO) District is to retain strips of land adjacent to streams and rivers in their natural vegetated, revegetated, or reforested state through the preservation of appropriate perennial vegetation, in order 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.

(2) APPLICABILITY

The standards in this section shall apply to all development (farming is not considered development) and changing of conditions (e.g., timbering) adjacent to a perennial stream as defined below.

(3) DISTRICT BOUNDARIES

When development is planned, waterbodies shall be designated by a qualified individual certified to identify intermittent and perennial streams by the North Carolina Department of Environmental Quality (NCDEQ). The RSO District shall be comprised of the following areas:

a. PERENNIAL STREAM BUFFER

A minimum 50-foot undisturbed stream buffer (the "Buffer") shall be established on both sides of all perennial streams and on all sides of water impoundments that are fed by perennial streams. The size of a stream buffer shall be measured from the average annual stream bank and the buffer shall extend perpendicularly for a distance of 50 feet plus four times the average percent of slope of area adjacent to the stream. This slope shall be calculated by measuring a distance of 250 feet from the center of the stream. The percentage of slope for this distance shall serve as the determining factor; however, the maximum distance shall not exceed 120 feet from the edge of the stream bank.

b. INTERMITTENT STREAM BUFFER

A 20-foot undisturbed stream buffer shall be established on both sides of all intermittent streams and all sides of water impoundments that are fed by intermittent streams.

c. VEGETATED BUFFER

A vegetated buffer shall be established along all stream buffers. The vegetative setback shall be 20 feet from perennial stream buffers and 10 feet from intermittent stream buffers, measured from the buffer boundary landward in a direction perpendicular to the edge of the buffer. This setback requirement shall not be construed to reduce the underlying zoning district setback requirements.

(4) REPLACEMENT PROGRAM REQUIRED

Any applicant that proposes to disturb land within the RSO district shall include with the application for the permit or approval for the disturbance activity, a proposed replacement program for the revegetation of the disturbed area.

(5) BUFFER AND SETBACK STANDARDS

a. No development, including soil disturbing activities, shall occur within any stream buffer established in subsection (3) above, except the following:

1. Sewer easements, providing the activities strictly adhere to applicable state and local soil and erosion control regulations/guidelines. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer easements should be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer.

2. Other overhead and/or underground utilities, roads, streets, bridges, or similar structures within dedicated rights-of-way. These structures shall cross the buffer as close to perpendicular as possible. For purposes of this subsection, a greenway shall not be considered a "structure."

3. Greenways, which are permitted within the buffer.

4. Projects that have been permitted through the US Army Corps of Engineers (USACOE).

5. Agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities, which may occur within the buffer. Such activities shall conform to all State and Federal regulations. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the state's forest practice guidelines which include best management practices (BMPs) as defined by the North Carolina Soil and Water Conservation Commission (NCSWCC).

6. Other agricultural activities not identified in this section that would result in significant disturbance of the existing soil, increase soil erosion, or destroy plant and wildlife habitats are strongly discouraged and shall not occur unless the activities are:

(a) Consistent with an approved replacement program;

(b) Consistent with the North Carolina Sediment Control Law; and

(c) Coordinated with the North Carolina Wildlife Resources Commission's District 6 Biologist and the County Soil and Water District Representative.

b. Perennial vegetation shall be maintined within the vegetated setback required by subsection (3) above. No building or structure or part thereof shall be erected, established, or constructed within this setback.

c. All disturbed areas within the buffer and vegetated setback required by subsection (3) above, permitted or not, shall be revegetated with perennial vegetation as soon as practical

after the disturbance in accordance with an approved replacement program (see subsection (4) above). Forested areas shall be reforested, to the extent practicable.

d. A progress report shall be submitted by the person disturbing land in the RSO District to the Planning Directotr within 60 days of approval of the replacement program. Two other reports may be required at 120 and 180 days if the program is not completed. The first two reports shall explain what work has been completed and any results, as well as a time schedule for completion of the rest of the program. The final report shall document that the replacement program is completed. The site shall be regularly inspected by the Planning Director to assure activity and compliance. Any noncompliance shall be treated as a zoning violation and be subject to enforcement in accordance with Section 8.5, Enforcement Generally.

I. WATERSHED PROTECTION OVERLAY (WPO) DISTRICT

(1) PURPOSE

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (N.C.G.S. §§ 143 214.5 & 143 214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the "EMC") 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. It is the intent of this section to continue these restrictions. While the restrictions previously codified separately in the zoning ordinances of Concord, Kannapolis, and Cabarrus County are combined herein and rewritten for clarity, it is the intent of this Ordinance to carry forth these regulations which previously existed, and which have been approved by the EMC.

(2) JURISDICTION

The provisions of this Ordinance shall apply within the areas designated within the following watershed overlay districts as shown on the Zoning Map. All explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance.

(3) ESTABLISHMENT

The watershed overlay zones listed in this subsection have been established by the City of Concord, the City of Kannapolis, Town of Mount Pleasant, and Cabarrus County. These overlay zoning districts are also established and continued in effect by this Ordinance. Table 3.8.I(3): Watershed Overlay Districts, lists the watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts are established. The boundaries of the watershed overlay districts are identified on the Zoning Map.

Table 3.8.I(3): Watershed Overlay Districts

Watershed	Classification	Jurisdiction
Coddle Creek Reservoir	WS-II CA	Cabarrus County
Coddle Creek Reservoir	WS-II BW	Cabarrus County
Dutch Buffalo Creek	WS-II CA	Cabarrus County
Dutch Buffalo Creek	WS-II BW	Cabarrus County
Lake Concord	WS-IV CA	Cabarrus County, City of Concord & City of Kannapolis

Table 3.8.I(3): Watershed Overlay Districts

Watershed	Classification	Jurisdiction
Lake Concord	WS-IV PA	City of Kannapolis
Lake Fisher	WS-IV CA	Cabarrus County & City of Kannapolis
Lake Fisher	WS-IV PA	City of Kannapolis
Lake Kannapolis	WS-III CA	City of Kannapolis
Lake Kannapolis	WS-III BW	City of Kannapolis
Tuckertown Reservoir	WS-IV PA	Cabarrus County
NOTES: "CA" denotes "Critical Area" "PA" denotes "Protected Area" "BW" Balance of Watershed"		

(4) INTERPRETATION OF BOUNDARIES

a. Subject to subsection b below, the Planning Director is authorized to interpret the boundaries of the Watershed Overlay districts in accordance with Section 1.7.C, Interpretation of Zoning Map Boundaries.

b. The Planning and Zoning Commission may, in carrying out its plan review authority under this Ordinance, adjust the boundary of any Watershed Overlay District to fit existing or proposed streets, lot lines or other features provided that such adjustments are agreed to by the landowner(s) involved and provided that any such adjustment is made with no loss of total area in the affected Critical Area of the Watershed Overlay District.

(5) ADJUSTMENT OF BOUNDARIES

a. A landowner may request that the Planning and Zoning Commission make a determination as to whether a property or portion of a property that is shown on the Zoning Map as lying within a Watershed Overlay District actually lies outside the drainage area of the applicable watershed. After receiving such a request, the commssion shall make a determination as to whether the property or portion of property identified in the request lies outside the drainage area of the applicable watershed. The commission's determination shall be based on actual field conditions of the property as determined by topographical conditions. In making its determination, the commission may require the landowner to produce relevant expert testimony and exhibits.

b. If the Planning and Zoning Commission determines that all or a portion of a property actually lies outside the drainage area of the applicable watershed in accordance with subsection a above, the commission shall transmit its determination to the Planning Director, who shall intiate a Zoning Map amendment in accordance with Section 2.5.A(2), Zoning Map Amendment, to amend the MPO district boundaries consistent with the commission's determination. All proposed modifications of the Watershed Overlay District boundary shall be approved by the Environmental Management Commission or its designee prior to approval of the admended boundary by the Planning and Zoning Commission.

(6) GENERAL PROVISIONS APPLICABLE TO ALL WATERSHED OVERLAY DISTRICTS

The following provisions apply to all Watershed Overlay Districts. These provisions and the provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission (the "EMC") for the classified watersheds in accordance with state law.

a. DENSITY AVERAGING

When all of the following conditions are met, two noncontiguous lots, neither of which is publicly held land, may be treated together for compliance with the maximum development intensity of Table 3.8.I(8). Publicly held land includes but is not limited to dedicated drainage and open space, parkland, or other land obtained for watershed protection by a public agency, or land otherwise protected from development.

1. Parcel pairs being submitted for approval shall be submitted as a single proposal and must be within the zoning jurisdiction of the City.

2. The maximum development intensity of the paired parcel averaged-density development shall not exceed the development intensity that is permitted if the parcels are developed separately. The paired parcels shall be located within the same watershed and classification (Critical Area, Protected Area or Balance of Watershed).

3. The paired parcels may include or be developed for residential or non-residential purposes.

4. Buffers shall at least comply with the appropriate minimum City water supply watershed protection standards.

5. The portion of the paired parcels which is not developed as part of the paired parcel, but that is being averaged in the land being evaluated to comply with the maximum development intensity, shall remain in an undisturbed vegetated or natural state and be placed in permanent conservation through a metes and bounds description on a recorded plat. The protected area shall be identified for protection on the owner's covenants and individual deed which shall be irrevocable. It shall be noted on the plat that the City shall reserve the right to make periodic inspections to ensure compliance.

6. A density averaging certificate (DAC) shall be obtained from the Watershed Review Board to ensure that both parcels comply with the standards of this section and this Ordinance, and that potential owners have a record of how the watershed regulations were applied to the paired parcels. Only the owner(s) of both of the paired parcels may submit the application for the DAC. A site plan for both of the parcels showing the built-upon area as well as the protected area, shall be submitted and approved as part of the DAC. If the DAC is granted, no change in the approved plan shall be made unless the DAC is amended by the Watershed Review Board. Upon issuance of a DAC, one copy shall be forwarded to the NCDEQ. The approved plan, recorded plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the paired parcels shall be included with the DAC.

7. The area that is to remain undeveloped shall be recorded in the deed for the parcel to which it applies. The DAC shall be recorded in the deed for each of the parcel in the parcel pair. Both the undeveloped area and the DAC shall be noted on the plat that applies to each parcel.

8. Paired parcel averaged-density developments that comply with the low-density option development requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.

9. No parcel for which a watershed protection variance is granted, or would be required, may be included as part of a parcel pair.

10. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this section, and that the proposed agreement assures protection of the public interest.

11. Compliance with the above criteria shall be evidence that the paired parcels are consistent with the orderly and planned distribution of development throughout the watershed.

b. The construction of new roads and bridges and non residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and maximize the utilization of stormwater Best Management Practices. Where possible, roads should be located outside of critical areas and watershed vegetated conveyance areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

c. All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions, and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the EMC.

d. A vegetative buffer from perennial waters shall be provided in accordance with the following requirements:

1. A minimum100 foot vegetative buffer is required for all new development activities that exceed the low-density option; otherwise, a minimum 30 foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

2. Desirable artificial streambank or shoreline stabilization is permitted.

3. No new development is allowed in the setback except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

e. Where otherwise permitted in the underlying zoning district(s), cluster subdivisions are allowed on a project by project basis in accordance with the following standards:

1. The overall density of the project complies with the density requirements of this Ordinance;

2. The appropriate vegetative buffer is provided in accordance with subsection d above;

3. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, and maximize the flow length through vegetated areas;

4. Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;

5. The remainder of the tract remains in vegetated or a natural state;

6. The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds and;

7. Cluster development shall transport stormwater runoff from the development by vegetated conveyances, to the maximum extent practicable.

f. All development in Watershed Overlay Districts shall, to the maximum extent practical, minimize built upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts.

g. Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built upon area is derived by multiplying the area of the portion of the property that is not built upon by the appropriate percent built upon limitation for the Overlay District in which the property is located.

h. Any existing building or built upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:

1. The repair or reconstruction is initiated within 12 months and completed within two years of such damage or removal;

2. The total amount of space devoted to build upon area shall not be increased;

3. The repair or reconstruction is otherwise permitted under the provisions of this Ordinance; and

4. No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate onsite sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

i. The Planning Director may require such information on a zoning clearance permit and a site plan or subdivision plan applications, including density/built upon area calculations, as is deemed necessary to determine compliance with Watershed Overlay District provisions.

j. The Planning Director may, prior to the issuance of any permit in a Watershed Overlay District, require evidence of a valid sedimentation control permit or evidence satisfactory to the Planning Director that no permit is required.

k. The Planning Director shall maintain records of the administration of the Watershed Protection Overlay District regulations and shall submit any modifications of the regulations to the Division of Energy, Mineral and Land Resources (DEMLR). The Planning Director shall also maintain a record of watershed protection variances issued and shall provide the record or portions of the record to DEMLR upon request. The annual report shall contain the record of each variance granted by the Board of Adjustment during the previous calendar year and shall be submitted on or before January 1 of the following year.

(7) PROHIBITED USES/ACTIVITIES

Permitted uses shall be those permitted within the underlying zoning districts in Table 4.2.B(5): Principal Use Table, provided, however, that the uses/activities listed in Table 3.8.I(7) are prohibited.

Table 3.8.I(7): Prohibited Uses

DISTRICT(S)	PROHIBITED USES/ACTIVITIES
Coddle Creek Reservoir WS-II CA, Dutch Buffalo Creek WS-II CA	• New landfills • New permitted residual land application • New permitted petroleum contaminated soils sites • New NPDES Individual Permit domestic treated wastewater discharge • New NPDES Individual Permit industrial treated wastewater discharge • Non-process industrial waste • New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0127 • Sewage [1] • Industrial waste [1] • Other wastes [1]
Coddle Creek Reservoir WS-II BW, Dutch Buffalo Creek WS-II BW	• New NPDES Individual Permit domestic treated wastewater discharge • New NPDES Individual Permit industrial treated wastewater discharge • Non-process industrial waste • New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0127 • Sewage [1] • Industrial waste [1] • Other wastes [1]
Lake Concord WS-IV CA, Lake Fisher WS-IV CA, Tuckertown Reservoir WS-IV-CA	• New landfills • New permitted residual land application • New permitted petroleum contaminated soils sites • Sewage [1] • Industrial waste [1] • Other wastes [1]
Lake Concord WS-IV PA, Lake Fisher WS-IV PA	• Sewage [1] • Industrial waste [1] • Other wastes [1]
Lake Kannapolis WS-III CA	• New landfills • New permitted residual land application • New permitted petroleum contaminated soils sites • New NPDES Individual Permit domestic treated wastewater discharge • New NPDES Individual Permit industrial treated wastewater discharge [2] • New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0127 • Sewage [1] • Industrial waste [1] • Other wastes [1]
Lake Kannapolis WS-III BW	• New NPDES Individual Permit industrial treated wastewater discharge [2] • New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0127 • Sewage [1] • Industrial waste [1] • Other wastes [1]

Table 3.8.I(7): Prohibited Uses

District(s)	Prohibited Uses/Activities
NOTES: [1] Only allowed if specified in 15A NCAC 02B .0104. [2] Except non-process industrial discharges are allowed. "CA" denotes "Critical Area" "PA" denotes "Protected Area" "BW" Balance of Watershed"	

(8) DEVELOPMENT STANDARDS

a. RESIDENTIAL DENSITY & BUILT-UPON AREA

Residential development activities shall comply with the minimum lot size for the applicable underlying zoning district. Residential density shall not exceed that permitted for the corresponding Watershed Overlay District in one of either column B or column C in Table 3.8.I(8). As an option to compliance with these residential density limitations, maximum built-upon area may be used instead. In such cases, the development project shall not exceed the built-upon area in column E in Table 3.8.I(8) for each Watershed Overlay District on a project-by project basis. Use of the built-upon area method shall not be permitted in either the Coddle Creek Reservoir WS-II Critical Area or the Dutch Buffalo Creek WS-II Critical Area.

b. NON-RESIDENTIAL LOT SIZE AND BUILT UPON AREA

Non-residential development activities shall comply with the minimum lot size for the applicable underlying zoning district. Notwithstanding this requirement, individual non-residential development projects shall not exceed the maximum build upon area established in Table 3.8.I(8) for each Overlay District

c. LAKE CONCORD AND LAKE FISHER

Only development activities within the jurisdiction of the City in the Lake Concord and Lake Fisher Water Supply Watersheds that require a sedimentation permit are subject to the maximum development intensity standards in Table 3.8.I(8).

Table 3.8.I(8): Maximum Development Intensity

	Low Density				High Density [1]
(A) District	(B) Minimum Lot Size	(C) Minimum Land Required Per Dwelling Unit	(D) Maximum Density (Dwelling Units/Acre)	(E) Maximum Build-Upon Area	Maximum Built-Upon area – All Types
Coddle Creek Reservoir WS-II CA	Determined by underlying zoning district, provided the limitations of Column C or D of this Table are complied with.	3 acres	0.33	N/A	6% to 24%
Coddle Creek Reservoir WS-II BW		1 acre	1.0	12%	12% to 30%
Dutch Buffalo Creek WS-II CA		2 acres	0.5	N/A	6% to 24%
Dutch Buffalo Creek WS-II BW		1 acre	1.0	12%	12% to 30%
Lake Concord WS-IV CA		20,000 sf	2.0	24%	24% to 50%
Lake Concord WS-IV PA		20,000 sf	2.0	24%	24% to 70%
Lake Fisher WS-IV CA		20,000 sf	2.0	24%	24% to 50%

Table 3.8.I(8): Maximum Development Intensity

(A) District	Low Density				High Density [1]
	(B) Minimum Lot Size	(C) Minimum Land Required Per Dwelling Unit	(D) Maximum Density (Dwelling Units/Acre)	(E) Maximum Build-Upon Area	Maximum Built-Upon area – All Types
Lake Fisher WS-IV PA		20,000 sf	2.0	24%	24% to 70%
Kannapolis Lake WS-III CA		40,000 sf	1.0	12%	12% to 30%
Kannapolis Lake WS-III BW		20,000 sf	2.0	24%	24% to 50%
Tuckertown Reservoir WS-IV CA		20,000 sf	2.0	24%	24% to 50%

NOTES:
[1] In accordance with 15A NCAC 02B .0624
"CA" denotes "Critical Area"
"PA" denotes "Protected Area"
"BW" Balance of Watershed"

(9) ADDITIONAL DEVELOPMENT STANDARDS FOR INDIVIDUAL OVERLAY DISTRICTS

a. CODDLE CREEK RESERVOIR WS-II CA AND DUTCH BUFFALO CREEK WS-II CA

A 150-foot vegetative buffer shall be maintained from the normal pool level on all property adjoining the reservoir. No permanent structures shall be permitted within this buffer area.

b. LAKE CONCORD WS-IV PA, LAKE FISHER WS-IV PA, AND KANNAPOLIS LAKE WS-III BW

1. Residential Development Activities

Residential development activities within the jurisdiction of the City in the Protected Area which require a sedimentation permit, and which are not required to use, or which do not use, a curb and gutter system, shall not exceed 3 dwelling units per acre or, optionally, 36 percent built-upon area.

2. Special Intensity Allocation (SIA)

(a) Notwithstanding the restrictions established by Table 3.8.I(8) and subsection 1 above, new non-residential development may be established with up to 70 percent of built-upon area when approved as a Special Intensity Allocation (SIA). The Watershed Review Board is authorized to approve SIAs consistent with the provisions of this section. The Planning Director shall maintain a record of the total acreage within each overlay district that is used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For purposes of this subsection, the total areas that can be allocated within each district area shall be as follows:

1. Lake Fisher WS-IV PA: 152.64 acres
2. Lake Concord WS-IV PA: 192.90 acres
3. Kannapolis Lake WS-III BW: 46.70 acres.

(b) Applicants requesting a SIA shall present their request to the Planning Department 30 days prior to the next available Planning Commission meeting. Projects must be presented in the form of a SIA site plan, prepared by a professional engineer, and must minimize built-upon surface area,

direct stormwater away from surface waters and incorporate BMPs to minimize water quality impacts. All property subject to a request for a SIA must be uniformly zoned.

(c) The right to develop an SIA shall terminate with the loss of the right to develop due to the expiration of a zoning compliance permit or building permit. In such cases, allocated acreage or unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.

(d) The percentage of built-upon area allocated as an SIA shall be approved by the Watershed Review Board and shall be determined by determining the special intensity allocation points applicable to the project in Table 3.8.I(9)b.2(e): Special Intensity Allocation Point System, and applying the allowance corresponding to the points in Table 3.8.I(9)b.2(d): Potential Impervious Allowance.

(e) In no case shall the built-upon area of an SIA exceed the built-upon limitations of the underlying zoning district.

Table 3.8.I(9)b.2(d): Potential Impervious Allowance

Special Intensity Allocation Points	Impervious Allowance
100-149 points	40 percent
150-199 points	50 percent
200-249 points	60 percent
More than 249 points	70 percent

Table 3.8.I(9)b.2(e): Special Intensity Allocation Point System

Categories Used for SIA Consideration	Potential Points
Tax Base Increase [1]	
$200,000 – 500,000	15
$500,000 – 999,999	25
$1,000,000 – 1,999,999	50
$2,000,000 or more	75
Full-Time Jobs Created	
1 – 10	15
11 – 25	25
26 or more	50
Community Value [2]	
Community Value	Up to 150
Type of Industry	
Retail Trade	10
Office / Institutional	10
Industrial / Manufacturing	20
Research & Development / Medical	20
Revitalization of Existing Development	
Revitalization of Existing Development	50

Table 3.8.I(9)b.2(e): Special Intensity Allocation Point System

CATEGORIES USED FOR SIA CONSIDERATION	POTENTIAL POINTS
ENERGY REDUCTION / CONSERVATION MEASURES	
10-20% Increase in Landscaping (above UDO)	50
>20% Increase in Landscaping (Above UDO)	75
Bioretention Applications	75
LEED Certification	100
NOTES: [1] Estimated tax value of completed project. [2] Determined by Watershed Review Board.	

(10) WATERSHED REVIEW BOARD

The City of Kannapolis Planning and Zoning Commission shall serve as the Watershed Review Board (see Section 2.5.D(2), Variance – Watershed Protection). Members of the Watershed Review Board are subject to the same rules of procedure adopted for the Planning and Zoning Commission.

(11) VARIANCE PROCEDURE

The Planning and Zoning Commission shall grant variances from the specific requirements of the Watershed Overlay Districts in accordance with Section 2.5.D(2), Variance – Watershed Protection.