



**KANNAPOLIS CITY COUNCIL
REVISED AGENDA
MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
March 25, 2019
6:00 PM**

Please turn off cell phones or place on silent mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

FIRST READING

1. Consider amendments to Kannapolis Code of Ordinances (Walter M. Safrit, II, City Attorney) First Reading
2. Consider text amendments to various sections of the Unified Development Ordinance (UDO) to remove the land development standards currently located in the UDO and incorporating those development standards into a separate document, titled: **Land Development Standards Manual (LDSM)** (Zachary D. Gordon, AICP, Planning Director)
3. Consider text amendments to Section 6.1, Table 6-1.1 of the Unified Development Ordinance (UDO) to amend the time limit for processing development review applications. The standards have been incorporated into a separate document from the UDO, titled **Development Guidebook: Commercial and Residential Land Development**. This document is currently in the final draft stage (Zachary D. Gordon, AICP, Planning Director)

PROCLAMATIONS

1. April Fair Housing Month

APPROVAL/CORRECTION OF MINUTES

1. January 28, 2019 Continued Meeting from January 14, 2019
2. January 28, 2019 Regular Meeting
3. February 11, 2019 Regular Meeting
4. February 25, 2019 Continued from February 11, 2019
5. Closed Session January 28, 2019 Regular Meeting
6. Closed Session February 25, 2019 Regular Meeting

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. Resolution adopting a new 2019 Records Retention and Disposition Schedule (Bridgette Bell, City Clerk)
2. Request to consider withdrawal from dedication a portion of R-O-W known as Quebec Court located off Kannapolis Parkway and establish a Public Hearing date (Wilmer Melton, III, Director of Public Works)
3. Agreement between the City of Kannapolis and the Kannapolis YMCA for use of the YMCA parking lots (Gary Mills, Parks and Recreation Director)
4. Adopt an Ordinance amending the Budget for the new Point of Sale (POS) system at the City parks (Gary Mills, Director of Parks and Recreation)
5. Award 2019 Street Resurfacing Contract to lowest responsible bidder and authorize the City Manager to execute contract (Wilmer Melton, III, Director of Public Works)

BUSINESS AGENDA

- A. Public Hearing for voluntary annexation of unaddressed property located on Moose Road (Rowan County PIN 145-063-02) and adopt an Ordinance to annex (Zachary D. Gordon, AICP, Planning Director)
- B. Presentation of UDO Assessment and proposed outline for new Kannapolis Development Ordinance (KDO) by Clarion Associates (Zachary D. Gordon, AICP, Planning Director)
- C. Approve the recommended comments by the City related to the STIP #R-5706 NC 73 Widening Project (Wilmer Melton, III, Director of Public Works)
- D. Approve the NCDOT Municipal Agreement for the Little Texas Road Sidewalk; amend the Capital Project Ordinance and adopt a Resolution Reimbursement (Wilmer Melton, III, Director of Public Works)
- E. Approve a Budget Ordinance Amendment 19-16; Jim Johnson Road Waterline (Eric Davis, Finance Director)
- F. Approve a Budget Ordinance Amendment 19-17; Coventry Road Storm Drain installation (Eric Davis, Finance Director)
- G. Employee Compensation Study Update (Mike Legg, City Manager and Tina Cline Human, Resources Director)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

In order to speak to Council, please fill out a white card and return to the City Clerk. Cards are located on the table as you enter the meeting room. Please limit comments to 3 minutes

CLOSED SESSION

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters (Mayor Pro tem Haas)

MOTION TO ADJOURN MEETING

UPCOMING SCHEDULE

April 08, 2019

April 22, 2019

May 12, 2019

ADA Notice and Hearing Impaired Provisions

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), anyone who requires auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director by phone at 704-920-4302 or email at tccline@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Walter M. Safrit, II City Attorney
TITLE Amendments to Kannapolis Code of Ordinances

A. Action Requested by City Council

First Reading Amendments to the Kannapolis Code of Ordinances (No Action Required)

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Last year I submitted the City Code of Ordinances to the Municipal Code Corporation for a legal review of the Code to determine continued compliance and necessary amendments to conform it to changes in State law due to recent legislation. In their response letter the City Code Department of Municipal Code Corporation which reviewed our Code stated "Frankly, the code is in unusually fine shape, though as you are well aware there are a few dated or obsolete provisions the town should formally repeal and have removed, and there are a smattering of code sections which could stand some minor revisions." The Code Department offered several changes which have been incorporated into the proposed Ordinance pending before Council. Several other amendments are submitted for consideration in addition to those offered by our advisors. The proposed ordinance was also provided to all City Department Directors for any comments or requests they wished to be included.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

Continual review of revision of the City's Code of Ordinances is essential to maintain lawful performance of city activities.

G. Alternative Courses of Action and Recommendation
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This is the first reading of proposed Ordinance to amend the Kannapolis Code of Ordinances. Council will consider adopting an Ordinance at the April 8, 2019 City Council meeting.

ATTACHMENTS:

File Name

▣ Ordinance_(Code_of_Ordinances_Amendment)_03-25-2019.pdf

FIRST READING

CITY OF KANNAPOLIS ORDINANCE

WHEREAS, the Kannapolis City Code of Ordinances (the “Code”) was first adopted on June 26, 1986; and

WHEREAS, although the Code has been regularly amended as necessary or required by law certain provisions of the Kannapolis City Code are irrelevant, incorrect or outdated; and

WHEREAS, it is deemed prudent and necessary to amend certain provisions to ensure accuracy of the Code.

NOW, THEREFORE BE IT ORDAINED by the City Council for the City of Kannapolis that the following ordinance and code amendments are hereby adopted.

1. Chapter 2. Administration

(a) Sec. 2-1 is hereby amended as follows:

- “(l) Engineering
- (m) Economic and Community Development
- (n) Communications”

(b) Section 2-3 (a) is hereby amended as follows:

Correct typographical error “establish”

2. Chapter 3. Animal Control

(a) Sec. 3-1 is hereby amended by deleting the phrase
“and as may be amended,”

(b) Sec. 3-3 is hereby amended by deleting the phrase
“and as may be amended,”

(c) Sec. 3-5 is hereby amended as follows:

- (i) Add a phrase at the end of the definition of “Animal” stating “but does not include Farm Animals.”
- (ii) Add the following definition “Farm Animal. The term “farm animal” shall be defined in G.S. 160A-203.1.”
- (iii) Add the following definition “Standards of Care for Farm Animals. This phrase includes the following: the construction, repair, or improvement of farm animal shelter or housing; restrictions on the types of feed or medicines that may be administered to farm animals; and, exercise and social interaction requirements.”

(d) New Sec. 3-6(d) is added as follows:

“This Section does not relate to or otherwise address cruelty farm animals.”

3. Chapter 5. Fire Prevention.

(a) Chapter 5 is hereby deleted in its entirety and replaced as follows:

Chapter 5 FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Sec. 5-1. - Primary fire limits established.

(a) The primary fire limits for the city are hereby established and defined as follows:

- (1) Beginning at the point of intersection, centerlines, Main Street and First Street, west on centerline of West First Street to the point of intersection, centerline, Oak Avenue; thence south on centerline of Oak Avenue to the point of intersection, centerline, West "A" Street; thence west on centerline of West "A" Street to the point of intersection, centerline, Chestnut Avenue; thence south on centerline of Chestnut Avenue to the point of intersection, centerline, South Loop Road; thence south on centerline of South Loop Road to the point of intersection, centerline, Vance Street; thence east on centerline of Vance Street to the point of intersection, centerline, South Main Street; thence north on centerline South Main Street to the point of intersection, centerline, "B" Street; thence east on centerline of "B" Street to the point of intersection, centerline, Southern Avenue; thence north on centerline of Southern Avenue to a point six hundred (600) feet north of the intersection of East First Street and Southern Avenue; thence west to centerline of North Main Street; thence south on centerline of North Main Street to the point of beginning.

(Ord. of 6-26-89, § 1)

Editor's note— Section 1 of an ordinance adopted June 26, 1989, being not specifically amendatory of this Code, has been codified as § 5-1 at the discretion of the editor.

Sec. 5-2. - Fire use service fees and charges.

- (a) A schedule of fire use service fees and charges for development/construction fees, annual inspection fees, stand-by (nonemergency) fees and such other fees and charges and the amount of such fees and charges relating to fire services shall be established by the city council from time to time.
- (b) Payment of fees and charges for fire use services shall be made in such amounts, at such times and in accordance with the schedule of fire use service fees and charges.

(Ord. No. 2007-24, § 1, 6-25-07)

Sec. 5-3. – Disposal of hot ashes.

No person shall empty hot ashes on or near any sweepings, shavings or flammable material of any kind within the city limits.

Sec. 5-4. - Fireworks.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to possess, store, offer for sale or sell at retail, any kind or type of fireworks of any description within the corporate limits of the city. This subsection shall not apply to fireworks exempted under G.S. 14-414.
- (b) Except as otherwise provided in this section, it shall be unlawful for any person to discharge in any manner any kind or type of fireworks of any description within the corporate limits of the city. This subsection shall not apply to fireworks exempted under G.S. 14-414 or to a public display of fireworks as permitted by the North Carolina Fire Prevention Code and G.S. ch. 58, art. 82A.
- (c) Any person seeking to conduct a public display of fireworks shall obtain a permit and submit a plan in writing at least 15 working days prior to the display to the fire department with the following information:
 - (1) The name of the person, group, or organization responsible for the display;
 - (2) All state pyrotechnic display operator's license card/certificates of the individuals to discharge pyrotechnics;
 - (3) The date and time of the display;
 - (4) The location of the display;
 - (5) The duration of the display;
 - (6) A narrative description of the display;
 - (7) Copy of liability insurance
 - (8) A site plan showing the following:
 - a. The location of the audience;
 - b. The area affected by the display;
 - c. All buildings, structures and parking lots affected by the display;
 - d. Means of egress;
 - e. Fire protection features and locations;
 - f. PPE to be worn by operators during initiation or electronic firing controls to be utilized by operators during the display.
- (d) The use of fireworks, pyrotechnic or flame effect devices shall meet the following codes and standards:
 - (1) NFPA 1124—Code for manufacturing, transport, storage and retail sales of pyrotechnic articles.
 - (2) NFPA 1123—Code for fireworks display.
 - (3) NFPA 1126—Standard for the use of pyrotechnics before a proximate audience.
 - (4) North Carolina State Building Code—Fire Prevention Code Chapter 56.
 - (5) North Carolina General Statute Chapter 58, Article 82A.
- (e) Fireworks found within the city limits except for those exempted by G.S. 14-414 are hereby declared to be contraband and subject to seizure by any member of the Risk Reduction Section of the fire department or a law enforcement officer unless possessed by a permittee for a public display of fireworks as permitted by the state fire prevention code.
- (f) Any person who shall violate the provisions of subsections (a) or (b) shall be guilty of a misdemeanor and shall be punishable by imprisonment up to 30 days or a fine of \$500.00, or both. Violators may be subject to a \$500.00 civil penalty to be recovered in the nature of a debt.

Sec. 5-5 – Key/Lock boxes.

- (a) Required.
 - (1) All commercial enterprises or industries in the city which use, store or manufacture on-site hazardous materials that must be reported under state right-to-know laws, G.S. 95-173 et seq., or under Title III of the Federal Superfund Amendments and Reauthorization Act and the

regulations promulgated thereunder, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.

- (2) All facilities which have a system which transmits off-site alarms for fire detection or suppression systems must have an approved on-site lock box which contains keys to provide fire department access in an emergency or alarm activation.
 - (3) Keys in boxes must be kept up-to-date. When locks are changed the Risk Reduction Section must be notified and new keys provided for the box.
- (b) Contents, types and location of data storage box.
- (1) This data storage box may contain keys providing access to secured portions of the facility. The box shall contain current specific information to assist fire departments and hazardous materials teams responding to emergencies at the facility including, but not limited to, facility maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with CAS numbers, chemical safety data sheets, telephone numbers for facility employees and other persons to be contacted in case of such emergencies.
 - (2) All information requested on the fire department data storage sheets must be provided on the forms provided by the fire department, or in a substantially similar format, and must be placed in the data storage box. Such information must be updated continuously to ensure its accuracy.
 - (3) The data storage box itself shall be of the type designated and approved by the fire department and shall be located at or near the primary entrance to the facility and installed in accordance with directives of the chief of the fire department.
- (c) *Violations; enforcement.*
- (1) Violations of this section shall be a misdemeanor punishable by a \$500.00 fine as provided under G.S. 160A-175 and 14-4. Violators may be subject to a \$500.00 civil penalty to be recovered in the nature of a debt. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175(g).
 - (2) The municipality may also secure injunctive and other appropriate equitable remedies to ensure compliance with this chapter, as provided by G.S. 160A-175.
 - (3) Enforcement actions may be initiated by the inspectors of the fire department, division chief or chief of the fire department.
- (d) *Exceptions.*
- (1) Whereas the city recognizes that certain commercial enterprises maintain 24-hour security and emergency responses, such enterprises may propose measures which will provide immediate access to vital information on a 24-hour basis, 365 days per year. This information must meet the criterion of information stored in the lock boxes and be available to initial arriving emergency response vehicles.
 - (2) The duplicate copies of the proposal must be sent to the fire department. Each proposal must specify the means by which the commercial enterprise will provide services equal to that of the lock box program.
 - (3) All proposals will be reviewed on an individual basis. Proposals must be renewed on a yearly basis.

Sec. 5-6. Open burning; exceptions.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a chimney, or a permitted air pollution control device.

Pile means a quantity of objects or materials stacked or thrown together in a heap, three feet (914 millimeters) or less in diameter and two feet (610 millimeters) or less in height.

Stack means a usually conical shaped pile of debris or material, three feet (914 millimeters) or less in diameter and two feet (610 millimeters) or less in height.

(b) *Prohibited acts.* No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain, kindle or maintain within the corporate limits of the city any open burning fire.

(c) *Exceptions.* Exceptions shall include only the following:

(1) Training fires set for the purpose of instruction and training of public and industrial employees in the methods of firefighting. Prior to commencement of open burning, the fire department shall be notified. All open burning for this purpose shall meet the requirements of all state regulations.

(2) Open fires for cooking, heating, religious and ceremonial fires shall be allowed when such fire is not composed, in whole or substantial part, of leaves or yard waste, and the location of such fire, and the items necessary for its containment, and provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others. Such fires shall be conducted in accordance with the North Carolina Fire Prevention Code, be contained in a campfire pit meeting the requirements of pile and/or stack, confined to a container no larger than a 55-gallon drum or other device designed for such use. Fuels for such fires must be naturally cut wood, charcoal, propane or natural gas; no construction materials or building materials shall be permitted.

(3) Bonfires, public or private, shall require a permit and are subject to approval of the fire department. Approval will be granted on the sole discretion of the fire department based upon:

- a. The proximity of the proposed fire to dwellings, trees, woods and other structures.
- b. Facilities available for fire management.
- c. Atmospheric conditions.
- d. Type of material to be burnt: must be naturally cut wood, three inches in diameter or smaller; no construction materials or building materials.
- e. The bonfire shall be no more than five feet by five feet by five feet in dimension and shall burn no longer than three hours.
- f. Any other consideration judged by the fire department to be required to ensure safe burning.
- g. Such fires shall be maintained in accordance with the North Carolina Fire Prevention Code.

Failure to maintain bonfires in accordance with this section shall constitute fire extinguishment and revocation of the permit.

(4) Fires set for disposing of waste propellants, explosives or pyrotechnics, including associated contaminated wastes. The fires must be necessary and the waste not able to be disposed of by any other means than burning. No materials shall be imported from off-site for disposal. A permit must be obtained for fires used for this purpose.

(5) On the sole discretion of the fire department when there exists an extreme or emergency circumstance which lacks any other reasonable means of disposing of items which need to be disposed of, and not addressed in this section, the fire department may issue a permit to burn.

These fires shall be limited to the disposal of material generated during a natural disaster, such as a tornado, hurricane or flood.

- (6) Fires set as part of commercial film or video production activities for motion pictures and television or fires set as part of a planned civic event designed to educate or otherwise benefit the public.

- a. The use of fireworks, pyrotechnic or flame effect devices used in conjunction with or to initiate such fires shall meet the following codes and standards:

1. NFPA 1124—Code for manufacturing, transport, storage and retail sales of pyrotechnic articles.
2. NFPA 1123—Code for fireworks display.
3. NFPA 1126—Standard for the use of pyrotechnics before a proximate audience.
4. North Carolina State Building Fire Prevention Code Chapter 56.
5. North Carolina General Statute Chapter 58 Article 82A—Pyrotechnics Training and Permitting.

- b. Any person seeking to conduct a fire for such reasons shall obtain a permit and submit a plan in writing at least 15 working days prior to the burn to the fire department with the following information:

1. The name of the person, group, or organization responsible for the production;
2. If applicable, state pyrotechnic display operator's license card/certificate of the individuals to discharge pyrotechnics;
3. The date and time of the production;
4. The location of the production;
5. The duration of the burn;
6. A narrative description of the burn;
7. A site plan showing the following:
 - i. The location of the audience;
 - ii. The area affected by the burn;
 - iii. Means of egress;
 - iv. Fire protection features and locations.
8. PPE to be worn by operators during initiation or electronic firing controls to be utilized by operators during the display.

- (d) Violations and enforcement.

- (1) The fire official shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.
- (2) Any open burning in violation of this section shall be extinguished by the responsible party or the fire department.
- (3) All costs incurred by the city for enforcement of this section will be the responsibility of the party in violation of this section and will be added to the fine.

- (4) A civil fine shall be issued to any person or company violating the provisions of this section. The civil fine for residential violations shall be \$50.00 and \$100.00 for any repeat violation. The civil fine for commercial violations of this section shall be \$500.00 per stack or pile and \$1,000.00 per stack or pile for any repeat violation by the same person or company.
- (5) Violations of this section shall be a misdemeanor as provided under G.S. 160A-175 and 14-4. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175(g).

Sec. 5-7. False Alarms

- (a) *False fire alarms defined.* A fire alarm means the activation of a fire alarm system through mechanical or electronic failure, malfunction, improper installation, or the intentional acts or negligence of the alarm user, his/her employees or agents, to summon fire department personnel, unless fire department response was cancelled by the alarm company (designated by the alarm user) prior to fire department personnel arrival on the scene. An alarm is false within the meaning of this chapter when, upon inspection by the fire department, evidence indicates that no fire, smoke or other condition exists in or on the premises which would have activated a properly functioning fire alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined by the investigating officer to have been caused or activated by a violent condition of nature including but not limited to flood, hurricane, lightning, blizzard or other similar condition outside the alarm user's control. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies the fire department and notifies and receives permission from the user's alarm company, or designee, to test the system. This section shall not apply to burglar alarms or other types of alarms to which fire department response is neither required nor customary.
- (b) *Civil penalty for false alarms.* No civil penalty shall be incurred for the first or second false alarms occurring during any rolling 90-day period. The third occurrence of a false alarm in any 90-day rolling period shall result in a civil penalty of \$250.00 or as specified in the then-current fees, rates and charges schedule adopted as part of the city annual operating budget. Each additional false alarm, in excess of three, occurring in the same rolling 90-day period shall result in additional civil penalties in accordance with this section. For this section, a "rolling" time period shall begin on the date of the first event and end 90 days from that date if no further events occur. If additional events occur prior to the date that is 90 days from the date of the first event, the 90 days may "roll" forward until 90 days pass without the occurrence of an event.
- (c) *Duties of the alarm user, his/her employees or agents:*
 - (1) Users shall maintain the alarm system and related premises in a manner that will reduce or eliminate false alarms.
 - (2) Users shall respond to or cause a representative to respond to the alarm system's location within 30 minutes of being notified by the city fire department and/or city emergency communications to deactivate an alarm system; provide right of entry to the premises; provide alternative security for the premises; and/or take control of the premises upon fire department release of the premises and departure.
 - (3) Users shall not manually activate an alarm system for any reason other than for the systems intended purposes; to perform an emergency evacuation drill (fire drill) as required the North Carolina Fire Code; or to perform routine maintenance as prescribed by alarm system provider, and only after notice to and permission for such testing from the alarm company and the city fire department.
 - (4) Failure to follow the requirements of this section shall result in a fine of \$250.00 per occurrence. This fine shall be assessed in addition to any other fines assessed under other

sections of this chapter. In addition to this fine, neither the responding officer, nor the city fire department shall have, nor assume any responsibility for securing, guarding or otherwise protecting any real or personal property that may have become exposed during the event resulting in the alarm.

Secs. 5-8—5-20. - Reserved.

ARTICLE II. – FIRE PREVENTION CODE

Sec. 5-21. Standard Fire Prevention Code adopted.

- (a) There is hereby adopted by reference the North Carolina Fire Code and all appendices, amendments and revisions. The provisions of such code shall be controlling within the limits of the city.
- (b) Within said code, when reference is made to duties of the fire official, it shall be deemed to be the fire chief of the city or his duly appointed representative.
- (c) The permits required by the Risk Reduction Division shall be listed on the fire department inspection fee schedule

Secs. 5-22. Periodic Inspections.

- (a) Subject to the limitations and conditions stated in the state building code, it shall be the duty of the fire chief or designee to inspect or cause to be inspected all buildings, structures and premises within the city for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of the code, or any other ordinances pertaining to fire or explosion hazards in accordance with the minimum periodic inspection schedule for occupancies approved by the state building code council, or upon complaint by interested parties or if there is given probable cause for such inspection.
- (b) Fire inspections shall be conducted on all occupancies, except those exempted in Section 102.13 of the North Carolina Fire Code, at a frequency not less than the schedule listed in Section 106 of the North Carolina Fire Code.

Nothing in this section shall prevent inspection from being conducted at more frequent intervals than listed in the schedule.

Sec. 5-23. - Penalties.

- (a) *Criminal penalties.* Any person who shall violate or fail to comply with any provisions of this Code shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$50.00. Each 30-day that such violation continues shall constitute a separate and distinct criminal offense.
- (b) *Civil penalties.* In addition to or in lieu of criminal penalties set forth in subsection (a), violation of or failure to comply with the provisions of this Code shall, at the election of the city, subject the offender to a civil penalty in the amount of \$500.00 or as specified in the then-current fees, rates and charges schedule adopted as part of the city annual operating budget upon the issuance of a citation for such violation as provided in this article. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175(g).
- (c) *Equitable relief.* In addition to the criminal and civil penalties set out in subsections (a) and (b), any provision of this Code may be enforced by an appropriate equitable remedy, including but not limited to injunctive relief or order of abatement, issuing from a court of competent jurisdiction and with the provisions of the state general statutes.

Sec. 5-24. - Notice of violation; methods of service.

(a) Notice of violation.

- (a) Fire inspectors of the fire marshal's office shall issue notices of violation when such fire inspectors have reasonable cause to believe that any person has violated any provision of this Code.
- (b) The notice of violation shall include specific factual information setting out the nature of the violation, the code section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The notice of violation shall specify that failure to comply with the code shall incur a civil penalty. The notice shall include appropriate information regarding how to schedule a hearing or other appropriate procedure to appeal the violation.
- (c) Any other provisions of this Code notwithstanding, the following types of violations are hereby declared to constitute an imminent threat to the health, safety and general welfare of the inhabitants of the city and may result in the immediate citation for civil penalties without the necessity of any prior notice of the violation:
 - a. Violation of any provision of Chapter 10 of the Fire Code provisions of the North Carolina Building Code;
 - b. Any violation related to removal, tampering with or otherwise disturbing any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by this Code except for the purpose of extinguishing fire, training purposes, recharging or making necessary repairs, or when approved by the code official;
 - c. Any overcrowding violations;
 - d. Any assault on a city official;
 - e. Any violation of the North Carolina Fire and Building Codes that in the opinion of the fire official constitutes an imminent fire or life safety hazard to the inhabitants of the city.
- (d) Any second violation of the same section of this Code or of the North Carolina Fire Code portion of the North Carolina International Building Code shall result in an immediate citation for civil penalties without the necessity of any prior notice of the violation.

(b) Methods of service.

- (1) The service of notices, citations, orders or any other document related to violations of the code shall be made in accordance with the requirements set forth in Section 1-14.
 - (2) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of the code shall apply to and shall be served upon the occupant; provided, however, that the record owner shall be served with a copy of the document served upon the tenant. Where the order or notice requires corrective actions that do not involve additions or changes to the premises themselves which may become part of the real property of the owner, then, failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice. Where the order or notices require the making of additions to or changes in the premises themselves which may become part of the real property of the owner, then, in such cases, the orders or notices shall be issued to the owner of the premises or real property and may also be issued to the occupant.
- (c) If the violator does not pay the penalty within the time frame set forth in the notice of violation, a civil citation may be issued to the violator or person responsible assessing a civil penalty in accordance with subsection (b). The civil citation shall meet the requirements set forth in Section 1-14.

- (d) If the violation is not corrected and/or the civil penalty is not paid within the time allowed, the fire chief may proceed with any of the remedies listed above including, but not limited to, criminal charges against the violator.

Sec. 2.25. - Permits.

- (a) It shall be the duty of the Risk Reduction Division to evaluate applications and issue, if approved, all special use permits as listed on the fire inspection fee schedule. This schedule may be revised upon approval of the city council. Applications for special use permits shall be made on forms provided by the city.
- (b) Fees for inspections, special use permits, and other fire department services shall be set out in a fee schedule. Printed schedules of the fees shall be available to the public at the Risk Reduction Division, city website and the city clerk's office. A billing statement for charges listed on the schedule may be sent to the owner/occupant by the city finance department.
- (c) Applications for permits required pursuant to the North Carolina Fire Code shall be made to the Risk Reduction Division on forms provided by the city. The applicable permit fee as established by the city shall accompany all applications. The required permit fees shall be set out in a fee schedule. Printed schedules of the permit fees shall be available to the public at the Risk Reduction Division office, city website and city clerk's office. The City Manager is authorized to waive the permit fee for governmental, religious or charitable organizations.
- (d) The following optional permits as listed in Section 105.6 of the North Carolina Fire Code are adopted as mandatory within the city:

Hazardous materials 105.6.20, and 105.6.21

Hazardous materials facilities 105.6.21 and 105.6.22.

Secs. 5-26—5-29. - Reserved.

Sec. 5-30. - Water supply—General.

- (a) *Required fire flow.* Fire flow requirements for new occupancies and additions shall be determined by utilizing the North Carolina Fire Code Appendix B.
- (b) *Fire hydrants.* Fire hydrant coverage shall not exceed the limits established in Chapter 5 and Appendix C of the North Carolina Fire Code to the most remote point of any building covered by the state fire prevention code. The distance shall be measured along an approved path of travel for the fire apparatus.
- (c) *Modification of distance requirements.* Where warranted, the fire official shall have the authority to modify the distance requirements in subsection (b) based on the nature, construction and square footage of the occupancy.

Sec. 5-31. - Code requirements for fire service water mains, fire hydrants and fire connections on private property.

- (a) *Fire service water mains.*

- (1) Fire service water mains shall be installed in accordance with approved plans and the city engineering public works department requirements and specifications for water main construction. Fire service mains shall also be installed in accordance with the National Fire Protection Association standard for the installation of private fire service mains and their appurtenances, NFPA 24. Conflicting provisions of the city engineering and public works

department specifications and NFPA 24 requirements should be reported to the fire department.

- (2) Fire service water mains, water meters and other appurtenances shall be designed to provide the minimum combined required sprinkler demand (if applicable) and needed fire flow at 20 pounds per square inch residual pressure at the hydraulically most difficult fire hydrant.
 - a. It is assumed that other fire hydrants, if provided, will provide a greater quantity of water at the same residual pressure.
- (3) Required fire flow will be determined utilizing the North Carolina Fire Code Appendix B.
- (4) Water flow testing will be conducted at the time of the Certificate of Occupancy to determine that the water system meets the water supply quantities determined in subsection (a)(2). Failure to meet the water flow requirements subsection (a)(2) will result in denial of certificate of occupancy.
- (b) *Fire hydrants.* Fire hydrant coverage shall not exceed the limits established in Chapter 5 and Appendix C of the North Carolina Fire Code, to the most remote point of any building covered by the state fire prevention code.
 - (1) All fire hydrants will be on a public main, no private fire hydrants are permitted.
 - (2) For proper measurement, start at the fire hydrant and measure along the same path of travel as a fire truck would use. Do not measure according to the term "as the crow flies."
 - (3) The approach route of firefighting apparatus should be kept in mind as fire hydrant locations are determined. Fire hydrants should be located so that the fire apparatus will not have to go past the fire to catch a fire hydrant, then double back to the fire.
 - (4) Fire hydrants shall be installed and painted according to the city engineering, public works and fire department specifications.
 - (5) Each fire hydrant must be readily visible and within six feet of the curb line. No obstructions are permitted between the hydrant and the curb line.
 - (6) All obstructions, such as fences, trees, shrubs, signs, etc., shall be at least three feet from the fire hydrant in all directions. The city shall have the right to cut, trim or remove obstructions to the extent and for the purpose of correcting such hazards.
 - (7) The five-inch Storz connection of the fire hydrant shall always face the curb.
 - (8) The nut of the Storz connection cap shall be no less than 18 inches nor more than four feet above grade.
- (c) *Fire department connections.* The fire department connections for standpipe and/or sprinkler systems are important supplements to normal water supplies. Under fire conditions, these devices permit the fire department to increase the water supply and pressure to fire protection systems which may be materially reduced by a larger number of sprinklers operating or by the use of hose streams from standpipe risers.
 - (1) Minimum size pipe shall be 4" diameter.
 - (2) All fire department fire sprinkler system connections for commercial buildings shall have one 5" Storz connection and protective cap. All fire department standpipe system connections for commercial buildings shall have two 2-1/2" NST connection and protective caps.
 - (3) The fire department connections at buildings provided with more than two standpipe risers shall all have two 2-1/2" NST connection and protective caps at all standpipe riser.
 - (4) Fire department fire sprinkler connections on residential structures with residential sprinkler systems shall have five-inch Storz connection and protective cap. Fire department fire standpipe connections on residential structures with residential standpipe systems shall have two 2-1/2" NST connection and protective caps.
 - (5) All fire department connections (fire sprinkler and standpipe) shall be located not less than 10 feet from building, nor more than five feet above finished grade. Fire department connections (fire sprinkler and standpipe) are not permitted at backflow preventer or hot boxes. The Fire Chief will make final decisions on locations.

- (6) In case were both a fire sprinkler and standpipe connection is required, both connections shall be within 5' of each other.
- (7) All fire department connections (fire sprinkler and standpipe) shall be provided a clear space of ten feet horizontally and vertically in all directions.
- (8) All fire department connections (fire sprinkler and standpipe) shall be readily visible and not more than 10 feet from a street, fire lane or similar area providing access to fire department apparatus. The area between the connection and vehicular access shall be free of obstructions.
- (9) There shall be an approved pumper fire hydrant within 100 feet of the fire department connection (fire sprinkler and standpipe) measured along an approved path of travel for the fire apparatus.

Sec. 5.32. - Installation, inspection and maintenance of private fire hydrants and private water system components.

- (a) *Installation.* All newly installed private fire hydrants and private water systems shall be installed in accordance with and subject to the city's ordinances, policies, and standard specifications; NCAC Title 15A, Subchapter 18C *Water Supplies*; and NFPA 24 *Standard for the Installation of Private Fire Service Mains and Their Appurtenances*.
- (b) *Inspection and maintenance.* The owner of a private water system shall have all fire hydrants and water system components tested and inspected by a contractor licensed by the state or a certified operator as defined in NCAC Title 15A, Subchapter 18C. Testing and inspection shall occur within the required maintenance periods specified in NFPA 25 *Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems*.
- (c) *Repairs.* The owner of a private water system shall be responsible for the repairs or replacement of any damaged, broken, and/or inoperable hydrants and/or water system components; and shall have all fire hydrant and/or water system component repairs or replacements conducted by a contractor licensed by the state in accordance with NCAC Title 15A, Subchapter 18C and NFPA 25 *Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems*.
- (d) *Violations.* Any person who fails to comply with the provisions of this section shall be subject to penalties in accordance with Section 2-25.

Sec. 5-33. - Fire lanes.

- (a) General
 - (1) Fire lanes shall be designated at all locations within the authority and jurisdiction of the city in accordance with the North Carolina Fire Code and as approved by the fire code official.
 - (2) Fire lanes installed shall conform to the requirements of the North Carolina Fire Code and shall be approved by the fire code official prior to installation.
 - (3) Fire lanes shall be installed in accordance with the specifications on file at the Risk Reduction office.
 - (4) Roadways, driveways and access ways shall not be marked as fire lanes without first obtaining approval from the fire department. Detailed plans showing the location of the lanes may be required to determine whether or not any proposed markings meet specifications established and on file at the Risk Reduction office.
- (b) Signs and marking.
 - (1) All fire lanes and access roads must be marked with signs indicating "no parking fire lane" as described in the specifications on file at the Risk Reduction office.
 - (2) Existing non-compliant fire lanes shall continue in effect as installed until such time as they are in need of re-stripping due to wear or re-paving. When re-stripped, existing fire lanes shall be installed to current specifications.
- (c) Violations and enforcement.

- (1) Any person who parks a vehicle in, obstructs, or allows the obstruction of a designated fire lane shall be liable for a civil penalty of \$100.00 upon receipt of a citation issued by the fire or police chief or any designee of either.
- (2) Any vehicle or object obstructing a designated fire lane, whether public or private, may be towed or removed without prior notification of the owner, and at the owner's expense.
- (3) The registered owner of the vehicle parked in the fire lane shall be responsible for all civil penalties issued and any towing or related charges accruing hereunder.
- (4) Civil penalties due hereunder shall be collected under the provisions set forth in Section 1-14.

Sec. 5-34 – 5-40. - Reserved.

ARTICLE III. – RESPONSE TO HAZARDOUS MATERIALS EMERGENCIES

Sec. 5-41. - Definitions.

- (a) *Cost(s)* shall mean all costs incurred for response to, limitation of, containment of, control of, abatement of, or mitigation of hazardous materials or substances emergencies and/or disposal of hazardous materials or substances or remedial action as a result directly or indirectly of a hazardous materials or substances incident including but not limited to:
 - (1) Costs of any health assessment or health effects study and related treatment carried out for responding personnel or other persons.
 - (2) Labor, including but not limited to benefits, overtime and administrative overhead.
 - (3) The cost of operating, leasing, maintaining, repairing, and replacement of any equipment.
 - (4) Contract labor or equipment.
 - (5) Materials, including but not limited to, absorbents, foam, dispersants, overpack drums, or containers.
 - (6) Supervision of response to, limitation, containment control, abatement, or mitigation or clean up.
 - (7) Labor or equipment obtained for, from, or by the city, its departments, employees or agents, or other local, state or federal agencies.
- (b) *Fire chief* shall mean the chief of the fire department that responded to a hazardous material incident.
- (c) *Having control over* or *had control over* shall include but not be limited to any person using, transferring, storing or transporting a hazardous material immediately prior to release of such hazardous material on to the land or into the air or the waters of the city as currently defined in G.S. 143-215.77 or as may be hereinafter amended or recodified.
- (d) *Hazardous material* shall include, but not be limited to, any substance or material in any form or quantity that poses an unreasonable risk to safety, health, or property or as currently defined in G.S. 143-215.75 or as may be hereinafter amended or recodified.
- (e) *Hazardous material incident* shall include, but not be limited to, actual or threatened release of hazardous substances or materials that pose an immediate threat to the health, safety or welfare of the population, including hazardous waste.
- (f) *Hazardous material response* shall include, but not be limited to, the sending of equipment to limit, contain, control, abate, or mitigate hazardous materials which endanger the health or safety of persons or the environment.
- (g) *Hazardous substance* shall include, but not be limited to, any material which when discharged may be harmful to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public or private property, shorelines and beaches.

- (h) *Incident commander* shall mean the senior official or officials of the fire department or other public agency in charge at the site of a hazardous material incident.
- (i) *Party or parties* shall mean, jointly and severally, the person(s):
 - (1) Whose negligent or intentional act or omission caused a release; or
 - (2) Who owned or had custody or control of, the hazardous substance or waste at the time of such release without regard to fault or proximate cause; or
 - (3) Who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such release without regard to fault or proximate cause; or
 - (4) Who owned or had custody or control of the real property upon which the hazardous substance was located at the time of or immediately prior to such release without regard to fault or proximate cause and who had knowledge, actual or implied, of the location of the hazardous material.
 - (5) "Party or parties" shall also include but not be limited to one or more corporations or partnerships, facilities, or other types of business entities.
- (j) *Person(s)* shall include but not be limited to individuals, firms, partnerships, associations, institutions, corporations, and local, state or federal government.
- (k) *Personal protective clothing (PPE)* means the equipment provided to shield or isolate a person from the chemical, physical, and thermal hazards that can be encountered at hazardous materials/weapons of mass destruction (WMD) incidents.
- (l) *Release* shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant).
- (m) *Response* shall mean a phase of emergency management that occurs during and immediately following an incident and provides emergency assistance to victims of the event and reduces the likelihood of secondary damage.

Sec. 5-42. – Purpose and Authority.

- (a) This article is enacted pursuant to the authority to regulate explosive, corrosive, inflammable or radioactive substances, G.S. 160A-183; oil pollution and hazardous substance control, G.S. 143-215.75 et seq., solid and hazardous waste management, G.S. 130A-294 et seq.; and the North Carolina Emergency Management Act, G.S. 166A-20 et seq.
- (b) The fire chief or his designee shall have the authority to summarily limit, contain, control, abate, or mitigate hazardous materials or substances emergencies that generally endanger the health or safety of the public. The fire chief or his designee shall have the authority to enter public or private property, with or without the property owner's consent, to respond to and mitigate such hazardous materials or substances emergencies whenever there is a threat, (real or perceived) to public safety. The fire chief or his designee shall determine the type, amount, and quantity of equipment and personnel required to adequately limit, contain, control, abate, or mitigate all hazardous materials or substances incidents.
- (c) Hazardous materials or substances incidents shall include but not be limited any reportable or non-reportable chemical in any reportable or non-reportable quantity that has been released and poses an eminent danger to the safety and welfare of the public or environment. Hazardous materials or substances may include but are not limited to:
 - (1) Explosives.
 - (2) Poison gas.
 - (3) Flammable solids.
 - (4) Flammable gas.
 - (5) Non-flammable gas.
 - (6) Radioactive elements.

- (7) Organic peroxide.
- (8) Corrosives.
- (9) Cryogenics.
- (10) Etiological/infectious agents and medical waste.
- (11) Flammable liquids.
- (12) Combustible liquids.
- (13) Oxidizers.

Sec. 5-43. - Response to hazardous materials or substances emergencies—Level of training.

The city fire department will operate at the appropriate level of emergency response as defined by OSHA 1910.120 or as may be hereinafter amended or recodified and the departments current level of training. The department may request mutual aid assistance to adequately control, abate, and mitigate all hazardous materials or substances incidents as necessary.

Sec. 5-44. - Hazardous materials or substances incidents, liability for costs.

- (a) The incident commander or fire chief is hereby duly authorized to take all reasonable measures to respond to, limit, contain, control, summarily abate, or mitigate the hazardous materials or substances incidents. Any party or parties who creates or causes a hazardous materials or substances incident shall be liable to the city for the payment of all costs as defined above incurred in the response to, limiting, containing, controlling, abating, mitigating or any necessary monitoring of such an incident.
- (b) The city will pursue all available remedies at law including but not limited to the penalties contained in this article, lis pendens or levy in the nature of tax, against any and all party or parties, jointly and severally, who creates or causes any hazardous material or substances incident.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-45. - Responsibility—Fees and charges.

- (a) The property owner and/or the party having control over the hazardous materials or substances that creates the hazardous materials or substances emergency shall be held financially liable for any costs as defined above incurred by the city or other governmental entity during or as a result of the emergency. The property owner and/or party having control over such hazardous materials or substances, may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. The city shall not be liable for the use of any such personnel. Assistance shall consist of any or all of the following:
 - (1) Informing fire department personnel of all matters pertaining to the incident.
 - (2) Supplying emergency response plan information for the site.
 - (3) Supplying emergency response equipment, personnel and materials.
 - (4) In all cases the first one hundred dollars (\$100.00) of costs shall not be charged to the party or parties.
- (b) Costs for hazardous materials emergency response on behalf of the city shall be based upon a yearly schedule as detailed in the fire fee schedule. Items may include but not be limited to:
 - (1) Engine responses;
 - (2) Hazardous materials unit response;
 - (3) Ladder truck response;
 - (4) Squad truck response;
 - (5) Battalion chief/emergency coordinator response;

- (6) Reusable entry suits;
 - (7) Monitors;
 - (8) Any other actual costs as defined above of the response to, limiting, containing, controlling, abating, mitigating, or any necessary monitoring of an incident of hazardous materials or substances as defined above.
- (c) Failure to pay the charges as assessed shall give the city the right to levy a lien upon the land or the premises where the hazardous material emergency arose and the levy shall be collected in the same manner as unpaid taxes pursuant to the authority of G.S. 160A-193 and G.S. 105-355 or as may be hereinafter amended or recodified.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-46. - Reimbursement for hazardous materials or substances emergencies.

- (a) Any party or parties responsible shall institute and complete all actions necessary to remedy the effects of a discharge of hazardous materials or substances at no cost to the city. The fire chief of his designee has the authority to remedy the effects of a discharge of hazardous materials or substances by the fire department or by an authorized individual or firm. All costs associated with such remedy shall be borne by the property owner, operator or other person responsible for the discharge.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-47. - Collection and disbursement of funds for cost recovery.

- (a) The city fire department and/or the city finance department shall serve as the city's agent for collecting invoices and billing the responsible party for costs. Agencies of the city or other organizations responding to a hazardous material incident at the request of the city will be eligible to submit bills.
- (b) Invoices that identify eligible costs under this article shall be submitted to the assistant fire chief or designee within ten (10) working days after the costs were incurred or identified. Submitted invoices should include sufficient documentation for cost reimbursement (i.e., copies of time sheets for specific personnel, copies of bills for materials, equipment, and supplies procured or used, etc.). Accepting invoices from agencies outside the city shall not incur liability to the city to pay costs from such agencies unless payment has been received by the city from the party or parties.
- (c) The city finance director or designee shall submit one or a series of consolidated invoice(s) to the party or parties identifying agencies or agents and their specific costs for reimbursement. The responsible party shall issue a certified check to the city within sixty (60) days of receiving any invoice. All funds received under the authority of this article shall be disbursed according to the claims submitted. Where the reimbursement is less than the requested amount, each agency shall receive a pro rata share of such reimbursement as the agencies reimbursable costs bear to the total reimbursable cost. The city shall not be liable to the agency for any deficiency.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-48. - Fire incidents involving hazardous materials.

- (a) In fire incidents that involve hazardous materials or an exposure to hazardous materials, no fee will be assessed for resources normally associated with fire suppression operations. Costs as defined above shall be assessed for those activities and resources associated with the abatement, control and containment of the hazardous materials involvement or exposure which accrues more than one hundred dollars (\$100.00) in fees.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-49. - Emergency response structure.

- (a) The fire chief or his designee has the authority to direct all city agencies and departments involved in the response based on an incident command system. Each agency is responsible to assure its personnel are adequately trained and equipped to operate at their appropriate level of training.

(Ord. No. 2010-58, § 1, 10-11-10)

Sec. 5-50. - Penalties and abatement.

- (a) Any party or parties whose hazardous materials or substances shall constitute a threat to the public health or safety shall be declared a nuisance and subject to an action of abatement pursuant to G.S. 160A-193 or as may be later amended or recodified.
- (b) Any party or parties who fail to issue a certified check to the city within sixty (60) days of the receipt of the invoice shall accrue an additional civil penalty equal to fifty dollars (\$50.00) per day for each amount of three thousand dollars (\$3,000.00) or less of unpaid costs.”

(Ord. No. 2010-58, § 1, 10-11-10)

4. Chapter 6

- (a) Sec. 6-1 is hereby amended to read as follows:

“No individual, company, corporation or other entity shall construct or operate any of the enterprises listed in G. S. Section 160A-311 or 160A-319 without a franchise granted by the City.”

5. Chapter 9. License and Miscellaneous Business Regulations

- (a) Article II. “Merchants” is amended to delete the term “Temporary Use Permit” wherever it appears and insert instead the term “Zoning Compliance Permit”.

- (b) Article IV. Health Clubs, Massage Parlors Sec. 9-61 paragraph 3 is amended as follows:

“The term “massage therapist” shall include masseur, masseuse or massagist.”

- (c) Article VI. Privilege License Tax

Article VI is deleted in its entirety.

- (d) Article VII Cable Television Services

Article VII “Cable Television Services” is hereby deleted in its entirety.

(e) Article V Pawnshops

Section 9-96 is hereby amended to delete the word “license” and insert instead the word “permit”.

6. Chapter 10 Vehicles and Traffic

(a) Sec. 10-122 “Speed Limits for Trains” is hereby repealed.

(b) Sec. 10-232 Definitions.

Junked motor vehicle subparagraph (3) is amended to read:

“(3) Is more than five years old and appears to be worth less than one hundred dollars (\$100.00) or is more than five years old and appears to be worth less than five hundred dollars (\$500.00).”

(c) Sec. 10-302 Privilege Tax levied is hereby amended as follows:

“Sec. 10-302. Motor Vehicle Tax

There is hereby levied an annual motor vehicle tax authorized by Section 20-97 of the General Statutes in an amount to be established by the City Council from time to time on every classified motor vehicle resident within the City of Kannapolis. Taxes will be collected in accordance with Section 105-330.5 of the General Statutes of North Carolina.”

7. Chapter 11

(a) Sec. 11-2 (d) third sentence is amended as follows:

“A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of a violation at least three (3) times under the overgrown vegetation and public nuisance ordinances.”

(b) Sec. 11-3 “Loitering for the purpose of engaging in illegal drug-related activity is hereby amended by the addition of a new subparagraph (f) as follows:

“(f) This provision shall not be interpreted to prohibit any activity that is protected by the First Amendment of the United States Constitution.”

8. Chapter 12. Parks and Recreation

(a) Sec. 12-53 Composition and term of office of commission:

“Sec. 12-53 is hereby amended as follows:

The City Council shall appoint nine (9) members who shall constitute the Parks and Recreation Advisory Commission. The members shall be residents of Kannapolis and be persons known to have an interest in parks, recreation and leisure-time activities. All appointed members shall be appointed to serve a three (3) year term unless filling an unexpired term of a vacant position.

9. Chapter 17. Water and Sewer

(a) Sec. 17-5(c) is amended as follows:

“All water or sewer line extensions shall be constructed and installed in accordance with plans and specifications which have been approved by the City. The City reserves the right to require that water line and sewer extensions be constructed and installed in accordance with plans and specifications which have been prepared by a registered professional engineer and approved by the engineer for the City or by the approving authority.”

(b) Sec. 17-32(c) is amended to delete the reference “G.S. Section 14-151.1” and insert instead “G.S. Section 14-151.”

(c) Sec. 17-240

(d) Applicants requesting sewer service shall be required to connect to both the wastewater collection system and the water distribution system if water service is available, except where connection to the city sewer line is required by subsection (b) but not required by subsection (a).

(e) All properties in the city not included under this subsection shall be governed by the requirements of the state departments of health and human services and environment and natural resources.

(f) Any property owner receiving a permit pursuant to G.S. 97-97.2(a) or (b) shall not be required to connect to the public water system for so long as the permitted private drinking water well remains compliant and in use, except that subsection (a) may apply in any of the following situations:

- (1) The private drinking water well serving the property has failed and cannot be repaired.
- (2) The property is located in an area where the drinking water removed by the private drinking water well is contaminated or likely to become contaminated due to nearby contamination.
- (3) The city is being assisted by the local government commission.
- (4) The city is in the process of expanding or repairing the public water system and is actively making progress to having water lines installed directly available to provide water service to that property within the 24 months of the time the property owner applies for the private drinking water permit.

- (g) Nothing in this section 17-240 shall be construed to prevent any owner if developed or undeveloped property from voluntarily requesting connection to a city water or sewer line.

Adopted this the ____ day of _____, 2019.

Milton D. Hinnant
Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE TA-2019-01 - Land Development Standards

A. Action Requested by City Council

First Reading of TA-2019-01 (No Action Required)

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Text Amendment Process

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

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. At its February 6, 2019 meeting, the Planning and Zoning Commission unanimously recommended City Council adoption of the proposed text amendments, which shall either approve, or deny the text amendment by a majority vote. This is the first of a two-step process for adoption of the proposed text amendments. The second step is for City Council to hold a public hearing on these amendments, which is scheduled for April 8, 2019.

Summary of Proposed Text Amendments

The various UDO Articles referenced in Table 1 (see attached) address engineering and design standards for land development within the City. Staff is proposing to amend the UDO by removing text references to land development standards and moving these standards to a separate manual that can be more easily accessed and updated as necessary. Engineering Staff has prepared a Land Development Standards Manual (LDSM) which incorporates all the standards found in the Articles being amended by this text amendment.

The LDSM will provide the necessary land development standards in an easy-to-read format for engineers, designers and developers. This amendment is necessary to provide clarification, consistency and a more user-friendly format for land owners and developers looking to develop property within the City.

To view the LDSM and the City's Standard Details, follow this link: [LDSM and Standard Details](#)

D. Fiscal Considerations

None

E. Policy Issues

The proposed changes to the UDO are attached and shown as [additions and deletions](#)

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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This is the first reading of proposed TA-2019-01. A public hearing will be held at the April 8, 2019 City Council meeting.

ATTACHMENTS:

File Name

- ☐ Text_Amendment_Application.pdf
- ☐ 2._Proposed_UDO_Changes.pdf
- ☐ Table_1_Attachment.pdf



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

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	<input checked="" type="checkbox"/>	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: Zachary D. Gordon, AICP Owner: _____
Planning Director

Address: 401 Laureate Way Address: _____
Kannapolis, NC 28081

Telephone: 704-920-4355 Telephone: _____

Email: zgordon@kannapolisnc.gov Email: _____

Legal relationship of applicant to property owner: N/A

Property Location/Address: N/A

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

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

[Signature] 1/18/19 _____
Applicant Signature & Date Property Owner Signature & Date

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

For Staff Use Only:

Filing Fee: _____ Receipt # _____

Application No.: _____ Date Submitted (Complete): _____



CITY OF KANNAPOLIS

AN APPLICATION TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE

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

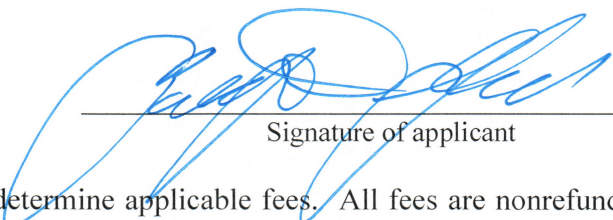
Articles 3, 4, 6, 8, 9, 10, and 11, and Appendices A, B, C and D

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

See attached Staff Report

State your reasons for amending the text of the Ordinance:

See attached Staff Report



Signature of applicant

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

construction or alteration as permitted. A temporary certificate of compliance may also be issued for a period not to exceed six (6) months to allow for utilities to be connected to an unoccupied structure for rent and/or sale. It shall be unlawful to permanently occupy any portion of a newly constructed or altered building or structure, or to allow a change of use to occur unless a Certificate of Compliance has been granted as prescribed in § 3.2.5. The procedures for issuance of a temporary certificate of occupancy shall be in the same manner as set forth for certificates of compliance in § 3.2.5.2.

3.2.7. GRADING PERMITS.

3.2.7.1. Application. Upon the effective date of this Ordinance, it shall be unlawful for any person(s) to commit any land disturbing activity, including removal of vegetation, until a Grading Permit has been issued by the Administrator.

3.2.7.2. Coordination with Erosion Control. A Grading Permit shall not be issued until a sedimentation and erosion control permit has been issued, ~~if applicable.~~

Land disturbance of under one (1) acre is subject to the requirements set forth in the Land Development Standards Manual (LDSM).

Land disturbance of over one (1) acre is subject to the requirements set forth in the Land Development Standards Manual (LDSM) and NCDEQ.

3.2.7.3. Approval Criteria. The grading permit shall be issued by the Administrator only if the application complies with the standards of Appendix B and as referenced below:

- the provisions for floodplain protection as prescribed in § 4.14 of this Ordinance;
- the provisions for vegetation protection and retention as prescribed in § 3.2.7.6 below; and
- as required by an approved conditional use permit, conditional rezoning, or site plan.

3.2.7.4. Exemption. A Grading Permit shall not be required for the following:

- agricultural uses, as defined in Table 4.6-1;
- ~~single family detached homes; or~~
- ~~land disturbing activities that do not disturb more than one (1) acre of land.~~

3.2.7.5. Validity. The grading permit shall be valid for one year. Resubmission of plans and an application for a new grading permit, including applicable fee(s), shall be required upon expiration of grading permit.

3.2.7.6. Vegetation Protection and Retention. Grading plans shall be designed to preserve existing trees and vegetation to the greatest extent possible and shall seek to incorporate existing significant stands of trees as well as individual trees. Certain excavation techniques used by utility companies and others can cause removal of vital roots, change drainage patterns and create conditions that could kill trees and plant materials or make them more susceptible to disease and deterioration. The intent of these regulations is to recognize the need to alter the landscape during site development activities while setting out standards necessary to ensure tree preservation to the greatest extent possible.

A. General Requirements. Existing trees and vegetation that are to be preserved should be protected from all construction activities including installation and/or replacement of utilities, earthwork operations, movement and storage of equipment and materials and dumping of toxic materials. Tree and vegetation protection techniques shall be shown in the Grading Plans and shall be in conformance with standard practices set forth in Appendix B of this Ordinance.

B. The Administrator shall use the guidelines below to assist in determining the approval of a Grading Permit. Vegetation should be removed if:

- the vegetation prevents the reasonable development of a property and without its removal, development of the land will be prevented;
- the vegetation poses a safety hazard to pedestrians or vehicles, buildings or structure;
- the vegetation imposes a disruption or potential disruption of utility services;
- the vegetation prevents access to property; or
- the vegetation is diseased or will become diseased due to infectious disease, insect infestation, wind or ice storm, or fire and poses a threat to the safety and welfare of the

public, vehicles, structures or buildings.

3.2.8. STORMWATER MANAGEMENT PERMITS.

3.2.8.1. Application. Upon the effective date of this Ordinance, it shall be unlawful for any person(s) to commit any land disturbing activity, including removal of vegetation, until a Stormwater Management Permit has been issued by the Administrator. See Article 9.

3.2.8.2. Coordination with Erosion Control. A Stormwater Management Permit shall not be issued until a sedimentation and erosion control permit has been issued as set forth in § 9.1, if applicable.

3.2.8.3. Approval Criteria. The Stormwater Management Permit shall be issued by the Administrator only if the application complies with the standards of Appendix B & ~~C~~ the LDSM and as referenced below:

- the provisions for Stormwater as prescribed in Article 9 of this Ordinance;
- as required by any approved conditional use permit, conditional rezoning, or site plan.

3.2.8.4. Exemption. A Stormwater Management Permit shall not be required for the following:

- agricultural uses, as defined in Table 4.6-1;
- single-family detached homes; or
- land disturbing activities that disturb less than 20,000 square feet.

3.2.8.5. Validity. The Stormwater Management Permit shall be valid for one year. Resubmission of plans and an application for a new permit, including applicable fee(s), shall be required upon expiration of permit.

buffering are described in detail in Article 7.

4.3.19.4. Standards for off-street parking and loading facilities, and vehicular access are described in detail in Article 8 **and the Land Development Standards Manual (LDSM).**

4.3.19.5. Environmental control regulations, including those for stormwater and soil erosion and sedimentation control are described in detail in Article 9 **and the Land Development Standards Manual (LDSM).**

4.3.19.6. Design and improvement standards for some types of development are regulated in accordance with Article 11. In addition, Article 11 contains specific design standards for the CC Center City District, the CD Campus Development District, and the I-1 Light Industrial District that are unique to the respective districts.

4.3.19.7. Sign regulations are described in detail in Article 12.

4.3.19.8 Adequate public facilities standards are described in detail in Article 14.

4.3.20. PURPOSE STATEMENT FOR OVERLAY ZONING DISTRICTS.

The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies. See §§ 4.12 - 4.17 and §§ 15.1 - 15.3 for the purpose statements and regulations applicable to the overlay zoning districts.

4.3.21. PURPOSE STATEMENTS FOR FLOATING ZONES.

Certain floating zones, such as Cluster and Hamlet Developments, PUD, TND, TOD and PID are established in order to provide design flexibility and for special design regulations for mixed use development or large uses which provide special public benefits. The purpose statement for each floating zone is set forth in the regulations pertaining to the district. (See §§ 4.9-4.11, 4.18).

residential purposes within or fronting the Town Center, shall conform to the Design and Improvements Standards of § 11.5.2.4, 11.5.2.6, and 11.5.2.7 of the CC District.

4.10.4.5. Street, Alleys, Sidewalks, Street Trees, Street Furnishings and Utilities.

4.10.4.5.1. The Connectivity Ratio set forth in the Article 6 shall apply to the TND.

4.10.4.5.2. The street standards for TND roadways can be found in the Land Development Standards Manual (LDSM), are based on proven techniques for traffic calming and acceptable levels of vehicular circulation. Reduced roadway widths are also based on a comprehensive approach of streets and alleys.

- ~~Neighborhood Center Street:~~
~~ROW — 60'~~
~~BOC — 38' w/st. parking~~
~~Design Speed — 20 mph~~
~~Curb Radius — 30'~~
- ~~Neighborhood Street:~~
~~ROW — 50'~~
~~BOC — 25'~~
~~Design Speed — 20 mph~~
~~Curb Radius — 30'~~
- ~~Alley:~~
~~ROW — 20'~~
~~Pavement — 16'~~
~~DS — 15 mph~~
~~Curb Radius — 30' (optional)~~
- ~~⁽⁴⁾Plaza Street (one way):~~
~~ROW — 40' (each way w/plaza under HOA ownership and not part of the right of way)~~
~~BOC* — 30' w/ on-street parking (each direction)~~
~~21' w/o on-street parking (each direction)~~
~~Design Speed — 20mph~~
~~Curb Radius — 30'~~
~~*On-street parking must be provided on Plaza Streets~~
- ~~⁽⁴⁾Boulevard Entry (4 lane)~~
~~ROW — 100' minimum~~
~~BOC — 28' w/o on-street parking (each direction)~~
~~Design Speed — 40mph~~
~~Curb Radius — 30'~~

4.10.4.5.3. There shall be a continuous network of alleys to the rear of building lots within the TND, except when topography or physical feature makes impractical and as otherwise permitted herein. Dead end alleys are strongly discouraged, but in no circumstances shall an alley have a dead end length of over 100'.

4.10.4.5.4. An on-site transit stop shall be provided where the proposed TND is within the service area of a City bus system, a Public Transportation Authority or a Regional Public Transportation Authority.

4.10.4.5.5. Sidewalks shall be located on both sides of the street and separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of 6 feet in width.

4.10.4.5.6. Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the TND commercial district or within an area subject to heavy foot traffic, design measures (such as tree grates) shall be installed as a measure to protect the tree root system.

4.10.4.5.7. Street furnishings shall include but not limited to:

- Commercial Areas: Pedestrian scale decorative street lights, decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features.
- Residential Areas: Pedestrian scale decorative street lights, decorative street signs.

4.10.4.5.8. To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located within the alley ROW and not along the streetscape frontage. It is assumed that domestic water service and sanitary sewer will serve from the streetscape frontage, but will

be located in such a way to cause the least impact on the planting strip and required street trees. Public Utility Departments, Companies and their contractors shall be required to cooperate with this effort.

4.10.4.6. Parking.

4.10.4.6.1. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the Article 8 and the Land Development Standards Manual (LDSM) Parking Standards of this Ordinance.

4.10.4.6.2. On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

4.10.4.6.3. On-street parking shall be provided on streets abutting squares, small parks or other urban open spaces.

4.10.4.6.4. For interior commercial parcels, no less than 75% of the parking space shall be located to the rear of the building being served. Commercial parcels fronting on non-pedestrian oriented major arterials may located primary parking lots along this frontage. Where primary parking abuts streets within the interior of the TND, screen walls shall be erected on the frontage line where primary parking lots are located.

4.10.4.6.5. Primary parking lots (over 24 spaces) and parking garages shall not: (1) abut street intersections; (2) be located adjacent to squares or parks; or (3) occupy lots which terminate a street vista.

4.10.4.6.6. Adjacent parking lots shall have vehicular connections from an alley.

4.10.4.6.7. Parking for retail and service uses shall not require on-site parking provided, however, that: (1) the required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed twenty-five hundred (2500) square feet of gross floor area; and (3) such uses are restricted to Retail and multi-family areas. Due to the pedestrian nature

of the TND, parking requirements for retail, service and institutional uses may be reduced by 25% of any use related parking standards established in Article 8 of this ordinance. On-street parking shall count toward any minimum parking requirements.

4.10.4.6.8. Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

4.10.4.7. Landscaping and Buffering.

4.10.4.7.1. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with the Article 7 Landscaping and Screening Standards of this Ordinance.

4.10.4.7.2. The purpose of this Section is to ensure that trees are used as a design element to provide visual identity to the TND and to reinforce the public function of streets. Street trees shall be planted along all streets at an average center to center spacing based on the mature spread of the particular street tree.

4.10.4.8. Town Center.

⁽¹⁾Land Allocation and Location. The Town Center shall have a minimum area of one square foot per five hundred (500) square feet of gross site area of the entire TND site excluding Greenway areas. Commercial areas shall only be permitted where designated on the Site Plan. A town center shall be located only on a street with adequate capacity to serve it. Example: A proposed TND has a gross site area of 300 acres, with an additional 8 acres of greenway running through the site. The minimum square footage for the Town Center is 26,136 square feet (13,068,000 square feet gross site area / 500 square feet per gross site area).

4.10.4.8.1. Non-residential Uses. The goal of the Town Center is to incorporate a mixture of small-scale retail, office, and neighborhood service uses into the TND environment. However, larger anchor stores or uses may be included as part of an overall commercial package. Such proposals will be evaluated on a case-by case basis by the Planning & Zoning Commission.

4.10.4.9. Open Space.

4.10.4.9.1. The proposed development shall include at least the amount of open space as prescribed in Table 4.10-1. Open Space shall comply with the design requirements of Column (F) of Table 4.10-1. ⁽¹⁾Activities permitted within designated Open Space shall include those activities and their customary appurtenant improvements supporting open space uses as stated in the definition of Open Space shown in Appendix A.

4.10.4.10. TND Site Plan.

4.10.4.10.1. In addition to the preliminary plat and conditional use requirements specified in Appendix B, the TND Site plan shall also include all aspects of the spatial relationships proposed for the Traditional Neighborhood Development including:

- layout and dimensions of lots, setbacks (build-to-lines) ~~roadways, — alleys, underground utilities~~, open spaces and all information required to define the relationships within the streetscape;
- designated land uses and associated building heights with proposed streetscape enclosure ratios;
- proposed streetscape furnishings including the pedestrian lighting plan;
- proposed street tree landscape plan;
- outline covenants and design codes.
- **Standards for roadways, alleys, and underground utilities can be found in the Land Development Standards Manual (LDSM).**

4.10.5. TND INFILL.

All applications for a TND Infill site shall comply with the following development parameters:

4.10.5.1. Size and Location of Site. The maximum size of the site shall not exceed forty (40) acres, except as provided herein. The maximum size may be exceeded for sites zoned CC when the Application for Development Approval is filed.

4.10.5.2. Land Allocation and Density. A single land use category, as set forth in Table 4.10-1, may be approved as a TND Infill site. The requested densities shall conform to § Table 4.10-1.

4.10.5.3. Land Use.

4.10.5.3.1. The standards pertaining to abutting uses relate to the land use category of adjacent uses. The land use category may be determined from Table 4.11-1, below, where an adjacent site is developed as a TND Infill site, or from the Table below where the adjacent site is developed or within another zoning category. Uses listed in the Use Matrix within the zoning districts set forth in Column B, below, are within the “same land use category” as the corresponding TND land use category in Column A.

Table 4.11-1	
(A) TND Land Use Category	(B) Zoning Category
Civic	C-1, C-2
Retail	B-1, C-1
Office	C-2
Multi-family	RV, RC
Single-family	RE, RL, RM-1, RM-2

4.10.5.3.2. Carefully blended land uses form the essence of Traditional Neighborhood Development. Uses within different land use categories, may abut at rear lot lines or at side lot lines and facing (subject to subsection 4.10.8.3.3, below). Open space, such as parks, squares, greens and plazas shall be considered similar land uses with all TND use categories.

4.10.5.3.3. The following land use categories may abut at side lot lines or face across a street, square, park or common space:

- Single family may abut multi-family and small scale institutional;
- Multi-family may abut single-family, office, civic, institutional or retail;
- Retail may abut multi-family, office, civic or institutional. (Retail uses include shops, restaurants, entertainment and lodging.);
- Office may abut retail, institutional, civic, or multi-family.
- Institutional may abut single family (if the institutional use is small in scale), multi-family, office, civic or retail. (Institutional uses include privately owned uses including religious buildings, non-profit institutions, private recreational facilities, clubhouses, museums, cultural societies, visual and performance arts buildings.);
- Civic may abut institutional, multi-family,

standards. Retail and Office use buildings shall conform to §§ 11.5.2.4, 11.5.2.5, 11.5.2.6, and 11.5.2.7 of the CC District supplemental design standards.

4.10.5.6. Street, Alleys, Sidewalks, Street Trees, Street Furnishings and Utilities.

4.10.5.6.1. The Connectivity Ratio set forth in the Article 10 shall apply to the TND.

4.10.5.6.2. The street standards for TND roadways can be found in the Land Development Standards Manual (LDSM), are based on proven techniques for traffic calming and acceptable levels of vehicular circulation. Reduced roadway widths are also based on a comprehensive approach of streets and alleys.

- ~~Neighborhood Center Street:~~
~~ROW — 60'~~
~~BOC — 38' w/st. parking~~
~~Design Speed — 20 mph~~
~~Curb Radius — 30'~~
- ~~Neighborhood Street:~~
~~ROW — 50'~~
~~BOC — 25'~~
~~Design Speed — 20 mph~~
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- ~~Alley:~~
~~ROW — 20'~~
~~Pavement — 16'~~
~~DS — 15 mph~~
~~Curb Radius — 30' (optional)~~
- ~~(¹)Plaza Street (one way):~~
~~ROW — 40' (each way w/plaza under HOA ownership and not part of the right of way)~~
~~BOC* — 30' w/ on-street parking (each direction)~~
~~21' w/o on-street parking (each direction)~~
~~Design Speed — 20 mph~~
~~Curb Radius — 30'~~
~~*On-street parking must be provided on Plaza Streets~~
- ~~(¹)Boulevard Entry (4 lane)~~
~~ROW — 100' minimum~~
~~BOC — 28' w/o on-street parking (each direction)~~
~~Design Speed — 40 mph~~
~~Curb Radius — 30'~~

4.10.5.6.3. There shall be a continuous network of alleys to the rear of building lots within the TND, except when topography or physical feature makes impractical and as otherwise permitted herein. Dead end alleys are strongly discouraged, but in no circumstances shall an alley have a dead end length of over 100'.

4.10.5.6.4. An on-site transit stop shall be
 (1) City Council approved 9/27/2004

Transportation Authority.

4.10.5.6.5. Sidewalks shall be located on both sides of the street and separated from the roadway by a planting strip and/or designated parallel parking. If a planting strip is provided, it shall be a minimum of 6 feet in width.

4.10.5.6.6. Canopy Street trees shall be planted on both sides of the street and shall be spaced according to species and to the standards established in the landscape section of this ordinance. No understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Street trees planted within the TND commercial district or within a area subject to heavy foot traffic, design measures (such as tree grates) shall be installed as a measure to protect the tree root system.

4.10.5.6.7. Street furnishings shall include but not limited to:

- Commercial Areas: Pedestrian scale decorative street lights, decorative street signs, benches, trash receptacles, water fountain and other appropriate decorative pedestrian oriented features.
- Residential Areas: Pedestrian scale decorative street lights, decorative street signs.

4.10.5.6.8. To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located within the alley ROW and not along the streetscape frontage. It is assumed that domestic water service and sanitary sewer will serve from the streetscape frontage, but will

be located in such a way to cause the least impact on the planting strip and required street trees. Public Utility Departments, Companies and their contractors shall be required to cooperate with this effort.

4.10.5.7. Parking.

4.10.5.7.1. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the Article 8 Parking Standards of this Ordinance.

4.10.5.7.2. On street parking is required where a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single family area) can be accommodated without additional pavement width or delineation.

4.10.5.7.3. On-street parking shall be provided on streets abutting squares, small parks or other urban open spaces.

4.10.5.7.4. For interior commercial parcels, no less than 75% of the parking space shall be located to the rear of the building being served. Commercial parcels fronting on non-pedestrian oriented major thoroughfares may located primary parking lots along this frontage. Where primary parking abuts streets within the interior of the TND, screen walls shall be erected on the frontage line where primary parking lots are located.

4.10.5.7.5. Primary parking lots (over 24 spaces) and parking garages shall not: (1) abut street intersections; (2) be located adjacent to squares or parks; or (3) occupy lots which terminate a street vista.

4.10.5.7.6. Adjacent parking lots shall have vehicular connections from an alley.

4.10.5.7.7. Parking for retail and service uses shall not require on-site parking provided, however, that: (1) the required parking, in accordance with the Parking Standards of this Ordinance, is available within a six-hundred-foot radius of the activity; (2) the total floor space for the individual uses does not exceed twenty-five hundred (2500) square feet of gross floor area; and (3) such uses are restricted to Retail and multi-family areas. Due to the pedestrian nature

of the TND, parking requirements for retail, service and institutional uses may be reduced by 25% of any use related parking standards established in Article 8 of this ordinance. On-street parking shall count toward any minimum parking requirements.

4.10.5.7.8. Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building unless otherwise approved on the TND plan.

4.10.5.8. Landscaping and Buffering.

4.10.5.8.1. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with the Article 7 Landscaping and Screening Standards of this Ordinance.

4.10.5.8.2. The purpose of this Section is to ensure that trees are used as a design element to provide visual identity to the TND and to reinforce the public function of streets. Street trees shall be planted along all streets at an average center to center spacing based on the mature spread of the particular street tree.

4.10.5.9. Open Space.

4.10.5.9.1. The proposed development shall include at least the amount of open space as prescribed in Table 4.10-1. Open Space shall comply with the design requirements of Column (F) of Table 4.10-1. ⁽¹⁾Activities permitted within designated Open Space shall include those activities and their customary appurtenant improvements supporting open space uses as stated in the definition of Open Space shown in Appendix A.

4.10.5.10. TND Site Plan.

4.10.5.10.1. In addition to the preliminary plat and conditional use requirements specified in Appendix B, the TND Site plan shall also include all aspects of the spatial relationships proposed for the Traditional Neighborhood Development including:

- layout and dimensions of lots, setbacks (build-to-lines) ~~roadways, alleys, underground utilities~~, open spaces and all information required to define the relationships within the streetscape;
- designated land uses and associated building heights with proposed streetscape enclosure

- ratios;
- proposed streetscape furnishings including the pedestrian lighting plan;
- proposed street tree landscape plan;
- an outline of covenants and design codes.
- Standards for roadways, alleys, and underground utilities can be found in the Land Development Standards Manual (LDSM).

Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length

Structure - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations and overhead transmission lines.

Tree - Any object of natural growth.

4.13.3. LOCATION.

The AO Overlay District shall overlap and overlay the base zoning districts. The former City of Concord Airport Overlay District (AO) designated pursuant to the former City of Concord Zoning Ordinance § 790, is hereby designated as the AO Overlay District. Said overlay district may be expanded by adding additional land area from time to time by an amendment to this Ordinance.

4.13.4. PRINCIPAL AND ACCESSORY USES.

Permitted principal uses, conditional uses and accessory uses shall be those within the underlying zoning district as set forth in Table 4.6-1, provided that no use shall be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

4.13.5. USE RESTRICTIONS.

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport, [pursuant to NCGS § 143-214.7.](#)

4.13.6. AREA REGULATIONS.

Dimensional requirements such as lot size and building depth shall be governed by the underlying zoning districts. Height requirements shall be governed by the General Development Standards § 4.13.7, below, but in no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

4.13.7. GENERAL DEVELOPMENT STANDARDS.

In order to carry out the provisions of these regulations, there are hereby created and established within the Concord Regional Airport. Such zones are shown on the Official Concord Regional Airport Hazard Zoning Map which is attached to these regulations and made a part hereof. An area located in more than one of the following zones shall be subject to the Airport Overlay District certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones, as they apply to the more restrictive height limitation. The various zones are hereby established and defined in Column (B) of Table 4.13-1. Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow or be maintained in any of the zones created by these regulations to a height in excess of the applicable height limit herein established for such zone. Unless otherwise specified, the height shall be measured from mean sea level. Such applicable height limitations are hereby established for each of the zones in Column (C) of Table 4.13-1.

Table 6-1.1 Classification of Subdivisions

(A)		(B) DESIGNATED AGENCY (DECISION MAKER)	(C) TIME LIMIT FOR PROCESSING
CLASSIFICATION	STAGE		
Minor Subdivision	Sketch Plat	Administrator	15 working days
Minor Subdivision	Final Plat	Administrator	15 working days
Major Subdivision	Sketch Plat	Administrator	15 working days
Major Subdivision	Preliminary Plat	⁽¹⁾ Technical Review Committee	30-60 days
Major Subdivision	Final Plat	Administrator	15 working days
Construction Plans	—	Public Works Director, as delegated by this Ordinance	30 days
Exception from Subdivision Ordinance (see § 6.4.16)	—	Planning & Zoning Commission	Reasonable period of time, depending on circumstances and scope of application

6.4.8.9. The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as set forth in Appendix B.

6.4.8.10. In addition to the criteria as set forth in § 6.2 of this Ordinance, the Administrator shall not approve a final plat unless and until satisfactory evidence is filed that the final plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

6.4.8.11. The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

6.4.8.12. The applicant shall place reference monuments in the subdivision as required by NCGS § 47-30.

6.4.9. PHASING OF A PRELIMINARY PLAT.

Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the final plat shall coincide with phase lines as established on the preliminary plat. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Commission.

6.4.10. RECORDING A FINAL PLAT.

6.4.10.1. Within the time period prescribed by Table 6.4-1 of this Ordinance, after final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

6.4.10.2. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

6.4.10.3. Plat Review Officer. Final plats for major subdivisions shall be reviewed by a Review Officer in the same manner as set forth in § 6.3.7.4 of this Ordinance.

6.4.11. SCOPE OF APPROVAL FOR FINAL PLAT.

6.4.11.1. Approval of the final plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the final plat and engineering plans for the maintenance, repair or operation thereof. (See § 6.4.13 for acceptance).

6.4.11.2. No zoning clearance permit or building permit shall be issued or approved until the expiration of ten (10) business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus (or Rowan) County.

6.4.12. CONSTRUCTION PLANS.

6.4.12.1. Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer or professional landscape architect, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by Appendix C and the [Land Development Standards Manual \(LDSM\)](#) of this Ordinance and any additional technical manuals as adopted by the City. Construction plans shall be submitted to the Public Works Director for review and approval as an administrative permit. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

6.4.12.2. The Administrator shall delegate the authority to review and approve all construction plan applications to the Public Works Director.

6.4.12.3. All installations of improvements shall

conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Public Works Director. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

6.4.12.4. As-Built Drawings.

Prior to final inspection of the required improvements, the applicant shall submit to the Administrator, per the Land Development Standards Manual (LDSM), one (1) reproducible copy and two (2) prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.

6.4.12.4.1. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the City's Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have

received approval.

6.4.12.4.2. As-built drawings shall depict water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.

6.4.12.4.3. As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.

6.4.12.4.4. As-built drawings shall show all control points and monumentation.

6.4.13. INSPECTION OF IMPROVEMENTS.

6.4.13.1. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the city and state may make inspections at any time during the progress of work.

6.4.13.2. All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the Public Works Director, (or his/her designee), the applicant shall provide the Public Works Director with written reports of each final inspection.

6.4.13.3. Prior to beginning construction, the applicant shall arrange with the Public Works Director a pre-construction meeting for the purpose of coordinating construction activities.

6.4.13.4. It shall be the responsibility of the applicant to notify the Public Works Director (or his/her designee) of the commencement of construction of improvements one (1) full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction

Table 6.6-2. Maximum Number of Flag Lots

Size of Subdivision	Maximum Number or Percentage (%) of Flag Lots
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

- This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots.
- The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

6.6.9. INFRASTRUCTURE STANDARDS.

6.6.9.1. Standards for Street Design.

Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance and the Land Development Standards Manual (LDSM).

6.6.9.2. Standards for Utilities.

Standards for the design and installation of public utilities shall be in accordance with Appendix C of this Ordinance and the Land Development Standards Manual (LDSM).

presented to the Administrator that these spaces will not be used regularly on a daily basis (will be used less than five times per week). Parking areas for which paving is waived shall maintain a gravel or crushed stone surface. The gravel must be at least two (2) inches deep throughout the vehicular use area, except as permitted in Watershed Protection Overlay Districts in Article 4. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention. All parking lots shall be constructed with proper drainage.

G. Overhang Protection - Wheel or bumper guards or curbing shall be provided, located and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking space and into a pedestrian crossing area.

1. Except where a wall is constructed, a minimum six (6) inch high vertical concrete curb (or individual bumper guard) shall be constructed or installed so that no part of a vehicle extends beyond the property line.

H. Striping Required - Off-street parking areas, as required by this Ordinance, shall be striped in accordance with the dimensions as set forth in this Article 8.

I. Backing Movements Prohibited. Except for single-, two-, and three-family dwellings on individual lots, parking spaces and driveways shall be arranged to require ingress and egress from the lot to a public street by forward motion of the vehicle.

J. Sight Triangles - Sight Triangles for intersections of driveways and public streets shall be regulated in accordance with ~~Appendix C of this Ordinance.~~ **Land Development Standards Manual (LDSM).**

K. Upfit to existing Public Street Required. New multi-family and nonresidential projects shall be required to provide curb and gutter and sidewalks* to adjacent public streets which provide access to the development, ⁽¹⁾in accordance with the policy on file in the office of the Public Works Director, except as where approved for an exception per Section C.1.8. Sidewalk, Curb, and Gutter Exception. Such

improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Additional right-of-way dedication may be required, as deemed necessary, to accomplish future road improvements as determined by the City of Kannapolis Public Works Director. Design standards shall be subject to review and approval by the Public Works Director. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the Public Works Director, and the N. C. Department of Transportation.

*Note that sidewalks shall not be required ⁽¹⁾for development located in the I-1 and/or I-2 zoning districts. However, this shall not prohibit the requirement for other roadway improvements (such as curb and gutter or additional right-of-way).

L. Maintenance Standards - Parking lot access roads and off-street parking areas shall be properly maintained in all respects. In particular, parking lot access roads and off-street parking area surfaces shall be kept in good condition (free from potholes, structural failures, etc.) as determined by the City of Kannapolis Public Works Director, or his/her designee, and parking space lines or markings shall be kept clearly visible and distinct.

M. Fractions - When calculation of the number of required parking spaces results in a fractional number, a fraction of less than .5 shall be disregarded and a fraction of .5 or more shall be rounded to the next highest whole number.

8.1.3. DRIVEWAY AND PARKING SPACE REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX DWELLINGS ON INDIVIDUAL LOTS.

A. New Single-Family, Duplex, and Triplex dwellings shall construct and maintain a paved area large enough to accommodate two (2) 9'x18' off-street parking spaces per dwelling unit (excluding garage spaces) unless the public street on which the driveway connects is 20 feet wide or less of paved surface (excluding curb and gutter). In such cases, three (3) 9'x18' paved off-street parking spaces per dwelling unit shall be

8.2. ⁽¹⁾PRIVATE DRIVEWAY PROVISIONS.

8.2.1. SCOPE.

All proposed vehicular access points to connect to a public street shall conform to the Access Management provisions of this Section 8.2, as well as applicable sections of Article 10 and Appendix D of this Ordinance and ~~the Land Development Standards Manual (LDSM)~~. This Section 8.2 shall apply to all driveways or access points to be maintained on private property. The provisions of Appendix D of this Ordinance shall regulate that portion of a private driveway that connects to a public and extends to the edge of a public right-of-way.

A. If ingress and egress are the same, off-street parking spaces shall be connected to a public street by a paved driveway which affords safe and convenient ingress and egress provided, however, that the Administrator may waive this requirement where:

1. the driveway is connected to an adjacent driveway or series of driveways with access to a public street, and
2. the applicant has a valid easement providing for access to all driveways leading to the public street.

B. **Driveway Width** - The width of driveways shall be measured at the point of intersection with the public street right-of-way. Driveway width shall be regulated in accordance with ~~Table 8.2-1 below the LDSM~~, unless the Administrator determines the width should be expanded as set forth in § 8.2.1(C). Medians shall not be included in the calculation for the width of driveways. Where no right-of-way exists, the Administrator shall determine the most appropriate location for the measurement.

Table 8.2-1 — Driveway Width

Type	Min.	Max.
One way	*	20 feet
Two way	*	36 feet
*subject to parking design as set forth		

~~—in Column “D” of Table 8.3-2~~

C. The Administrator may waive the requirements of § 8.2.1(B) only under the following conditions:

1. The Public Works Director determines that a wider turning area is needed in order to avoid a traffic hazard,
2. The Public Works Director and the Administrator jointly determine an appropriate distance from the point of intersection with the public street right-of-way where the driveway shall conform to the dimensional requirements of ~~Table 8.2-1 below the LDSM~~,
3. The design of the driveway is such that it progressively decreases in width to conform to the width as determined in ~~Table 8.2-1 below the LDSM~~,
4. Review and final approval of any proposed driveway design that does not conform to the dimensional limitation shall be under the authority of the Administrator upon recommendation from the Public Works Director.

TND Traditional Neighborhood Development
TOD Transit-Oriented Development

F. Uses Not Identified in Table 8.3-1 The Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in Table 8.3-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- type of use(s);
- number of employees;
- the Occupant Load (per Building Code) of the building;
- square feet of sales area and service area;
- parking spaces proposed on-site;
- parking spaces provided elsewhere; and
- hours of operation.

G. Multiple Uses - In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in § 8.3.1(I).

H. Seating Calculations. When seating consists of benches, pews, or other similar seating facilities, each 20 linear inches of seating space shall be counted as 1 seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, 15 square feet of net floor area shall be construed to be equal to one seat.

1. Modification to Required Number of Spaces. In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to reduce the parking requirement by up to 10 percent, if fifty (50%) of the reduced area is used for parking lot landscaping. Additional landscaping must be in addition to that required by Article 7 of this Ordinance. Bonus landscaping area for reduced parking spaces shall only apply to industrial, commercial, and office/institutional districts.

I. Shared Parking - Off-street parking

requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

1. In non-residential zoning districts, the parking may be up to five hundred (500) feet from the principal structure;

2. The applicant shall submit a shared parking study to the Planning Director clearly demonstrating the feasibility of shared parking. The study shall address, at a minimum, the size and type of proposed development and/or use, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces; and

3. A written agreement between the owners and lessees is executed for a minimum of ten (10) years, approved by the Administrator, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

J. Developments which contain a mix of uses on the same parcel, as set forth in Table 8.1-5 below, may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with Table 8.3-1 for each land use as if it were a separate use, (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 8.3-3, (3) calculate the total for each time period (Columns), (4) select the Column with the highest total, and (5) use this number as the required minimum number of parking spaces.

Minimum dimensions of standard parking spaces (other than compact car spaces and handicap spaces) and maneuvering areas shall be as set forth in [Table 8.3-2 the LDSM](#).

8.3.2. PARKING AISLE AND SPACE

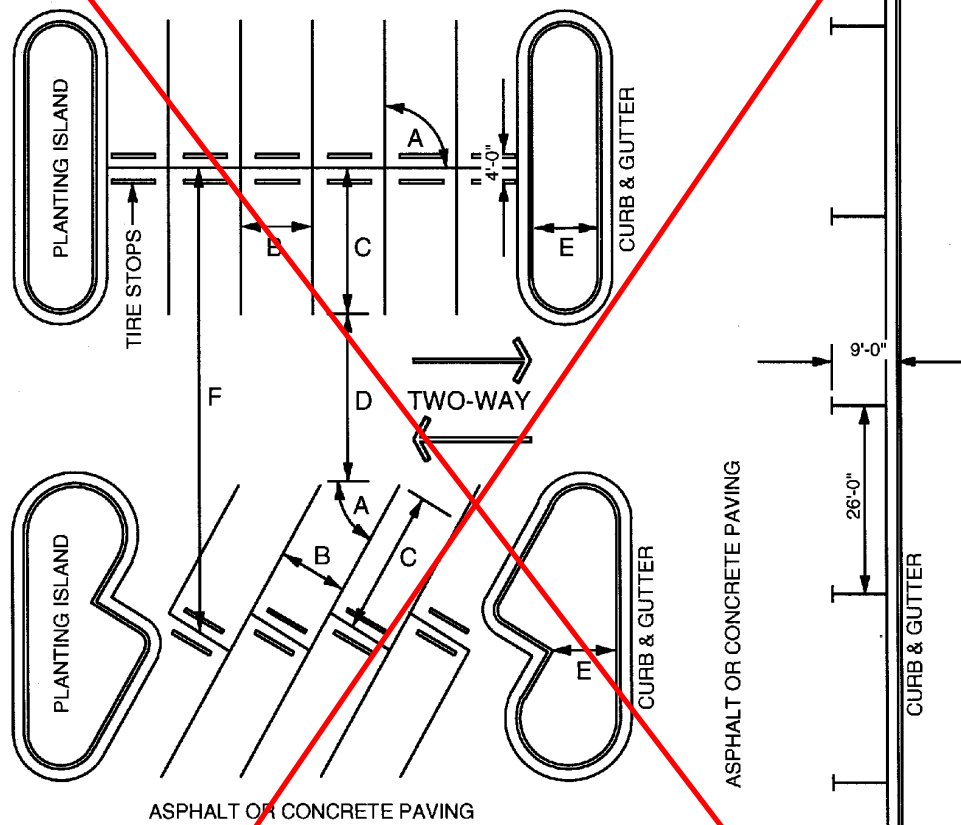
DIMENSIONS.

A. Handicapped Spaces – ~~Handicapped parking spaces shall be a minimum of 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a 5-foot access aisle); a minimum of 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8-foot access aisle); or 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8-foot access aisle between spaces).~~ Parking spaces for handicapped or disabled persons shall comply **with the LDSM and** Chapter 4 of the North Carolina Accessibility Code. The required number of handicapped spaces is depicted in Table 8.3-4.

B. Compact Car Spaces – ⁽¹⁾Not more than twenty (20) percent of the spaces required by Table 8.3-1 shall be designed as compact car parking spaces. Each compact car parking space shall meet the requirements of ~~Table 8.3-2, Compact-size vehicles~~ **the LDSM**. Compact car parking spaces shall be clearly marked or posted for “Compact Cars Only.” All other provisions of this Article relating to off-street parking requirements shall be met.

**FIGURE 8.3-1
STANDARD PARKING DIMENSIONS**

Standard Parking Dimensions



Handicapped Parking Dimensions

See North Carolina Accessibility Code

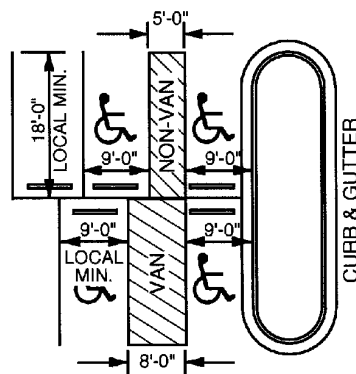


TABLE 8.3-2⁽¹⁾
PARKING AREA DIMENSIONAL STANDARDS

Standard-size Vehicles						
A	B	C	D	E	F	G
0°	9.0'	26.0'	12.0' ONE-WAY	N/A	N/A	N/A
*45°	9.0'	18.0'	12.0' ONE-WAY	6.3'	51.0'	2.0' / 4.0'
*60°	9.0'	18.0'	18.0' ONE-WAY	7.8'	58.0'	2.0' / 4.0'
*90°	9.0'	18.0'	24.0' TWO-WAY	9.0'	60.0'	2.0' / 4.0'

(2)*Parking located within a parking structure in the CC district may reduce parking stalls to a width of 8.5 feet.

Compact-size Vehicles						
A	B	C	D	E	F	G
45°	8.0'	16.0'	N/A	5.3'	N/A	1.5' / 3.0'
60°	8.0'	16.0'	N/A	6.8'	N/A	1.5' / 3.0'
90°	8.0'	16.0'	N/A	8.0'	N/A	1.5' / 3.0'

Key (also see Figure 8.3-1):

- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width
- E. Planting Island Width (minimum width shown, refer to Article 7 for minimum area)
- F. Parking Bay Width
- G. Bumper Overhang (front / rear)

TABLE 8.3-3
SHARED PARKING ALLOWANCES BY LAND USE

A	B	C	D	E	F
	Weekday		Weekend		
Land Use	Daytime*	Evening*	Daytime*	Evening*	Nighttime*
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

*Key:

- Daytime (6am – 5pm)
- Evening (5pm – midnight)
- Nighttime (midnight – 6 am)

TABLE 8.3-4
HANDICAPPED PARKING SPACES REQUIRED

Total parking spaces provided	1-25	26-50	51-75	76-100	101-150	151-200	201-300	301-400	401-500	501-1000	1001 & over
Minimum number of accessible spaces required	1	2	3	4	5	6	7	8	9	2% of total	20+ 1 for each 100 over 1000
Minimum Number of accessible spaces required to be van accessible (see note)	1	1	1	1	1	1	1	1	2	1 in every eight accessible spaces	1 in every eight accessible spaces

8.3.3 VEHICLE STACKING AREAS

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Planning Director.

A. Minimum Number of Spaces.

+

1. Off-street stacking spaces shall be provided as required in Table 8.3-5.
2. Required stacking spaces are subject to the following design and layout standards.
 - a. **Size** – Stacking spaces shall be a minimum of 10 feet by 20 feet in size.

9.1 GENERAL PROVISIONS.

9.1.1 TITLE

This ordinance shall be officially known as “The Phase II Stormwater Ordinance.” It is referred to herein as “this ordinance.”

9.1.2 AUTHORITY

The Kannapolis City Council is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A, §§ 174, 185 and [; as well as Chapter 113A, Article 4 (Sedimentation Pollution Control)] [; Article 21, Part 6 (Floodway Regulation)] [; Chapter 160A, Article 19 (Planning and Regulation of Development), ; Chapter 153A, Article 18].

9.1.3 FINDINGS

It is hereby found by the Kannapolis City Council that: Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, and reduction of groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this ordinance.

Therefore, the Kannapolis City Council hereby adopts water quality and quantity regulations set forth in this Ordinance to meet the requirements

of state and federal law regarding control of stormwater runoff and discharge.

9.1.4 PURPOSE

A. General

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment as well as illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources.

B. Specific

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;
2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm in order to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of structural ~~stormwater~~ **Better Management Practices (“BMP”)** **Stormwater Control**

Measure (SCM) that may be used to meet the minimum post-development stormwater management standards;

5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace and other conservation areas to the maximum extent practicable;

6. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural ~~stormwater BMPs~~ **SCM** to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

7. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

8. Coordinating site design plans that include open space and natural areas as referenced within the Unified Development Ordinance.

9. Controlling illicit discharges into the municipal separate stormwater system.

10. Controlling erosion and sedimentation from construction activities.

11. Assigning responsibility and processes for approving the creation and maintenance of adequate drainage and flood damage prevention.

9.1.5 APPLICABILITY AND JURISDICTION

A. General

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection (B) of this Section, Exemptions, below.

B. Exemptions

Development and redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

C. No Development or Redevelopment Until Compliance and Permit

No development or redevelopment shall occur except in compliance with the provisions of this ordinance or unless exempted. No development for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

D. Map

The provisions of this ordinance shall apply within the Kannapolis municipal boundaries and property within the extra territorial jurisdiction (ETJ) of the City.

9.1.6 INTERPRETATION

A. Meaning and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in 9.1.4 Purpose. If a different or more specific meaning is given for a term defined elsewhere in Kannapolis Code of Ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.

B. Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Authority for Interpretation

The Director of Public Works or his designee has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Director of Public Works or his designee who shall respond in writing within 30 days.

The Director of Public Works or his designee shall keep on file a record of all written interpretations of this ordinance.

D. References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

E. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City of Kannapolis, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City of Kannapolis. References to days are calendar days unless otherwise stated.

F. Delegation of Authority

Any act authorized by this Ordinance may be carried out by the Director of Public Works or his designee.

G. Usage

1. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

2. Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions or events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.

3. Tense, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage

clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

H. Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

9.1.7. DESIGN MANUAL

A. Reference to Design Manual ("Design Manual")

The Director of Public Works or his designee shall use the policy, criteria, and information, including technical specifications and standards, in the most recent edition of the North Carolina Department of Environmental and Natural Resources ("NCDENR") Manual of Stormwater Best Management Practices as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural ~~stormwater BMPs- SCM~~.

The NCDENR Manual of Stormwater Best Management Practices includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws. Exceptions to the NCDENR ~~Stormwater BMPs- SCM~~ Manual will be the decision of the Director of Public Works or his designee.

B. Relationship of Design Manual to Other Laws and Regulations

If the specifications or guidelines of the NCDENR Manual of Stormwater Best Management Practices are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the NCDENR Manual of Stormwater Best Management Practices.

C. Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the NCDENR Manual of Stormwater Best Management Practices are amended subsequent to the submittal of an application for approval

2. Notwithstanding the variance criteria above, variances may also be granted in the following instances:

- a. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of stormwater control best management practices (“~~BMPs~~ SCM”); or
- b. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water sewer, or gas construction and maintenance corridor, as long as it is located fifteen (15) feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of ~~BMP’s~~ SCMs; or
- c. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

3. The Board of Adjustment may place reasonable and appropriate conditions and safeguards on the variance as part of the approval to ensure that adequate mitigation measures are associated with the proposed use. Violation(s) of any of the conditions shall be treated in the manner set forth in § 1.6 of this Ordinance.

C. SCOPE OF APPROVAL.

The approval of a variance shall authorize the applicant to apply for final site plan approval pursuant to § 3.6 of this Ordinance. All variance approvals require approval of the final site plan. Any variance approval shall become null and void if a required site plan is not approved within twelve (12) months following the date of approval by the Board of Adjustment. No zoning clearance permits shall be issued until the variance and final site plan are approved. Approval of a variance does not authorize any development activity.

D. SUBSEQUENT APPLICATIONS.

Subsequent applications for a variance shall be handled in the same manner as that for rezonings prescribed in § 3.3.8 of the Ordinance.

9.2.6. APPEALS

See Article 3 for information regarding the appeals process for the issuance of stormwater permits.

Emergency spillway facilities shall be designed to accommodate the 50-year, 24 hour frequency storms. Cross-drainage storm sewers shall be designed for a 25-year, 24 hour frequency storm, unless located within a FEMA flood hazard area, in which case the storm sewer shall be designed for the 100-year, 24 hour storm event. All other storm sewers shall be designed for a 10-year, 24 hour frequency storm.

All industrial, commercial, and residential subdivision site plans shall include an analysis of off-site downstream features to determine the stormwater impacts on the receiving private and public properties. The analysis shall extend a minimum of one-fourth of a mile downstream from the project and include measures to mitigate these impacts.

9.3.5.1 CHARLOTTE MECKLENBURG STORM WATER DESIGN MANUAL. The City Council hereby finds that hydrologic conditions in Cabarrus and Rowan County and Mecklenburg County are similar and that it is in the public interest to maintain a uniform regional procedure for computing the stormwater impacts of new development. Accordingly, the methodology of computing peak flows, runoff volumes, and discharge capacities for storm events and stormwater management facilities shall be computed using the methodology in accordance with the *Charlotte Mecklenburg Storm Water Design Manual*. U.S. Geological Survey and NOAA (National Oceanic and Atmospheric Administration) rainfall data for Cabarrus and Rowan County shall be used in the analysis of stormwater facilities. A copy of the Charlotte Mecklenburg Storm Water Design Manual can be viewed at the City of Charlotte-Mecklenburg County website, www.charmeck.org.

In any case where the *Charlotte Mecklenburg Storm Water Design Manual* and the NCDENR Manual of Stormwater Best Management Practices have conflicting design standards, the states **BMP SCM** requirements apply.

The following sections of the Stormwater Manual shall not apply to this Ordinance: Flood Analysis, Approximate Flood Limits, Storm Drain Location, Inlet Types and Spacing, Cross Slope, Curb and Gutter, and Detention Facilities Used for Credits, including any references to the Charlotte-Mecklenburg Land Development Standards Manual or to storm water fees.

9.3.6 STANDARDS FOR STORMWATER CONTROL MEASURES

A. Evaluation According to Contents of Design Manual

All stormwater control measures and stormwater treatment practices required under this ordinance shall be evaluated by the Director of Public Works or his designee according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Design Manual. The Director of Public Works or his designee shall determine whether they will be adequate to meet the requirements of this ordinance.

B. Determination of Adequacy; Presumptions and Alternatives

Stormwater treatment practices that are designed, and constructed, and maintained in accordance with the criteria and specifications in the Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Director of Public Works or his designee may require the applicant to provide such documentation, calculations, and examples as necessary for the Director of Public Works or his designee to determine whether such an affirmative showing is made.

9.3.7 DEDICATION OF **BMPs SCMs**, FACILITIES & IMPROVEMENTS

Easements, rights-of-way, or other legal access shall be provided to all stormwater management facilities for inspection, periodic maintenance, and infrequent repairs. Property owners and their successors and interest are responsible for the maintenance and upkeep of the easement area, operation and per the Maintenance Agreement (hereinafter defined). Easements in favor of the City must be provided for access, inspection, and emergency maintenance by the City when a property owner defaults on the maintenance agreement. Emergency maintenance performed or directed by the City shall be completed at the cost

development and redevelopment that drains in whole or part to class NSW waters shall design and implement the best stormwater practices that reduce nutrient loading, while still meeting the other requirements of this ordinance.

9.3.12. ONSITE WASTEWATER

A. Operation and Maintenance Requirements

New and replaced onsite above ground systems for domestic wastewater installed after the effective date of this ordinance shall be subject to the same requirements for operation and maintenance as are structural **BMPs** **SCMs** for stormwater, including, at a minimum, annual inspection reports and a recorded operation and maintenance agreement, pursuant to Section 4 of this ordinance. Below ground systems shall be maintained in proper working order.

B. Standards for Operation and Maintenance

Onsite systems for domestic wastewater, which are privately owned by a property owner and covered by this ordinance, shall be operated and maintained so as to avoid adverse effects on surface water and groundwater, including eutrophication of surface water and microbial or nitrate contamination of groundwater. Septic tank residuals shall be pumped whenever necessary to assure the proper operation of the system to meet these standards, and the septage shall be reused or disposed of in a manner that does not present significant risks to human health, surface water or groundwater.

9.4. MAINTENANCE.

9.4.1. GENERAL STANDARDS FOR MAINTENANCE

A. Function of **BMPs** **SCMs** as Intended

The landowner or person in possession or control of the land upon which each structural **BMP** **SCM** is installed pursuant to this ordinance ("Owner") shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural **BMP** **SCM** was designed.

B. Annual Maintenance Inspection and Report

The individual responsible for maintenance of any structural **BMP** **SCM** installed pursuant to this ordinance shall submit to the Director of Public Works or his designee an inspection report from a qualified registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The inspection report shall contain all of the following:

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each structural **BMP** **SCM**;
3. A statement that an inspection was made of all structural **BMPs** **SCMs**;
4. The date the inspection was made;
5. A statement that all inspected structural **BMPs** **SCMs** are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
6. The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Director of Public Works or his designee. An original inspection report shall be provided to the Director of Public Works or his designee beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.

9.4.2 OPERATION AND MAINTENANCE AGREEMENT

A. In General

Prior to the conveyance or transfer of any lot or building site ("Lot") to be served by a structural **BMP** **SCM** pursuant to this ordinance, and prior to issuance of any permit for construction, development or redevelopment requiring a structural **BMP** **SCM** pursuant to this ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall run with the land and be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural **BMP** **SCM**. Until the transference of all property, sites, or lots served by the structural **BMP** **SCM**, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

1. The operation and maintenance agreement shall require the owner or owners or successors in interest to maintain, repair and, if necessary, reconstruct the structural **BMP** **SCM**, and shall state the terms, conditions, and schedule of maintenance for the structural **BMP** **SCM**. In addition, it shall grant to the City of Kannapolis a right of entry in the event that the Director of Public Works or his designee has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural **BMP** **SCM**; however, in no case shall the right of entry, of itself, confer an obligation on the City of Kannapolis to assume responsibility for the structural **BMP** **SCM**.

2. Each operation and maintenance agreement shall contain, without limitation, the following provisions:

- a. A description of the property on which the **BMP** **SCM** is located and all easements from the site to the facility;
- b. Size and /configuration of the **BMP** **SCM**;
- c. A statement that properties which will be served by the **BMP** **SCM** facility are granted rights to construct, use, inspect, replace, reconstruct, repair, maintain, access to the device and to transport, store, and discharge stormwater to and from the device;

- d. A statement that each lot served by the ~~BMP SCM~~ is jointly or severally responsible for repairs and maintenance of the device and any unpaid ad valorem taxes, public assessments for improvements and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorneys fees, cost and expenses of collection. A requirement of contribution in favor of each owner shall be included in the operation and maintenance agreement. That failure to maintain ~~BMP-SCM~~ is a violation of the City Code potentially subjecting each lot owner subject to this legal document to significant daily civil penalties and other enforcement actions.
3. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the device and any successive owner, the association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel.
4. An operation and maintenance plan or manual, together with a budget, shall be provided by the initial developer. The plan or manual shall indicate what operation and maintenance actions are needed, and what specific quantitative criteria will be used to determine when those actions are to be undertaken. The plan or manual must indicate the steps that will be taken to restore a stormwater system to design specifications if a failure occurs. The budget shall include both annual costs such as routine maintenance, periodic sediment removal and replenishment of rip-rap, insurance premiums, taxes, mowing and reseeding, required inspections, and a sinking fund for structural; biological; or vegetative replacement of the ~~BMP SCM~~, major repair and replacement repair of the ~~BMP-SCM~~ and other cost of the stormwater control facilities. These required documents shall be attached to the property association declaration as an exhibit; and
5. A statement that the BMP shall be maintained in accordance with the attached stormwater operations and maintenance manual and budget, and at all times BMP shall comply with all applicable laws, ordinances, regulations, rules and directives of governmental authorities, and that the BMP shall perform as designed.
6. The BMP shall be maintained by the homeowners' association, property owners' association, or designated commercial lot owner(s) in accordance with the approved stormwater operations and maintenance manual and budget, which manual shall be attached to the operations and maintenance agreement as an exhibit, and at all times the BMP shall comply with all applicable laws, ordinances, regulations, rules and directives of governmental authorities, and that the BMP shall perform as designed.
7. Common expenses include but are not limited to : (i) maintenance of the BMP and (ii) premiums for liability insurance in an amount of not less than one million dollars (\$1,000,000.00) covering all occurrences commonly insured against for death, bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of common areas, including the BMP and the premiums of hazard insurance on the common area(s) insuring against all risk of loss commonly insured against, including fire and extended coverage of peril.
8. A statement that within permanently protected undisturbed open space areas no land-disturbing activity, placement of impervious surface, removal of vegetation, encroachment, construction or erection of any structure shall occur except in accordance with a permit first being issued by the City of Kannapolis.
9. A warning statement stating that the stormwater control measures are required to comply with Kannapolis City Code of Ordinances and that failure to maintain a ~~BMP-SCM~~ is a violation of the City Code potentially subjecting each lot owner subject to this legal document to significant daily civil penalties and other enforcement actions.
10. The operation and maintenance agreement must be approved by the Director

of Public Works or his designee prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Director of Public Works or his designee within fourteen (14) days following its recordation.

B. Special Requirement for Homeowners' and Other Associations

For all structural ~~BMPs—SCMs~~ required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, ("Association") the required operation and maintenance agreement shall include all of the following provisions:

1. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
2. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural ~~BMPs—SCMs~~. If structural ~~BMPs—SCMs~~ are not performing adequately or as intended or are not properly maintained, the City of Kannapolis, in its sole discretion, may remedy the situation, and in such instances the City of Kannapolis shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural ~~BMPs—SCMs~~, provided that the City of Kannapolis shall first consent to the expenditure.
3. Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to fifteen (15) per cent of the initial construction cost of the structural ~~BMPs—SCMs~~. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years

following initial construction of the structural ~~BMPs—SCMs~~. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

4. The percent of developer contribution and lengths of time to fund the escrow account may be varied by the City of Kannapolis depending on the design and materials of the stormwater control and management facility.

5. Grant to the City of Kannapolis a right of entry to inspect, monitor, maintain, repair, and reconstruct structural ~~BMPs—SCMs~~.

6. Each Owner, by acceptance of a deed or other instrument conveying title to a Lot, whether or not it shall be so expressed therein, is deemed to covenant and agree:

- a. to pay to the Association (or to any Person who may be designated by the Association to collect such monies) a stormwater assessment, ("Stormwater Assessment"), established and collected as hereinafter provided, and each Owner of a Lot, by acceptance of a deed or other instrument conveying title to a Lot, whether or not it shall be so expressed therein, is deemed to covenant and agree to pay to the Association (or to any person who maybe designated by the Association to collect such monies) such Stormwater Assessment. The annual budget for the Association shall include a line item evidencing the Stormwater Assessments, and the amount budgeted shall be sufficient to satisfy the total annual inspection, management and maintenance budget for the ~~BMP—SCM~~ and any replacement account. The Association shall honor its obligations under the Agreement, and the Association shall assess the Stormwater Assessment. Each Owner of a Lot shall be obligated to pay the Stormwater Assessment, whether or not the annual budget

contains the required line item for the Stormwater Assessment, and whether or not the annual budget is ratified by the members of the Association. No vote of the Owners is required to levy, collect, or foreclose a Stormwater Assessment. Stormwater Assessments shall be paid to the Association at the same time annual assessments are due. Stormwater Assessments to be levied against such Lot shall be used as follows:

1. to pay the actual and estimated expenses incurred or anticipated to be incurred by the Association, including any reasonable reserve funds, under any stormwater operation and maintenance agreement, including maintenance of any ~~BMP-SCM~~ so that at all times the ~~BMP-SCM~~ shall perform as designed and shall comply with the stormwater operations and maintenance agreement, the City Code, applicable regulations and rules and directives of the City;
 2. to pay all legal, engineering and other professional fees incurred by the Association in carrying out its duties as set forth herein, or in the stormwater operations and maintenance agreement in connection with the ~~BMP-SCM~~; and
 3. payments to the City pursuant to the operations and maintenance agreement.
- b. In the event of nonpayment of any Stormwater Assessment for a period of forty-five (45) days or longer after the payment due date, such Stormwater Assessment, together with interest at a rate not to exceed the highest rate allowed by North Carolina law), as computed from the date the delinquency first occurs, late charges, and costs of collection thereof, including reasonable attorney's fees, shall be a charge on the land upon the filing of a claim of lien, in the manner provided in G.S.47F-3-116(g), in the office of Clerk of Superior Court in the County in which the Lot is located and shall be a continuing lien upon each

Lot against which the assessment is made until paid in full. The lien may be foreclosed in accordance with North Carolina law, or in any other manner permitted by law. When the holder of a first mortgage or first deed of trust of record or other purchaser of a Lot who obtains title to the Lot as a result of a foreclosure of a first mortgage or first deed of trust, such purchaser and its heirs, successors, and assigns shall not be liable for the Stormwater Assessments against such Lot which became due prior to the acquisition of title to such Lot by such purchaser. In such instances, such unpaid assessments shall be deemed a debt collectible from all Owners, including the new Owner.

- c. Each Stormwater Assessment, together with late charges, interest, the costs of collection thereof, including attorney's fees, shall also be the personal obligation or corporate obligation of each individual or entity who was the Owner of a Lot at the time when the Stormwater Assessment first became due and payable. If more than one individual or entity held an ownership interest in a Lot at the time the Stormwater Assessment first became due, then each individual or entity shall be both jointly and severally liable. An Owner's personal obligation for payment of Stormwater Assessments shall not become the personal obligation of a subsequent Owner unless expressly assumed by the subsequent Owner, although the lien shall continue against the Lot until the amount due is paid.
- d. The creation of the Stormwater Assessments is for the benefit of the City, and the Stormwater Assessments may be collected and enforced by the City as provided herein and in the City of Kannapolis Code of Ordinances.
- e. Additional real property annexed to the Association shall be subjected to any existing operation and maintenance agreement upon the recording of the document annexing the additional property, either in the form of a new agreement and/or an amendment to an existing agreement (as determined by the City) which

shall be entered into between the City and the Association to address the ~~BMPs—SCMs~~ of the additional property.

- f. There shall be dedicated for the benefit of each Lot, the Common Area and each Owner thereof:
 1. a perpetual, irrevocable and nonexclusive easement, right and privilege to discharge and store surface water drainage from such Lot or common area into the ~~BMP~~ SCM situated in private drainage easements that serve the property within the development, whether located on or off or the development, and
 2. a perpetual, irrevocable and non-exclusive easement, right and privilege to use and maintain ~~BMPs—SCMs~~, including the right of access to and from the private drainage easements and other portions of the development as reasonably necessary to maintain the ~~BMPs—SCMs~~.
- g. Each Owner of any portion of the property served by the ~~BMP—SCM~~ is jointly and severally responsible for maintenance of such ~~BMP—SCM~~, including payment of any unpaid *ad valorem* taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the ~~BMP—SCM~~, and including all interest charges thereon, together with the costs and expenses of collection incurred by the City or other collecting entity, including court costs and reasonable attorney's fees actually incurred. Each Owner of any portion of the property served by the ~~BMP~~ SCM has a right of contribution against all other Owners of other portions of the property served by the same ~~BMP—SCM~~ for payment of such costs and expenses to the extent that the Owner having such right of contribution pays more than such Owner's prorata share thereof.
 1. A statement that this agreement shall not obligate the City of Kannapolis to maintain or repair any structural ~~BMPs—SCMs~~, and the City of Kannapolis shall not

be liable to any person for the condition or operation of structural ~~BMPs—SCMs~~.

2. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City of Kannapolis to enforce any of its ordinances as authorized by law.
3. A provision indemnifying and holding harmless the City of Kannapolis its agents, contractors, and employees for any costs and injuries arising from or related to the structural ~~BMP~~ SCM, unless the City of Kannapolis has agreed in writing to assume the maintenance responsibility for the ~~BMP—SCM~~ and has accepted dedication of any and all rights necessary to carry out that maintenance.

9.4.3 INSPECTION PROGRAM

Inspections and inspection programs by the City of Kannapolis may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in ~~BMPs—SCMs~~; and evaluating the condition of ~~BMPs—SCMs~~.

If the owner or occupant of any property refuses to permit such inspection, the Director of Public Works or his designee shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Director of Public Works or his designee while carrying out his or her official duties

9.4.4 PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE

A. May Be Required

The City of Kannapolis may, at its discretion, require the submittal of a maintenance performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in

order to ensure that the structural ~~BMPs-SCMs~~ are:

1. installed by the permit holder as required by the approved stormwater management plan, and/or
2. maintained by the owner as required by the operation and maintenance agreement.

B. Amount

1. Installation

The amount of an installation performance security shall be the total estimated construction cost of the ~~BMPs-SCMs~~ approved under the permit, plus 25%.

2. Maintenance

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the ~~BMPs-SCMs~~ approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long term inflation.

3. Default

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural ~~BMPs-SCMs~~ in accordance with the applicable permit or operation and maintenance agreement, the Director of Public Works or his designee shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City of Kannapolis shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

4. Costs in Excess of Performance Security

In the event of default, the City may recover from the applicant, owner or successor the costs for enforcement actions including but not limited to court costs and attorney fees

failure by the applicant or owner, the City of Kannapolis may collect from the applicant or owner.

5. Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, with the exception of any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the ~~BMPs-SCMs~~ covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

9.4.5 NOTICE TO OWNERS

A. Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement pertaining to every structural ~~BMP-SCM~~ shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

B. Signage

Where appropriate as determined in the exclusive discretion of the Director of Public Works or his designee to assure compliance with this ordinance, structural ~~BMPs-SCMs~~ shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

9.4.6. RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

The owner of each structural ~~BMP-SCM~~ shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Director of Public Works or his designee.

9.4.7. NUISANCE

The owner of each stormwater ~~BMP-SCM~~, whether structural or non-structural ~~BMP-SCM~~, shall maintain it so as not to create or result in a nuisance condition.

adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

9.4.8. MAINTENANCE EASEMENT

Every structural ~~BMP-SCM~~ installed pursuant to this ordinance shall be made accessible for

~~9.4.~~ **9.5 ENFORCEMENT AND VIOLATIONS.**

9.5.1. GENERAL

purposes of this article, responsible person(s) shall include but not be limited to:

A. Authority to Enforce

The provisions of this ordinance shall be enforced by the Director of Public Works, his or her designee. Whenever this section refers to the Director of Public Works, it includes his or her designee.

B. Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

C. Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

D. Responsible Persons/Entities

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, ~~BMP-SCM~~, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs. For the

1. Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

2. Responsibility For Land or Use of Land

The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

9.5.2. REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

A. Remedies

1. Withholding of Certificate of Occupancy

The Director of Public Works or his designee or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

~~9.5.~~ 9.6 SEDIMENTATION AND EROSION CONTROL.

9.6.1. SECTION RESERVED

This section is reserved for future inclusion of local sedimentation and erosion control administration and enforcement. Until such time, the NC Department of Environment and Natural Resources (DENR) shall have jurisdiction in Kannapolis. State standards, requirements and procedures shall apply to all projects in the City of Kannapolis City limits.

References: American Society of Civil Engineering Design and Construction of Urban Stormwater Management Systems (WEF Manual of Practice FD- 20, 1992), at 496-97; Dewberry & Davis, Land Development Handbook: Planning, Engineering & Surveying (McGraw-Hill: 1996), at 629.

10.1. STREET IMPROVEMENT STANDARDS.

10.1.1. PURPOSE.

The purpose of this Section is to prescribe minimum design standards for new public and/or private streets. These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways.

10.1.2. PUBLIC STREETS.

10.1.2.1. Public streets shall be designed and constructed in accordance with Appendix C and the Land Development Standards Manual (LDSM), of this Ordinance, except that streets constructed in a TND Traditional Neighborhood Development district shall conform to the provisions of § 4.10 of this Ordinance.

10.1.2.2. Pursuant to NCGS § 136-66.2, where a proposed subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system, the applicant shall be required to dedicate ⁽¹⁾right-of-way as deemed necessary to accomplish future road improvements ⁽³⁾in accordance with the policy on file in the office of the Public Works Director.

10.1.2.3. Where a subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the ⁽³⁾policy on file in the office of the Public Works Director.

10.1.2.4. Street Classification System.

10.1.2.4.1. Classification of an existing or proposed street not already identified on the Thoroughfare Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Administrator in consultation with the Director of Transportation.

10.1.2.4.2. The street classification system set forth in Table 10.1-1 is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the adopted *Cabarrus-South Rowan Urban Area Transportation Plan*.

(1) TA-2009-06 – City Council approved 7/27/2009
(2) TA-2014-01 – City Council approved 3/24/2014
(3) TA-2017-04 – City Council approved 7/24/2017

S

Minor Thoroughfare
Collector (residential and non-residential)
Residential Street
Alley

10.1.2.5. Determination Criteria. In determining the classification of a street, factors to be considered include the following existing or proposed features:

10.1.2.5.1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.

10.1.2.5.2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.

10.1.2.5.3. Traffic Characteristics, including ADT, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.

10.1.2.5.4. In applying these factors, the Administrator may refer to § 10.1.2.4.2 and the sources listed therein, which are hereby incorporated by this reference.

10.1.2.6. Designation Authority. Utilizing the criteria of § 10.1.2.5, above, in conjunction with the Thoroughfare Plan Map and the narrative descriptions for each roadway classification provided in Appendix C and the LDSM, Director of Transportation shall determine which of the Thoroughfare Plan designations apply to the street under consideration.

10.1.3. PRIVATE STREETS.

10.1.3.1. Private streets that develop as part of a subdivision, or integrated commercial, industrial, multifamily residential or institutional development shall be designed and constructed to the public street standards set forth in Appendix C and the LDSM of this Ordinance. Private streets (with established right-of-way for public utilities) shall be allowed in

TND and PUD developments and should be designed in accordance with the standards of those sections in Article 4. ⁽¹⁾Private streets (with established right-of-way for public utilities) shall be allowed in single-family residential subdivisions with less than 100 lots subject to City approval. This section shall not include private accessways/driveways as regulated in Article 8

10.1.3.2. A legally responsible organization (i.e. homeowners association, special district, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the Administrator.

10.1.3.3. ⁽¹⁾A private street maintenance agreement, satisfactory to the Administrator and Public Works Director, must be recorded by the developer and/or property owner(s) in the office of the Register of Deeds to ensure proper maintenance. The agreement shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. In addition, all property transfer instruments must contain reference to that agreement, as well as a statement indicating if the private street does meet public standards for maintenance and that it will not be considered for public maintenance unless improved by the legally responsible organization to those standards. This agreement shall also specify that unless the street is privately maintained in condition for safe passage of public service and emergency vehicles, the City may provide such maintenance, with charges therefore becoming a lien on the properties served, dividing among them proportionate to their assessed tax valuation.

10.1.3.4. ⁽¹⁾All gated or controlled access subdivisions within the jurisdiction of this Ordinance must provide continuous accessibility to subdivision lots for provision of public service and emergency vehicles. The method of continuous accessibility will be defined within the private street maintenance agreement, and shall be approved by the City Manager (and/or designees).

10.1.4. STREET LAYOUT STANDARDS.

This Section establishes general standards regarding the manner in which the public street system of a

development is planned.

(1) City Council approved 11/22/2004

related Collector Street Plan. The improvement standards of the Thoroughfare Plan shall not apply, except where such a standard has been specifically set forth in Appendix C **and the LDSM** of this Ordinance. Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan approved pursuant to NCGS § 136-66.2, such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and width indicated on such plan. Stub streets within previously platted subdivisions shall be extended and the street system aligned thereto and to the Collector Street Plan.

10.1.5. STREET CONNECTIVITY REQUIREMENTS.

10.1.5.1. The City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. [For reference, see Institute for Transportation Engineers, ITE Transportation Planning Council Committee 5P-8, *Traditional Neighborhood Development Street Design Guidelines* (June 1997)].

10.1.5.2. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

10.1.5.3. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 10.1-1).

10.1.5.4. The phrase "connectivity ratio" means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads.

10.1.5.5. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.

~~property to be developed.~~

10.1.5.6. A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:

- any curve or bend of a street that fails to meet the minimum curve radius as established in the ~~second table of Section C.4 of Appendix C LDSM~~; or
- any location where street names change (as reviewed and approved by the Administrator).

10.1.5.7. For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

10.1.5.8. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.

10.1.5.9. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

~~**10.1.5.10. Exemption.**—New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:~~

- ~~• no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and~~
- ~~• interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the~~

10.1.6. STREET HIERARCHY.

10.1.6.1. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Director of Transportation may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs:

- Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this Ordinance.
- Alleys shall intersect with Residential Collector Streets, or Residential Streets. ⁽¹⁾
- The Administrator may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.
- Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.

10.1.7. DRIVEWAY PERMIT REQUIRED.

A driveway permit is required prior to the construction of any new access point to a publicly maintained street. Said permits are issued by the NCDOT for a connection to any State Highway (19A NCAL §§ 2B.0601-2B.0605). A driveway permit is required in accordance to the standards of Appendix D to connect to a City maintained street. Applicants for preliminary subdivision plat or site plan approval shall submit copies of any driveway permit applications with the application for development approval.

10.1.8. ACCESS MANAGEMENT STANDARDS.

The following standards shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions shall be required to be shown on subdivision plats.

10.1.8.1. Required spacing between adjacent access locations or a proposed access location and an adjacent street intersection ~~is shown in Table 10.1-2~~ **are listed in the Land Development Standards Manual.** For existing lots, driveways shall be located at the point of maximum separation if the standards of this section cannot be met.

Table 10.1-2 Driveway Separation Standards

Street Classification	Minimum separation between driveways (in feet)	Minimum separation between driveways and intersecting public street (in feet)
Thoroughfare	400	250
Collector	120	120
Local	40	60

- ~~• Access separation between driveways shall be measured from inside edge to inside edge of driveway.~~
- ~~• Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right of way.~~
- ~~• A maximum of three access points shall be allowed~~
- ~~• For single family lots, the Administrator may reduce the spacing requirements of this section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point.~~

10.1.8.2. Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:

- the use of cross access easements in order to maintain private access points at intervals of no less than 400 feet.
- the use of lower level public streets to provide secondary access in accordance with § 6.6.5.2.

10.1.8.3. Notation shall be provided on an approved final plat to restrict vehicular access for lots along the frontage of thoroughfares,

11.2. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS.

11.2.1. PURPOSE.

The purpose of this Section is to provide reasonable design standards for multi-family residential developments and single-family attached residential developments which:

- provide design flexibility;
- accommodate affordable housing for current and future residents of the City;
- protect the health, safety and general welfare of the general public and occupants of the units;
- protect the property values of surrounding dwelling units;
- promote a pedestrian-friendly, walkable streetscape; and
- provide for aesthetically pleasing development patterns.

11.2.2. APPLICABILITY.

11.2.2.1. The provisions of this Section apply to multi-family residential developments or single-family attached residential developments as permitted by Table 4.6-1 of this Ordinance.

11.2.2.2. ⁽¹⁾Single-family detached homes, duplexes on individual lots, and triplexes on individual lots are exempt from the standards of this Section.

11.2.2.3. ⁽²⁾The provisions of this section shall not apply to developments within the CC Center City District.

11.2.3. RULES OF CONSTRUCTION.

For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed Multi-family Residential Dwellings on any adjacent property under Common Ownership shall be counted.

11.2.4. BULK AND DENSITY STANDARDS.

Notwithstanding any provision of § 4.7 of this Ordinance to the contrary, the lot size, lot width, setback, and building separation standards shall conform to Table 11.2-1.

11.2.5. OFF-STREET PARKING AND ACCESS STANDARDS.

11.2.5.1. All projects shall conform to the parking requirements of Article 8.

11.2.5.2. Access to Public Street(s).

Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

⁽³⁾Developments with 40 or more dwelling units without direct primary access on a major or minor thoroughfare shall require a Traffic Impact Analysis (TIA) to determine project feasibility.

Developments for one hundred 100 dwelling units are encouraged to have two (2) direct entrances onto at least one Major and/or Minor Thoroughfare as shown on the Thoroughfare Plan.

11.2.5.3. Off-street Parking.

11.2.5.3.1. No parking space shall be located in the required setbacks, except for the rear setbacks.

11.2.5.3.2. No off-street parking space shall be located closer than ten (10) feet to any residential building wall.

11.2.5.4. Accessway/Driveway Design.

11.2.5.4.1. No driveway shall be located closer than fifteen (15) feet to any wall of a residential building.

11.2.5.4.2. All proposed drives shall be improved in accordance with Article 8.

11.2.5.4.3. For developments of forty (40) or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments. Median design shall be in conformity with the standards in Appendix C of this Ordinance, **and the Land Development Standards Manual (LDSM).**

11.2.6. COMMON OPEN SPACE.

11.2.6.1. Applicability.

Common open space areas shall be required in accordance with Table 11.2-1 except as provided below.

11.2.6.2. The Administrator may waive up to fifty percent (50%) of the open space requirement if

(1) City Council 11/24/2003
(2) TA-2008-05 – City Council 7/28/2008
(3) TA-2014-02 – City Council 11/24/2014

all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.

11.2.6.3. The open space requirements of this Section shall not apply to multi-family residential developments which are second floor units above first floor commercial development, or to any residential developments in the CC zoning district which are above the first floor.

11.2.6.4. Open Space Characteristics.

Land designated as open space shall be maintained as active open space and may not be separately sold, subdivided, or developed except as provided below. Open space shall be required in accordance with Table 11.2-1.

11.2.6.4.1. Open Space Provisions and Maintenance Plan Required.

Any areas reserved as open space shall be indicated on a site plan. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

- Designate areas to be reserved as active open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.
- Specify the manner in which the open space shall be perpetuated, maintained, and administered.

11.2.6.4.2. Spacing and Dimensional Limitations.

In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply.

- Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least thirty (30) feet across its narrowest dimension.

11.2.6.4.3. Use of Stormwater Detention Basins.

Retention areas or detention basins which are required as part of this Ordinance shall not qualify as an open space area unless fifty percent (50%)

or more of the active and usable area is above the ten (10) year storm and is designed for multiple uses and the area(s) conforms to the requirements of subsections 1 and 2 below.

11.2.6.4.3.1. Retention or detention areas shall meander through the subdivision as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be unusable for their designated recreational purposes.

11.2.6.4.3.2. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three-to-one slope.

11.2.6.5. Preservation of Open Space.

11.2.6.5.1. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained by the owner(s) of the development or a homeowner's association (in the case of a single-family attached development) which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the City Council may, following reasonable notice and demand that deficiency of maintenance be corrected and direct appropriate City staff, or a contractor to and direct appropriate City staff, or a contractor to enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

11.2.7. PEDESTRIAN FACILITIES.

11.2.7.1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Appendix C and the LDSM of this Ordinance.

11.2.7.2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the development; ⁽²⁾in accordance with the policy on file in the office of the Public Works Director. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the City of Kannapolis ⁽²⁾Public Works Director. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Kannapolis ⁽²⁾Public Works Director and the NC Department of Transportation.

11.2.7.3. A shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off children as established by the appropriate School system. The shelter shall be constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

11.2.8. DIMENSIONAL AND DENSITY STANDARDS.

11.2.8.1. The maximum impervious surface coverage (impervious surface ratio) shall conform to the standards as set forth on Table 4.7-1 for the appropriate zoning district. Multi-family or Single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 4.7-1 as set forth for the RC district. Where a Watershed Overlay District (§ 4.16) exists, the more restrictive requirements shall apply.

11.2.8.2. The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet.

11.2.9. BUILDING DESIGN.

11.2.9.1. In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, “barracks”-style buildings, the following standards shall apply:

11.2.9.2. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.

11.2.9.3. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.

11.2.9.4. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

11.2.9.5. ⁽¹⁾All buildings within the CD-R District shall be designed with at least 40% of the overall façade consisting of masonry components.

11.2.10. UTILITIES AND LIGHTING.

11.2.10.1. All utility lines shall be located ~~underground~~ **in accordance with the standards in the LDSM.**

11.2.10.2. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

11.2.11. LANDSCAPING REQUIREMENTS

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 7 of this Ordinance.

11.2.12. RECYCLING FACILITIES.

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of recyclable materials. Such a container shall be subject to approval by the City’s Director of Environmental Services.

11.2.13. UNIT OWNERSHIP.

Developments in which property is proposed to be conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas,

11.3. STANDARDS FOR SHOPPING CENTERS AND SUPERSTORES.

11.3.1. APPLICABILITY.

The following standards and guidelines are applicable to any Retail Use Structure, or group of Structures primarily devoted to Retail Activities, which have a total in excess of twenty-five thousand (25,000) square feet of Gross Floor Area. Freestanding structures with less than 25,000 square feet of gross floor area that are developed along perimeter outparcels of a shopping center are not subject to the supplemental standards of this § 11.3.

11.3.2. SITE DESIGN.

11.3.2.1. Outdoor Space. Shopping centers and superstores shall provide at least one outdoor space, or site amenity, to beautify the site in addition to the minimum landscaping requirements of Article 7. The outdoor space or site amenity is intended to enhance the vehicular and pedestrian entryways to the site and the buildings on the site. An “outdoor space” or “site amenity” may include, but is not limited to, the following:

- A public plaza or courtyard on the site;
- A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas; or
- A public square or park on the site, or on adjacent land.

11.3.2.2. Design Features. The outdoor space or site amenity shall be improved with features which may include, but are not limited to:

- Landscaping
- Seating walls
- Benches
- Fountains
- Clock towers

11.3.2.3. Building Setbacks. The minimum setback for any building facade shall be seventy-five (75) feet from the nearest perimeter property line. Perimeter property lines are those that establish the boundaries of the development, including any and all perimeter outparcels.

11.3.2.4. Transit Stops. Each development shall provide an off-street transit bus stop for customers and employees if the development is located on an established or planned public transit

route.

11.3.3. LANDSCAPING.

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 7 of this Ordinance.

11.3.4. PEDESTRIAN CIRCULATION.

11.3.4.1. Sidewalks shall be constructed within the interior of the development to link buildings with other destinations such as, but not limited to:

- parking,
- adjoining streets,
- adjoining sidewalks, or
- adjoining developments or amenities where appropriate pedestrian connections can be reasonably accomplished.

These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Appendix C and the LDSM, of this Ordinance.

11.3.4.1.1. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets that provide access to the development; ⁽¹⁾in accordance with the policy on file in the office of the Public Works Director. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the City of Kannapolis ⁽¹⁾Public Works Director. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Kannapolis ⁽¹⁾Public Works Director and the NC Department of Transportation.

11.3.5. OUTDOOR STORAGE.

Standards for outdoor storage and/or display shall be regulated in accordance with § 11.1 of this Article.

11.3.6. BUILDING DESIGN.

11.3.6.1. Facades.

11.3.6.1.1. In order to provide interesting and aesthetically attractive retail developments and to avoid monotony in design, the following standards shall apply:

- Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.
- Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.

11.3.6.2. Roofing.

11.3.6.2.1. The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings. Roofs shall have the following features:

- Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The height of such parapets shall not exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.
- Three or more roof slope planes.

11.3.6.3. Exterior Materials and Color.

11.3.6.3.1. Predominant exterior buildings materials shall be high quality materials, including but not limited to brick, wood, stucco, sandstone, other native stone, or tinted, textured, or concrete masonry units.

11.3.6.3.2. Facade colors shall be low reflectance, subtle, neutral or Earth Tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

11.3.6.3.3. Building trim and accent areas may feature brighter colors, including primary colors.

11.3.6.3.4. No more than 50% of exterior building materials shall include smooth-faced concrete block, smooth-faced tilt-up concrete

panels or pre-fabricated steel panels.

11.3.6.4. Entryways.

11.3.6.4.1. Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- canopies or porticos
- overhangs
- recesses/projections
- arcades
- raised corniced parapets over the door
- peaked roof forms
- arches
- outdoor patios
- display windows
- architectural details such as tile work and moldings which are integrated into the building structure and design
- integral planters or wing walls that incorporate landscaped areas and/or places for sitting

11.3.6.5. Mechanical Appurtenances.

11.3.6.5.1. To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened from public view and finished to match the colors of adjacent building materials.

11.3.7. PARKING STANDARDS.

Off-street parking and vehicular standards shall be governed by Article 8 of this Ordinance **and the Land Development Standards Manual (LDSM).**

ENCROACHMENT – The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEER - An Engineer licensed by the State of North Carolina.

ENGINEER, CITY – The City of Kannapolis ~~Public Works Director~~ City Engineer.

ENHANCEMENT - Improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE" - An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD - A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

EQUIPMENT - Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

EQUIVALENT DWELLING UNIT OR "EDU" - See "Equivalent Residential Unit."

EQUIVALENT RESIDENTIAL UNIT OR "ERU" - See Art. 14 "Adequate Public Facilities Standards".

ERECT - To build, construct, attach, hang, place, suspend, affix and/or apply.

EROSION CONTROL - See Article 9 of this Ordinance.

EVIDENCE - Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION - The removal of soil, rock or other matter from a land area.

⁽¹⁾EXISTING BUILDING AND EXISTING STRUCTURE – Any building and/or structure for which the “start of construction” commenced before date the community’s first floodplain management ordinance was adopted.

EXISTING CAPACITY - The Capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND - See "Public Facilities Standards" of this Ordinance.

EXOTIC ANIMALS - See Other Animals.

EXOTIC SPECIES (PLANT) - A species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

EXTENDED STAY LODGING FACILITY - Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

LANDSCAPE - An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

LANDSCAPE CONTRACTOR - Within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

LATERAL SEWER - A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

⁽¹⁾**LETTER OF CHANGE MAP (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 FBE 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 community'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.

LDSM – Land Development Standards Manual, published by the Public Works Department.

LIBRARY OR MUSEUM - A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST - A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST - A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

⁽¹⁾**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.

LIQUOR STORE - A store which sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

TRANSFER STATION, HAZARDOUS - A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT - Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSIT SYSTEM - The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION - Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY - All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL - A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES - Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRANSPORTATION DIRECTOR – City of Kannapolis City Engineer.

TRAVEL TRAILER - A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS - Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

TRIPLEX - A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER - A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK AND MULTI-MODAL TERMINAL - A facility for truck loading and unloading and cargo storage.

TRUCK PARKING AREA - An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM - The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

B.4. MAJOR SITE PLANS (Conditional use rezonings/Conditional use permits).

Contents required:

- 1) A description of the proposed development including proposed uses and coverage.
- 2) The following data, when such data is applicable to a given development plan:
 - Total number of dwelling units, by development phase;
 - Residential density and units per acre;
 - Total floor area and floor area ratio for each type of use;
 - Total area in open space;
 - Total area in developed recreational open space; and
 - Total number of off-street parking and loading spaces.
- 3) ⁽¹⁾A Plot Plan as defined in this Appendix B, with the following additions:
 - Location and widths of existing and proposed streets, drives, entrances, sidewalks, paths and any other pedestrian and vehicular circulation systems.
 - Size and/or types of yards as required by Article 7
 - Location for all ground-mounted signs.
 - Location, acreage and category of passive and active (if required) open space.
 - Location of solid waste container(s) with type of screening noted.
 - General phasing information if the project is to be completed in phases.
 - Noted areas (if any) of undisturbed land which is to remain as is.
 - Delineation of all areas of special flood hazard as defined in Section 4.14 or wetlands as defined in Appendix A.
 - Location and size, in acres, of any proposed school sites.
- 4) ⁽¹⁾Submission of an architectural plan consistent with the provisions of this Appendix B.
- 5) ⁽¹⁾A preliminary Utility Plan and site plan which shall be consistent with the Land Development Standards Manual (LDSM) includes the following information:
 - ~~Location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swamps, parks, cemeteries, bridges, irrigation ditches, waterlines, sewer lines and natural gas lines.~~
 - ~~Preliminary proposals for connecting with existing water supply and sanitary sewer systems, or alternative means of providing water supply and sanitary waste treatment and disposal. Indicate approximate location of proposed lines or systems.~~
 - ~~Preliminary provisions for collecting and discharging surface water drainage~~

⁽¹⁾It is understood that the information provided above will be used by the Administrator to determine if adequate facilities are available to support the proposed development as set forth in Article 14 of this ordinance.

Number of copies to be submitted shall be specified on the application, as it may vary subject to the approving board(s) that may review plan.

B.5. MINOR SITE PLANS (Administrative permits).

- *Contents required:*
 - A description of the proposed development including proposed uses and coverage.
 - The following data, when such data is applicable to a given development plan:
 - Total number of dwelling units, by development phase;
 - Residential density and units per acre;
 - Total floor area and floor area ratio for each type of use;
 - Total area in open space;
 - Total area in developed recreational open space; and
 - Total number of off-street parking and loading spaces.
 - The location and arrangement of all proposed uses or lots. For uses other than single-family, the massing (height and width) and number of floors of all buildings shall be shown.
 - Location for all ground-mounted signs (and lighting).
 - Submission of an architectural plan consistent with the provisions of this Appendix B.
 - If a phased project, a development phasing schedule including the sequence for each phrase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.
 - The approximate location and widths of proposed streets.
 - The location of all entrances onto adjacent roadways, whether existing or proposed.
 - The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.
 - Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas.
 - Delineation of floodplain areas, wetlands, river/stream overlay areas, and watershed stream buffers and all other environmentally sensitive areas.
 - Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
 - The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swaps, parks, cemeteries, bridges, or irrigation ditches.
 - Location of proposed water and sewer lines.
 - Location of existing vegetative cover to be retained.
 - The proposed treatment of the perimeter of the development, including materials and techniques used, such as landscaped buffers, fences, berms or walls.
 - The location, acreage, category and type of improvements for passive and active (if required) open space.
 - Location of solid waste containers including proposed design provisions for screening.
 - Information relating to compliance with the adequate public facilities requirements of Article 14 of this Ordinance and consistent with the APF submission requirements as included in this Appendix B.
 - Location and size in acres of school sites (if planned).
 - Grading plan **and site plan shall be** consistent with the requirements of this Appendix B **and the Land Development Standards Manual (LDSM).**
- The developer/applicant shall submit ten (10) folded copies of a minor site plan to the Planning Department for processing and referral to affected agencies along with the appropriate review fee and application..

B.7. GRADING AND CONSERVATION PLAN.

- *Contents Required:*
 - The plan shall have a minimum scale at 1" = 40' with 2' contour intervals.
 - The plan ~~may be on the same or~~ shall be on a separate plan sheet from the site plan and shall consist of one or more plan sheets showing:
 - topographic information showing existing features and conditions and proposed clearing and grading; and
 - the extent, location, and type of proposed fill materials.
 - proposed cuts and fills required by the location of all building structures and streets and roads.
 - The plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.
 - For the purposes of obtaining a Grading Permit (Section 3.2 of this Ordinance), Plan may also include information as required for a Flood Prevention Plan (see below).

APPENDIX C

Design Standards for Streets and Utilities.

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C.1. GENERAL PROVISIONS.

C.1.1. Compliance.

- Except as hereinafter provided, before any final plat of a subdivision shall be eligible for final approval, and before any street or utility shall be accepted for maintenance by the city, minimum improvements shall have been completed and approved in accordance with the Land Development Standards Manual (LDSM) city engineering standards and specifications, or their completion shall have been guaranteed with an irrevocable letter of credit in accordance with Article 6 of this Ordinance.

~~• (4) All utility lines shall be underground.~~

C.1.2. Intent of specifications.

- The intent of the specifications set out in this Appendix C and the LDSM is to prescribe minimum requirements for storm drainage, water supply, sanitary sewerage, sidewalks and street improvements to be undertaken by the developer within the city or its extraterritorial jurisdiction. Satisfactory completion of these improvements, attested by approval of the city engineer will qualify streets in the city and utilities in the city or its extraterritorial jurisdiction to be accepted for maintenance by the city.

C.1.3. Statement by owner.

- The owner of land, or his authorized agent, shown on a subdivision plat submitted for approval by the City Council shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the City of Kannapolis.

C.1.4. Effect of plat approval on dedications.

- Pursuant to General Statutes 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the city or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the City Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

C.1.5. Abrogation.

- It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposed greater restrictions, the provisions of this ordinance shall govern.

~~C.1.6. Inspections of utilities.~~

- ~~• The office of the city engineer shall be notified twenty four (24) hours in advance of the work to be started so that an authorized representative of the city engineer may be assigned to make any and all necessary inspections of the work performed.~~
- ~~• The city engineer, or his representative, shall be allowed access to all parts of the work, and shall be furnished with every reasonable facility to ascertain whether or not the work is performed in accordance with the specifications.~~
- ~~• No material shall be placed nor any work performed except in the presence of the city engineer, or his authorized inspector, without special permission of the city engineer. Such inspections, however, shall not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.~~
- ~~• In case of any dispute arising as to the material furnished or the manner of performing the work, the~~

~~inspector shall have authority to reject materials or suspend work until the question at issue can be referred to and decided by the city engineer. The contractor shall remove any work or material condemned as unsatisfactory by the city engineer and shall rebuild and replace same to the standard required by the specifications, all at his own expense.~~

- ~~• The office of the city engineer will be responsible for all inspection.~~
- ~~• When conflicts occur between North Carolina State Highway Commission standards and the City of Kannapolis standards, the City of Kannapolis standard will apply.~~
- ~~• All contracts for the performance of work to construct required improvements must be approved by the city engineer.~~

C.1.7. Improvements variance.

- The city engineer may grant a variance from the terms of these improvements regulations when such variance will not be contrary to the public interest and where, because of the existence of unusual physical conditions, strict compliance with the provisions of this chapter would cause an unusual and unnecessary hardship on the subdivider. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance shall not be granted by the city engineer unless and until:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;
 - 2. That a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;
 - 3. That the special conditions and circumstances do not result from the actions of the applicant;
 - 4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required subdivision improvements under similar conditions. No existing conditions on neighboring lands which are contrary to these regulations shall be considered grounds for the issuance of a variance.
- The city engineer shall make findings that the requirements of this section have been met.
- The city engineer shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings, or other improvements.
- The city engineer shall make further finding that the granting of the variance would be in harmony with the general purpose and intent of these regulations, will not be injurious to the surrounding territory, or otherwise be detrimental to the public welfare.
- The city engineer shall make all findings required by this section within seven (7) days of the date of receipt of the written application.
- An appeal from the finding of the city engineer may be taken to the City Council by any person aggrieved. An appeal is taken by filing with the zoning administrator a written notice requesting a subdivision variance and specifying the grounds therefore, as set forth in Article 6 of this Ordinance.
- An appeal must be taken within seven (7) days after the date of the findings by the city engineer.
- The City Council may reverse or affirm (wholly or partly) or may modify the findings appealed from and shall make any order, requirements, decision or determination that in its opinion ought to be made in the case before it.

C.1.8 ⁽¹⁾Sidewalk, Curb, and Gutter Exception.

- The Planning Director, the City Engineer (or designee), the Public Works Director (or designee) and the Site Plan Review Coordinator, acting as the Sidewalk, Curb, and Gutter Committee, shall make recommendations to the City Manager, who may grant an exception from the sidewalk, curb, and gutter requirements if any of the following scenarios exists:

~~C.2. WATER AND SEWER IMPROVEMENT STANDARDS.~~

~~C.2.1. General Standards.~~

- ~~• Design standards and specifications for water and/or sewer improvements shall conform to the most current adopted version of the City of Kannapolis Water and Sewer Policy. A copy of the Policy is available at the office of the Administrator or the office of the Public Works Director.~~

C.4. PUBLIC STREETS.

C.4.1. ~~Street Classification.~~

Street Type	Description	ADT*
Freeway/ Expressway	Highway system serving travel, having characteristics of substantial statewide or interstate travel and exist solely to serve traffic	8,000
Major Thoroughfare	Streets that provide for expeditious movement of high volumes of traffic within and through urban streets	8,000
Minor Thoroughfare	Streets that perform the function of collecting traffic from local access roads/streets and carrying it to the major thoroughfare. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.	4,000
Major Collector	A road that serves intra-county travel corridors and traffic generators and provides access to the Freeway/Expressway system.	3,000
Minor Collector	A road that provides service to small local communities and traffic generators and provides access to the Major Collector system.	1,000
Local Street	A local street serves to provide access to adjacent land, over relatively short distances.	250
Alley	An alley provides access to adjacent land, typically to the rear of parcels. Alleys are typically used for utilities, garbage service and garage access in residential areas.	100

*Refers to the minimum Average Daily Traffic (ADT) typically experienced by a given Street Classification.

~~Design Standards for the various Classes of Streets are listed below:~~

Characteristic	Expressway or Thoroughfare	Collector	Local	Alley
Maximum Grade	See Thoroughfare Plan	6% level 9% rolling 12% hilly 5% within 100 feet of an intersection	0.5% min. grade 12% max. 9% level 12% rolling 5% within 100 feet of an intersection	12% max.
Minimum Horizontal Centerline Curve Radius	See Thoroughfare Plan	230 feet	150 feet	90 feet
Minimum Tangent Between Reverse Curves	See Thoroughfare Plan	200 feet	100 feet	0
Minimum Intersection Corner Radius	See Thoroughfare Plan	30 feet	30 feet, except that a 15'² radius may be used with a 25' toe.	35 feet
Typical Design Speed	See Thoroughfare Plan	25-35 mph	25-35 mph	15 mph

Sources: Thoroughfare Plan; North Carolina Division of Highways, *Subdivision Roads, Minimum Construction Standards* (Jan. 1, 1999 or most current version as amended)

C.4.2 Construction Standards and Specifications for Street, Sidewalks and Storm Drainage**~~C.4.2.1. Purpose.~~**

- ~~• Intent of these specifications is to prescribe minimum requirements for streets, sidewalks and storm drainage within the governing limits of the City of Kannapolis. Detail drawings and standards cross-sections are illustrated in Section C.7.~~
- ~~• Satisfactory completion of these improvements, attested by approval of the city engineer will qualify streets in the city to be accepted for maintenance by the city. Additional information is available in the design standards of the subdivision regulations.~~

~~C.4.2.2. Grading.~~

- ~~• Grading: All streets shall be graded to their full right of way width or to a minimum of fifty (50) feet. Finished grade, cross section and profile of the roadway shall be designed by a professional engineer or registered land surveyor and approved by the city engineer~~
- ~~• Longitudinal grades shall have a minimum grade of 0.5 percent (0.5%) and a maximum grade of twelve (12) percent.~~
- ~~• Transverse grade or crown shall be one fourth (1/4) inch to one (1) foot slope. The maximum slope for cuts shall be two (2) to one (1) and for fill embankments, two (2) to one (1). Fill embankments shall be formed of suitable materials placed in successive layers of not more than six (6) inches in depth for the full width of the cross section, including width of slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankments within any right of way or easement. Each successive six inch layer shall be thoroughly compacted by a sheepsfoot roller, ten-ton, three-wheel power roller, pneumatic-tired roller or other method approved by the city engineer. Embankments over and around all pipes and culverts shall be of select material, placed and thoroughly tamped and compacted as directed by the city engineer or his representative. Any soft spots or rolling areas must be removed and replaced in the manner stated above until satisfactory compaction is achieved.~~

~~C.4.2.3. Cul-de-sac Streets.~~

- ~~• Cul-de-sacs shall be subject to the same design guidelines as local roads, above, except as modified herein.~~
- ~~• In no event shall more than twenty (20) equivalent residential units (ERUs) take access from a cul-de-sac. ERUs are determined in Article 14. Temporary cul-de-sacs on stub streets are exempted from this limitation.~~
- ~~• The preliminary and final site plan shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated in the Thoroughfare Plan or Collector Street Plan, or on a recorded subdivision or site plan (provided reasonable connection can be achieved without the need for a bridge or other feature to negate substantial differences in topography). The stub shall be improved as a pedestrian walkway, trail, or bikeway.~~
- ~~• The radius for the circular terminus, or turnaround, shall be not less than 40 feet. An island may be planted in the center of the turnaround in accordance with the standards as set forth in the Section C.7 of this Appendix C. The island shall maintain a minimum of 10-foot radius.~~
- ~~• In no event shall the cul-de-sac exceed the lengths set forth below:~~

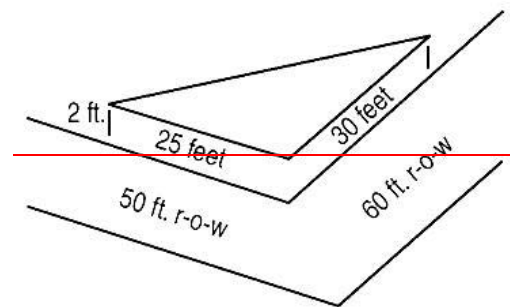
<u>District</u>	<u>Length (feet)</u>
AG, RE, RL	1,000 feet
RM 1, RM 2, RV	800 feet
RC	300 feet
B-1, O-1, C-1, C-2	500 feet
CD, I-1, I-2	1,500 feet
CC	300 feet
PUD	500 feet

- Cul de sac length shall be measured from the first point of intersection with an existing street or the street providing access for the cul de sac.

C.4.2.4. Sight Triangles.

- A Sight Triangle shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right of way. The Sight Triangle is a triangular area connecting the following points: The intersection of the right of way lines and the end points of the sight distance for the intersecting streets as set forth in the North Carolina Department of Transportation, Subdivision Roads Minimum Construction Standards (July 1, 1985), G.2 and Figures 3 and 4.
- In the event that a proposed new street connection is located on a site near an adjoining property not under the ownership of the developer, the City shall have the authority to acquire right of way (as set forth in NCGS 40 A) on the adjoining property for such area as necessary to establish a sight triangle.
- The following are the distances used to establish a sight triangle as measured from an intersecting right of way:

<u>Right of Way width</u>	<u>Distance (feet)</u>
50'	25'
60'	30'
70'	35'
80'	40'
90'	45'
100' (or greater)	50'



• **Illustration of a typical sight triangle.**

- A Sight Triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than two (2) feet above the property line grade as established by the city engineer. The following are exempted from this provision:
 - Public utility poles.
 - Trees trimmed (to the trunk) to a height at least nine (9) feet above the level of the intersection.
 - Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross view.
 - A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
 - Official warning signs or signals.
 - Signs which conform to the Sign Ordinance (Article 12) mounted ten (10) feet or more above the ground with supports that do not encroach on the clear vision area.
- The Administrator (or his/her designee) may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection.
- The requirements for Sight Triangles shall not apply in the CC District.

C.4.2.5. — Roadway and Curb and gutter Design.

- ~~All new streets shall have concrete curbs and gutters constructed to City of Kannapolis standards. Concrete drive entrances shall be built as shown in this Appendix. Standard, vertical curb and gutter shall be used. Valley gutter shall be prohibited. Curb and gutter shall be provided along any street that provides access to the subdivision or non-subdivision development site, except that this requirement shall not apply to partially or fully controlled access highways not designed for a curb and gutter system.~~⁽²⁾ See Section **C.1.8 Sidewalk, Curb, and Gutter Exception** regarding additional exemptions.

C.4.2.6. — Curve Radius.

- ~~Property lines at the intersection of minor streets shall be rounded with a minimum radius and a maximum radius as follows:~~

Underlying Zoning District	Minimum Radius	Maximum Radius
AG, RE	30 feet	n/a
RL, RM 1, RM 2	30 feet	n/a
RV, RC, B 1, O 1, CC, PUD	30 feet	45 feet
C-1, C-2, CD, I-1, I 2, PUD	30 feet	n/a

C.4.2.7. — Roadway Base.

- ~~The material for base course shall be crusher run stone with aggregate ranging from one and one half (1/2) inches to dust. The material shall consist of tough durable aggregate, containing sufficient fines to insure a well and uniformly bonded base after compaction. The aggregate shall be free from an excess of flat, elongated, soft disintegrated pieces, and shall not contain clay, silt, vegetable or other objectionable matter. The base shall not be less than that required by city standards. The mixing and shaping of the base course material shall be done with a power driven motor grader, equipped with a blade not less than ten (10) feet long, and of a size equal to a 212 Caterpillar. [See standard drawing(s) in Section C.7]~~
- ~~The base shall be compacted by rolling with ring or tamping roller and with pneumatic tired roller. When completed, the base course shall be smooth, hard, dense, unyielding and well bonded.~~
- ~~Materials shall conform to the requirements of the State Highway Specifications, Section 401. Construction methods shall conform to Section 51. [See standard drawing(s) in Section C.7]~~

C.4.2.8. — Roadway Surface.

- ~~Plant mix asphalt shall conform in all respects to State Highway Specifications, Section 140 (Type "I-2"), and in addition, the following special provisions will be used:~~
 - ~~At least fifty (50) percent of the fine aggregate (material passing the No. 10 sieve) used in the mix shall consist of natural sand or approved screenings. The prime coat shall be applied only when the base course is dry. The surface course shall not be less than that required by city standards.~~

C.4.2.9. — Sidewalks.

- ~~Sidewalks shall be provided for the safe movement of pedestrians, separate from the movement of vehicular traffic, through residential areas, as well as to commercial, industrial and public places.~~⁽⁴⁾ ~~Except in the I-1 and I-2 zoning districts, sidewalks shall be constructed along both sides of all new streets in a subdivision and along any street that provides access to the subdivision or non-subdivision development site, provided the street providing access has existing curb and gutter or curb and gutter is required to also be installed.~~
- ~~⁽³⁾ See Section **C.1.8 Sidewalk, Curb, and Gutter Exception** regarding additional exemptions.~~

(1) City Council approved 4/28/2003

(2) City Council approved 4/12/2004

(3) City Council approved 9/26/2005

- ~~• Sidewalks shall:~~
- ~~• have a minimum of five (5) feet in width;~~
- ~~• be constructed of not less than three thousand (3,000) PSI concrete;~~
- ~~• be a minimum four (4) inches thick, except that where a sidewalk crosses a driveway, it shall be six (6) inches thick.; and~~
- ~~• shall be constructed on an adequately compacted and properly graded base~~
- ~~• shall have a lateral slope of one quarter (1/4) inch per foot toward the street.~~
- ~~• shall be steel trowelled and light broom finished and cured properly. Tooled joints shall be provided at intervals of not more than five (5) feet and expansion joints at intervals of not more than forty (40) feet.~~

C.4.2.10. Drainage System Requirements.

- ~~• A drainage system shall be provided for by means of culverts under roadways and other drainage structures or outlet ditches that are necessary to provide adequate drainage of storm water for all streets in the subdivisions and for adjoining property where necessary. All such drainage systems shall be designed in accordance with sizes and specifications established in this Appendix C for Municipal Streets and the North Carolina Department of Transportation for State maintained roads.~~
- ~~• Storm drainage systems shall be designed by a professional engineer or landscape architect according to specifications of the public utilities department of the City of Kannapolis and approved by the city engineer. Installation of same shall be in accordance with city specifications and standards.~~
- ~~• Adequate storm drainage shall be provided throughout by means of pipes or graded channels; storm drain pipe shall be placed at all low points in the street grade to transmit storm water transversely across the street with catch basins being constructed on both sides of the street at the low points. In no case, shall storm water be transmitted more than five hundred (500) feet in the gutter line. No open ditches will be permitted within the limits of the street rights of way except for pre-existing stream channels which may be approved by the city engineer.~~
- ~~• The minimum size pipe shall be fifteen (15) inches, regardless of drainage area. The minimum cover for all pipe shall be two (2) feet. Subdrainage shall be provided where ground water table is within two (2) feet of the subgrade. Six inch corrugated black plastic pipe or corrugated metal pipe with open joints or perforations laid on six (6) inches of clean sand or washed stone, covered with six (6) inches of clean sand or washed stone shall be used to lower water table. Ditches shall be minimum of thirty six (36) inches deep and two (2) feet in width.~~
- ~~• All surface drainage pipe shall be concrete conforming to state Highway Commission Standard Specification of Road and Structures. For special conditions, pipe recommended by the manufacturer for the type installation involved, and approved by city engineer will be considered. Any concrete pipe laid between the concrete curbs shall be reinforced. All pipe shall be laid with the bell or groove up grade and joint entirely interlocking.~~
- ~~• Catch basins shall be built as shown on the standard drawings. Improvised grates will not be acceptable. Catch basins walls shall be built straight with inside joints struck smooth. Precast catch basins may be acceptable with the approval of the city engineer.~~

C.4.2.11. Sign Installation.

- **Standard street signs installed by the City of Kannapolis.** In all subdivisions which include public streets, except as provided for in below, standard street signs shall be installed by the City of Kannapolis. The developer shall reimburse the city for full costs of installation. Installation, maintenance and replacement shall be the responsibility of the city.
- **Custom street signs installed by the developer.** In nonresidential subdivisions with architectural standards, restrictive covenants, and a property owner's association, custom street signs may be installed by the developer with all costs of installation, maintenance and replacement paid by the developer and as set forth below.

- Such street signs shall comply with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and may be installed only after written approval by the City Director of Streets and Traffic Engineering. Submission requirements for consideration of custom street signs shall include detailed color drawings, plans and specifications of the proposed street signs and a written statement describing funding for installation, maintenance and replacement.
- Replacement of lost or damaged regulatory or warning signs, as defined by the Uniform Manual, shall be accomplished immediately by the city using standard street signs until the developer or property owner's association installs replacement custom street signs. If the developer or property owner's association fails to install replacement custom street signs for regulatory and warning signs within ninety (90) days, the replacement by the city shall be considered permanent and full costs shall be paid by the developer or property owner's association. Replacement of lost or damaged guide signs, as defined by the Uniform Manual, shall be accomplished by the developer or property owner's association within ninety (90) days or the city shall install standard street signs with full costs paid by the developer or property owner's association.

C.4.2.12. ~~Street Intersections.~~

- ~~• Insofar as practical, streets shall intersect at an angle of ninety (90) degrees for a minimum of fifty (50) feet from the roadway intersection. In no case shall the angle be less than sixty five (65) degrees. Intersections having more than four (4) corners shall be prohibited.~~
- ~~• Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other. Intersections which cannot be aligned shall be separated by a minimum length of 200 feet between survey center lines.~~
- ~~• Property lines at intersections shall be established so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle.~~

C.4.2.13. ~~Median and Islands.~~

~~⁽¹⁾Where an entrance road median or island is desired, a median of not less than the designated width shall be provided and shall be landscaped at a density equivalent to a Class "A" buffer as set forth in the Landscaping Standards of this Ordinance. ⁽²⁾Islands and medians shall be a minimum of 75 square feet in size. Structures, permanent materials or plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of 20 feet back from the curb face of the cross street, unless a larger setback is needed due to inadequate sight distance created by horizontal or vertical curve alignment. ⁽³⁾Medians and/or islands shall be designed in accordance with Figure 12 "Recommended Road Connection with Interior Island" and "Detail Section View of Interior Island and Marker of the Minimum Construction Standards/ Subdivision Roads, Division of Highways, NCDOT, June 1999 (or most current edition).~~

C.4.2.14. Unopened dedicated streets.

- Streets for which right-of-way has been dedicated by subdivision plat or deed to the North Carolina Department of Transportation or the City of Kannapolis recorded with the Cabarrus or Rowan County Register of Deeds, but which have never been constructed, shall not be constructed or maintained by the city until the following conditions have been met:
 - Right-of-way shall be dedicated, and surveyed if necessary, sufficiently wide for the street and utilities, as determined by the city engineer.
 - Right-of-way shall be cleared and graded to meet city standards for slope and drainage.
 - Roadway shall be improved with a surface of crusher-run stone to a depth of not less than six (6) inches, two (2) inches of HB binder, and one and one-half (1½) inches of I-2 asphalt. Width of roadway shall be not less than eighteen (18) feet.
 - The city engineer or his authorized representative shall inspect all work.
 - The city engineer or his authorized representative shall issue a certificate of completion for the required improvements.

~~C.5. STORMWATER MANAGEMENT.~~

~~C.5.1. General Requirements.~~

- ~~• A storm water drainage plan shall be required to provide for the proper drainage of surface water. The storm water drainage plan shall be designed in accordance with Section 9.3 Standards of this Ordinance and as indicated below, so that adjacent properties are not unreasonably burdened with surface waters as a result of the development of the subdivision. No surface water shall be channeled or directed into a sanitary sewer. The storm water drainage plan shall be approved by the Public Works Director.~~

~~C.5.2. Storm Water Drainage Plan.~~

- ~~• A storm water drainage plan submitted for approval under these provisions shall include, but shall not be limited to the following information:
 - ~~— A site plan showing existing and proposed buildings, existing utilities, storm water drainage facilities, soil types, and ground cover.~~
 - ~~— Site construction plans, grading plans, existing and proposed topography, existing and flow patterns, and existing and proposed drainage system receiving runoff from the parcel.~~
 - ~~— Drainage plan design date.~~
 - ~~— Drainage area map and hydrologic engineering calculations including offsite drainage effecting the property.~~
 - ~~— Projected area of impervious cover and total land area.~~
 - ~~— Proposed land use and development plans.~~
 - ~~— A written description of the methodology used to analyze the pre and post development runoff with supporting calculations and documentations.~~~~
- ~~• A storm water drainage plan submitted for approval under these provisions shall be prepared by a professional engineer or landscape architect in accordance with the standards of this Ordinance and approved by the Public Works Director or his designee.~~
- ~~• If a public storm drainage system is reasonably accessible to the subdivision either by being within or by adjoining its boundaries, the subdivider or developer shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances and drainage structures deemed necessary by the Public Works Director or his designee to properly carry surface water to the storm drainage system. If the city determines that future development may require the use of the proposed storm drainage system that will require larger storm drainage structures than proposed, the city will pay the difference of cost between the proposed storm drainage system materials and the materials required for conveying stormwater flow from future development.~~
- ~~• If a storm drainage system is not reasonably accessible to the subdivision, the subdivider shall do all grading and ditching, provide and install all piping, appurtenances and structures that are necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Public Works Director or his designee.~~
- ~~• In areas specifically designated as sensitive water quality areas, [for example, within watershed protection overly districts as shown on the Official Zoning Map (UDO 4.16), within the River/Stream Overlay District (RSOD)(UDO 4.15), or other applicable Overlay Districts (UDO Article 4)] the more stringent design criteria applies.~~
- ~~• The Public Works Director or his designee may waive the requirements for a drainage plan if the land to be developed is part of a larger tract which has received prior subdivision or development approval, and has implemented, an overall stormwater drainage plan under the provisions of this section, so long as run off from the property to be subdivided will not exceed the capacity of facilities constructed under the previously approved stormwater drainage plan.~~

~~C.5.3. Design Criteria.~~

- ~~• General design and construction criteria for detention facilities:
 - ~~— Design and installation of all storm water detention or other impoundment facilities shall comply~~~~

- with applicable federal, state and local laws.
- ~~— In no case, shall a habitable structure be located within the impoundment area of any storm water detention facility or over a storm water drainage line.~~
- ~~— No utilities (sanitary sewer lines, underground power lines, water lines, etc.) shall be located within any impoundment facility.~~
- ~~— No structures may be located over storm drain lines.~~
- ~~— Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of ten (10) inches.~~
- ~~— All impoundment facilities will be considered permanent.~~

~~C.5.4. Specific design and construction criteria for detention facilities:~~

- ~~• Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of six (6) inches in code required parking areas, ten (10) inches in additional parking area, and fifteen (15) inches in truck storage and loading areas.~~
- ~~• The following hydrologic soil groups shall apply for Cabarrus County, North Carolina:~~

<u>Series Name</u>	<u>Hydrologic Group</u>	<u>Series Name</u>	<u>Hydrologic Group</u>
Altavista	C	Hewassee	B
Appling	B	Iredell	C/D
Armenia	D	Kirksey	C
Badin	C	Mecklenburg	C
Cecil	B	Misenheimer	C
Chewacla	C	Pacolet	B
Coronaca	B	Poindexter	B
Cullen	C	Sedgefield	C
Enon	C	Tatum	C
Georgevill	B	Vance	C
Goldston	C	Wehadkee	D
Herndon	B		

Source: United States Department of Agriculture, Soil Conservation Service, *Soil Survey of Cabarrus County, North Carolina*, Table 16. Page 86 and pages 124-126 of the *Soil Survey of Cabarrus County, North Carolina* shows permeability ratings by depth and type for each soil type.

- ~~• Stormwater detention or impoundment facilities shall be located on the site from which the run off to be controlled is generated; provided, however, that off site impoundment facilities are acceptable provided the land area involved within the facility is delineated on an acceptable map and officially recorded by the Cabarrus or Rowan County Register of Deeds as a permanent "drainage detention easement." Regional detention facilities are allowed if approved by the Public Works Director or his designee and if the development plans provide for the proper operation, inspection, and maintenance of the facilities in perpetuity through a restrictive covenant or other legal, enforceable mechanism.~~

~~C.7. STANDARD DETAILS AND CROSS SECTION DRAWINGS.~~

~~⁽¹⁾C.7.1. GENERAL STANDARDS. Standard details and cross section drawings for streets shall conform to the most current adopted version of standard details and cross section drawings. A copy of these details and drawings is available at the office of the Administrator or the office of the Public Works Director.~~

APPENDIX D

Rights-of-Way Regulations and Design Standards for Driveways, Drainage, and Utility Construction.

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D.1. PURPOSE OF DRIVEWAY ORDINANCE.

Applicability. This Appendix D shall apply to all driveways or access points planned to connect to a City maintained street. This provisions of this Appendix shall regulate only that portion of a private driveway that connects to a public and extends to the edge of a public right-of-way. The regulation of private driveways on private property is subject to the standards of Article 8 of this Ordinance **and the Land Development Standards Manual (LDSM).**

- The safety and efficiency of a roadway is impacted by the amount and type of interference experienced by the vehicles moving on it. Some interference may result from other vehicles on the roadway, moving in either the same or the opposite direction. The major form of interference, however, is from vehicles entering, leaving, or crossing the roadway at intersecting streets and driveways. In order to reduce interference with traffic flow, minimize accidents and assure the best overall utilization of the roadway by the motoring public, it is necessary to regulate vehicles entering and leaving roadside developments and intersecting streets.
- The City of Kannapolis recognizes the legal rights of the abutting property owners to have access to their property. However, it must also consider the right of other roadway users to travel with relative safety and freedom interference. Since these rights are at times in conflict, it is the city's responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all roadway users.
- To accomplish this, the critical areas of driveway location, design and operation must be addressed. The City of Kannapolis has therefore adopted this driveway ordinance **and the LDSM** to establish standards for the location and design of driveways providing access from public roadways to developments on abutting property. This ordinance has been established to meet the following objectives.
 - (a) To provide maximum safety and protection to the public through the regulation of vehicles entering and exiting public streets and,
 - (b) To provide a uniform ordinance for the design, location, operation and construction of driveways throughout the city, and,
 - (c) To provide owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of city streets.
- The city's intent is to further increase safety and decrease congestion along specified major thoroughfares. In order to accomplish these objectives, certain goals have been identified. These goals are:
 - (a) To prohibit driveways within a certain distance of intersecting streets unless alternate access is not available,
 - (b) To decrease the number of driveways along major thoroughfares, and
 - (c) To increase the distance between adjacent driveways along major thoroughfares.
- This Appendix D **and the LDSM** is to be administered by the City of Kannapolis Director of Traffic Engineering and/or his/her designee(s). The issuance of a Driveway permit as prescribed by this Appendix D **and the LDSM** shall be issued by the Kannapolis Director of Traffic Engineering and/or his/her designee(s).

D.4. PERMIT REQUIRED.

- (a) No person, firm, or corporation shall remove, alter, or construct any curb, driveway approach, gutter, pavement, or perform any other improvement in any public street or other property owned by or dedicated to the city without first obtaining a permit from the Director of Transportation authorizing such improvements ⁽¹⁾subject to the exceptions as listed in subsection (b).
- (b) ⁽¹⁾Single-family dwellings and duplex dwellings on individual lots are exempt from the requirement for a driveway permit, however, such uses are not exempt from the standards of this Appendix D **and the LDSM** unless specifically indicated.
- (c) A driveway permit is required prior to the issuance of a building permit for new construction, additions, or changes in use.
- (d) Existing driveways shall not be altered within the right-of-way until a permit is obtained. The maintenance of driveways located in or on the right-of-way shall be the responsibility of the property owner.
- (e) Failure to secure a permit as described herein or failure to construct the driveway to city standards or failure to correct or remove existing nonconforming driveway approaches is a violation of this ordinance and subject to enforcement procedures set forth in Article 1 of this ordinance. If the driveway is not removed or brought into compliance within thirty (30) days of notification of violation, the person, firm or corporation doing the original work shall be denied further permits to work on public streets within the city limits of Kannapolis.
- (f) In unusual circumstances minor variations of the minimum requirements may be permitted, based on sound traffic engineering principles, after an engineering investigation by the Director of Transportation.
- (g) No variation in the number and/or width of driveways shall be permitted.

D.5. PLAN SUBMISSION REQUIREMENTS.

- (a) No permit shall be issued until there is filed with the Director of Transportation for his approval ~~two (2) copies~~ of plans showing the location and dimensions of all proposed improvements.
- (b) ~~Four (4) additional~~ Six (6) copies of the plans will be required for driveway approaches to state highway system streets within the corporate limits, and six (6) NCDOT Driveway Permit forms.
- ~~(c) A minimum of three (3) working days shall be required for the initial review of the site plan by the Director of Transportation.~~
- (d) Information that must be shown on plans submitted ~~shall include~~ shall be consistent with the Land Development Standards Manual (LDSM):
 - ~~1) location of the property, including street name and address;~~
 - ~~2) the character of the present and future property use and the current zoning;~~
 - ~~3) location of all existing and proposed buildings;~~
 - ~~4) pavement and right-of-way width;~~
 - ~~5) for commercial and/or industrial facilities, the proposed location of off-street loading and unloading facilities.~~
 - ~~6) interior parking arrangements and traffic circulation patterns, and number of spaces required;~~
 - ~~7) location of existing utilities, retaining walls, storm drainage facilities, poles, and other physical features which affect the driveway location;~~
 - ~~8) all existing driveways, property lines, and driveways to be closed~~
 - ~~9) all proposed driveways, including all parcels reserved for future development.~~
 - ~~10) location of existing and proposed sidewalks, curbs, and wheelchair ramps on or adjacent to the property.~~
 - ~~11) driveways on the opposite side of the street;~~
 - ~~12) all existing and/or required turn lanes and transition tapers;~~
 - ~~13) proposed median openings with storage lanes and transition tapers;~~
 - ~~14) location of all easements;~~
 - ~~15) north arrow;~~
 - ~~16) scale, not greater than 1"=10' or less than 1"=40', 1"=20' is preferred;~~
 - ~~17) major developments may require a traffic study prepared by a transportation professional. Such studies shall include trip generation, existing and proposed traffic assignments, complete demographics of the development, and other information helpful in evaluating the proposed development.~~

D.7. INSPECTIONS.

- Once the permit is duly issued, the supervisor on the driveway construction site shall keep the permit available for on-the-job inspection by authorized personnel of the city.
- The applicant shall request an inspection by the Director of Transportation ~~24~~ **16 business** hours in advance of any concrete pouring. The Director of Transportation or his authorized representative shall have the authority to require the immediate stoppage of work not performed under the requirements of this article **and the LDSM.**
- In the event of failure to comply with the provisions of this article or the term of the permit or in the case of faulty workmanship or materials, the city may remove the non-complying driveway at the property owner's expense.

D.8. DRIVEWAY DESIGN STANDARDS.

Driveway Width

- The width, in feet, of a driveway approach and curb return flare or radius shall be within the minimum and maximum limits as specified below:

Land Use/Driveway Type	Driveway Width, Ft.		Flare/Radius, Ft.	
	Minimum	Maximum	Minimum	Maximum
Residential Single Family	12	20	4	3
Multi-family	24	36	10	30
Commercial/Industrial	24	36	5	10
Commercial/Industrial one-way	15	20	5	10
Private Street Entrance	24	48	30*	30*
Street Type Driveway	24	36	10	30

* radius only

- All driveway approach widths shall be measured at the street right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.
- The width and radius of street type driveways and width of private street entrances shall be determined by the Director of Transportation within the limits of this ordinance.

Number and spacing of driveway approaches

- Driveways shall be allocated and spaced as outlined below, provided all other requirements of this article are met.

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and intersecting Streets
Local Streets	40 feet	60 feet
Collector Streets	120 feet	120 feet
Major and Minor Thoroughfares	400 feet	250 feet

- ⁽¹⁾Single family dwellings and duplex dwellings on individual lots shall be exempt from the minimum separation between driveways as shown in column two of the table above, however, such driveways shall maintain a minimum five feet of side clearance from property lines. Additionally, single family dwellings and duplex dwellings on individual lots shall be required to conform to the minimum separation between driveways and intersecting streets as shown in column three above.
- ⁽¹⁾In a situation where a lot does not provide adequate frontage to meet the standard spacing from the intersection as shown in column three above, the Director of Transportation shall have the authority to waive the requirement if evidence exists that such a connection will not result in negative impacts to the intersection.
- Access separation between driveways shall be measured from inside edge to inside edge of driveway. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the intersecting right of way lines. The maximum number of driveways allowed for any parcel prior to subdivision of property shall be three and shall meet the minimum spacing requirements of this ordinance.

Driveway Design

- All driveway approaches shall be a concrete apron section ("ramp" type), except that street type driveway entrances may be required to public or private developments that have parking spaces for two hundred (200) or more vehicles or when special conditions exist as determined by the Director of Transportation. The concrete

apron shall be installed to the right-of-way line or at least 10 feet from the edge of the roadway and/or back of curb.

- ~~Medians and Islands.~~ Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Director of Transportation and subject to the following conditions:
 - (a) The raised median or island shall be constructed on private property to the rear of the right-of-way line;
 - (b) The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be fifteen (15) feet, the minimum length shall be fifty (50) feet;
 - (c) For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed forty-eight (48) feet;
 - (d) Medians and islands shall not be permitted for ramp type driveways.
- Ramp type driveway approaches may use either a standard drop curb opening or curb radius from the street curb to the inside sidewalk line. If a curb radius used, the top elevation of the curb radius must be held level with the elevation of the street curb, and the driveway apron must be raised to meet the elevation of the curbline at the inside sidewalk line.
- Driveway approaches shall cross the sidewalk area at the sidewalk grade established by the Director of Transportation. The sidewalk shall be constructed separately from the driveway apron. The driveway angle shall be ninety (90) degrees, unless engineering considerations dictate otherwise, as approved by the Director of Transportation.
- Where special pedestrian or vehicular hazards may be encountered, driveway approaches may be restricted to one-way operation. Such driveways shall be clearly signed and marked as one-way driveways using pavement arrows and directional signs. Failure to erect and maintain such signs or the failure to use these driveways in accordance with the signing and marking shall be considered a violation of this article.

Location of driveway approaches

- All driveway approaches shall have a minimum side clearance as specified below:

Land Use	Minimum Side Clearance
Single Family Residential	5 feet
All others	10 feet

- All driveway approaches shall have a minimum corner clearance of sixty (60) feet.
- At street intersections where the radius is sixty (60) feet or more, driveway approaches may encroach upon either end of the radius for a distance up to five (5) percent of the total length of the arc of the curb radius, thereby leaving at least ninety-five (95) percent of the arc length of the radius free from driveway encroachment, provided that all other requirements of this article are met.
- No driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, and sewer cleanouts. The driveway approach must be located a minimum of 3 feet from any such facility.
- Landowners of adjacent property, may, by written mutual agreement, construct a joint driveway to service both properties provided that all other requirements of this article are met with the exception of the side clearance restriction.

Specifications

- All work done and all materials used in the construction of driveway approaches shall conform to the current standards established by the Director of Transportation.

or vehicular hazards necessitate the one-way operation of driveways. The following standards apply to all instructional or directional signs and pavement markings used to designate private driveways as entrance and exists.

• **Sign Standards:**

- ~~Location:~~ At a minimum, one double faced sign shall be located on private property at least 10 feet back from the curb to the right of each driveway approach. Additional signs may be placed on the opposite side of the approach. The sign should not be blocked from view by vegetation or other obstacles.
- ~~Size:~~ The area of the sign shall be no less than 3 square feet and no more than 6 square feet.
- ~~Letters:~~
 - Minimum letter size, uppercase: 6" (8" preferred)
 - Minimum letter size, lowercase: 4" (6" preferred)
 - Letters shall be black or white on a reflectorized or illuminated background of contrasting color. The first letter of each word shall be uppercase.
- ~~Copy Material:~~ Only the words "Enter" and "Exit" or "In" and "Out" with the appropriate arrow shall be used. Arrow dimensions shall be a minimum of 6" long with a shaft width of at least 2". The arrow head shall be at least twice as wide as the shaft. Business logos may be used but shall not exceed 33 1/3 of the sign area.

Pavement Arrows:

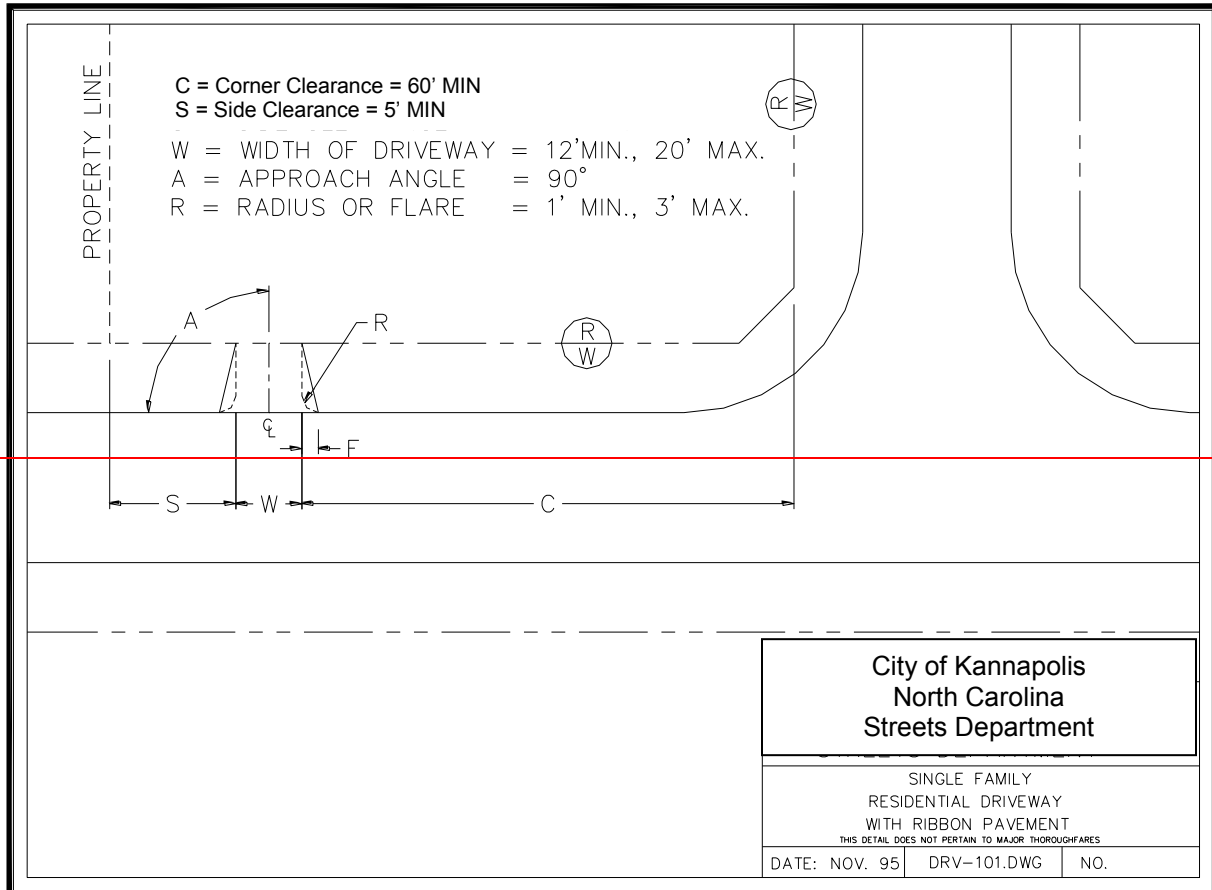
- ~~Location:~~ A sufficient number of pavement arrows designating the appropriate direction of traffic shall be installed in the driveway approach and driveway so that they are clearly visible from the street.
- ~~Size:~~ Pavement arrows shall be a minimum of 8 feet in length and shall conform in size and proportion to the standards set forth in the Manual on Uniform Traffic

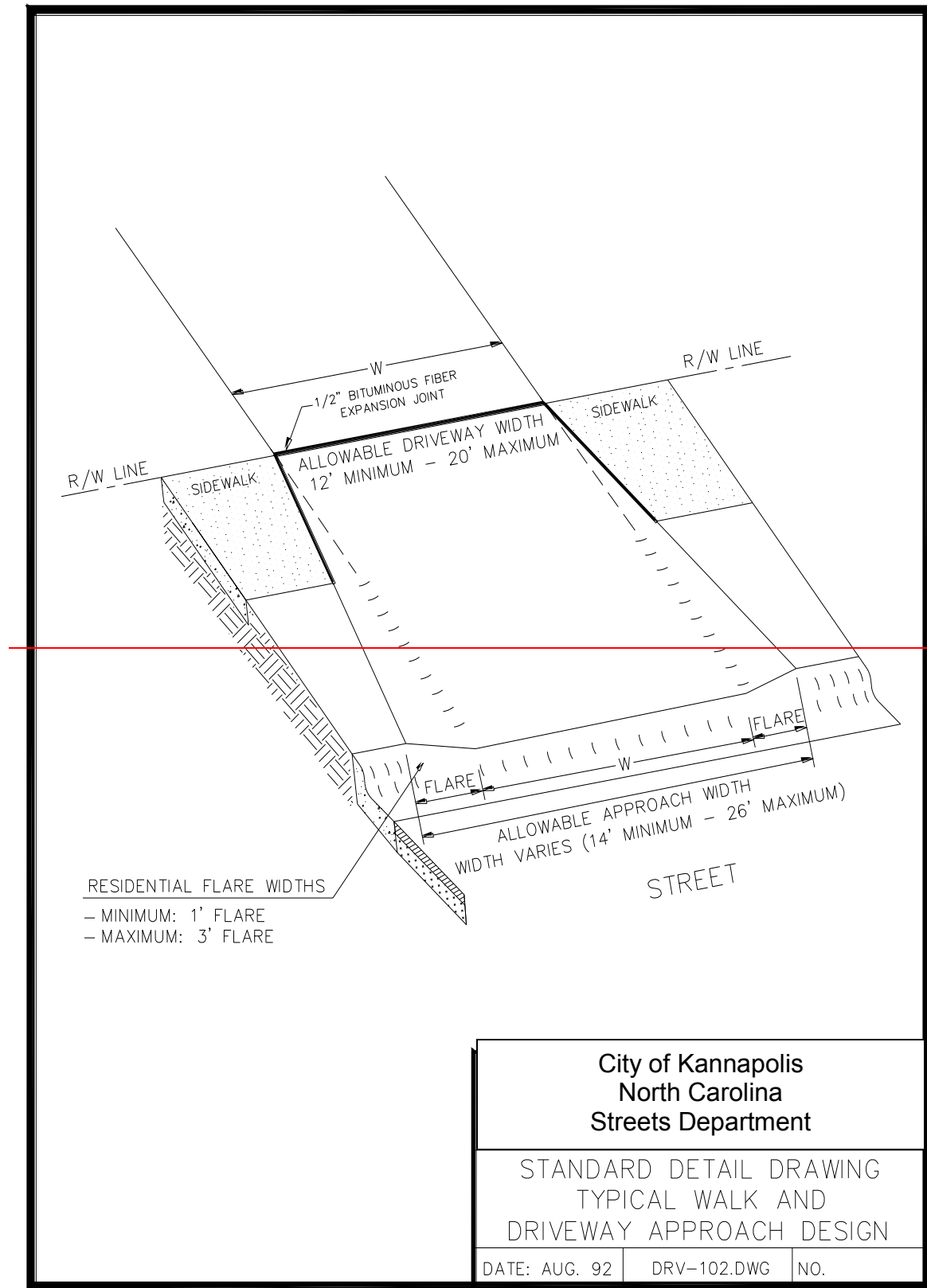
Control Devices (MUTCD):

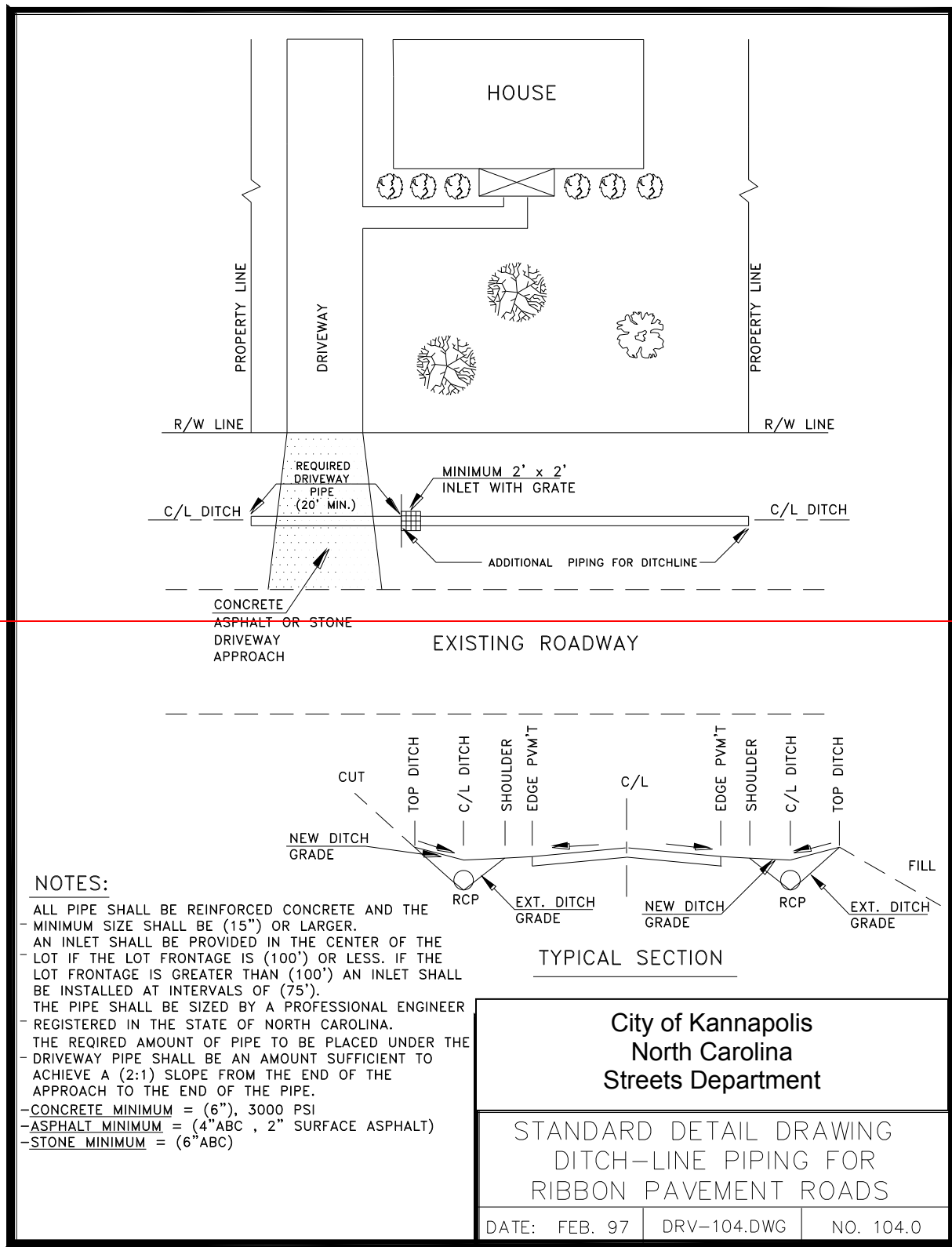
- ~~All signs and markings shall be installed and maintained by the property owner.~~

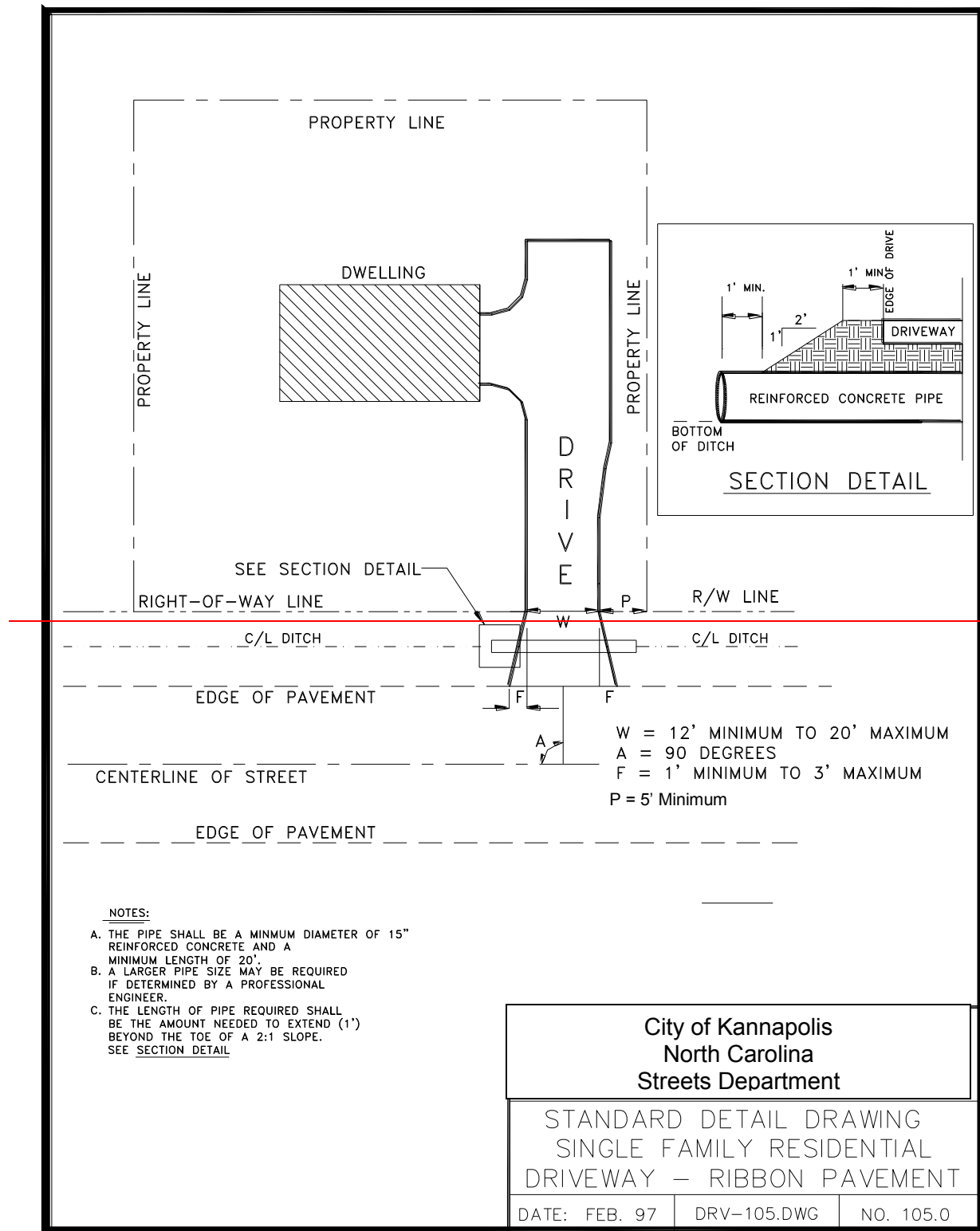
Policy Regarding the Use of Asphalt Paving for Driveway Aprons and Approaches

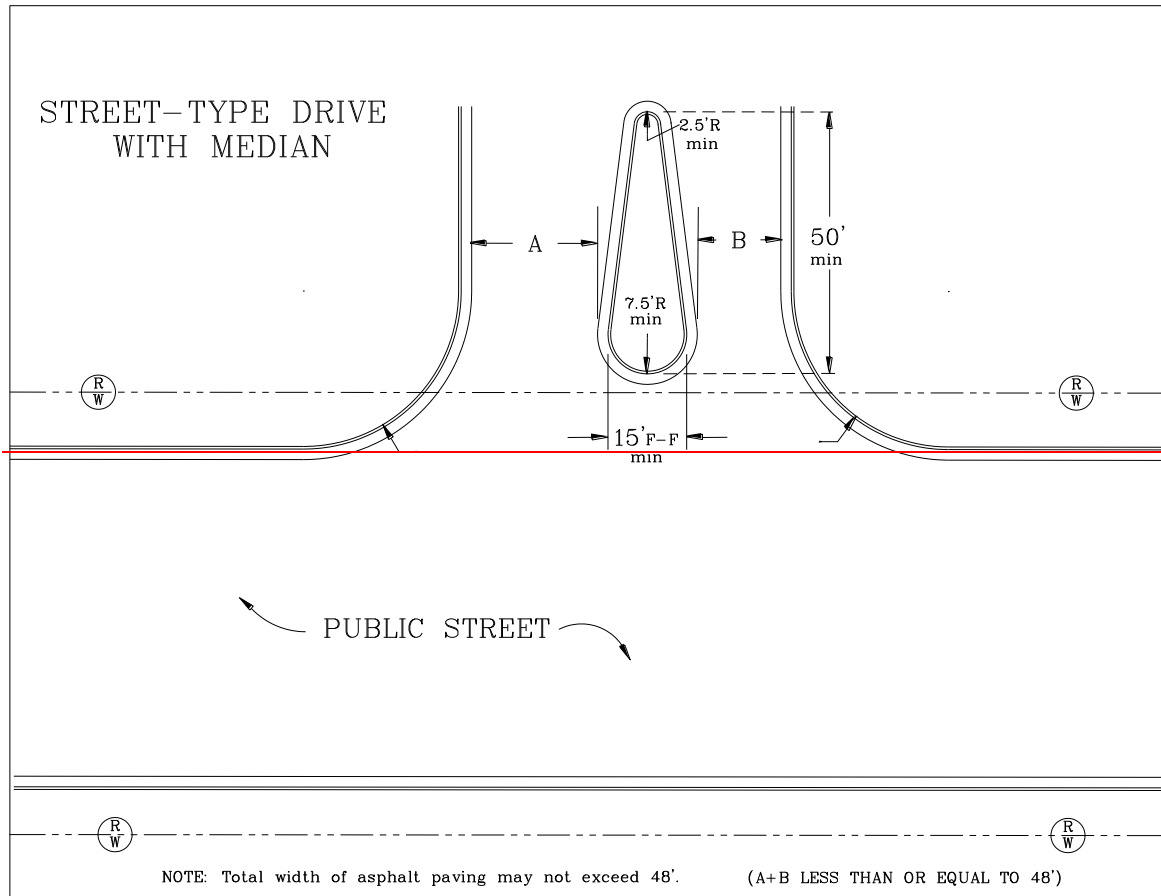
- ~~The Director of Transportation has recognized the need for an established policy regarding the installation of asphaltic concrete driveway aprons in lieu of Portland cement concrete driveway aprons, and as a result has established, in consultation with the City Director of Engineering, the following policy:~~
- ~~The use of asphalt is permitted for the construction of a driveway apron or approach if and only if that apron or approach meets the following criteria:~~
 - 1. ~~(a) the adjoining public street is unpaved or constructed of stone only, OR~~
~~(b) the adjoining public street is constructed of asphalt ribbon pavement~~
~~AND~~
 - 2. ~~The pavement design to be used in the construction of the driveway apron or approach is approved by the City Director of Transportation.~~
- ~~Under NO circumstances is asphalt paving permitted on any driveway apron or approach where the adjoining public street is constructed with granite curbing or concrete curb and gutter.~~

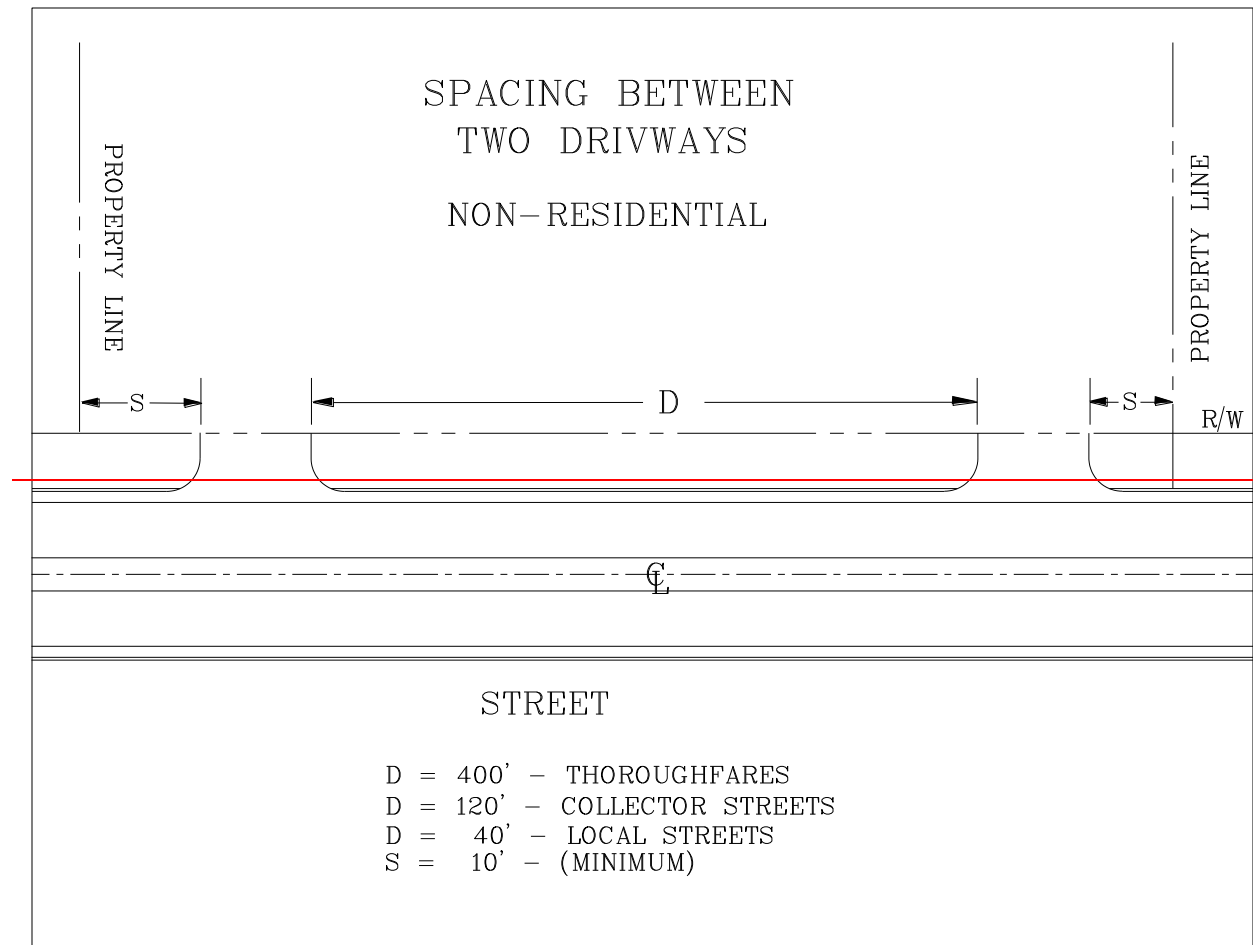
D.12 STANDARD DETAIL DRAWINGS.











TA-2019-01 LAND DEVELOPMENT STANDARDS

TABLE 1 SUMMARY OF PROPOSED CHANGES

Article	Section	Notes
Article 3	3.2	Grading Permit requirements
Article 4	4.3 4.10 4.13	Zoning District Purpose Statement TND Airport Overlay District
Article 6	6.4 6.6	Major Subdivisions Lot Design Standards
Article 8	8.1 8.2 8.3	General Standards Private Driveway Provisions Off-street Parking Standards
Article 9	9.1 9.2 9.3 9.4 9.5 9.6	General Provisions Administration and Procedures Standards Maintenance Enforcement and Violations Sedimentation and Erosion Control
Article 10	10.1	Street Improvement Standards
Article 11	11.2 11.3	MF Residential Design Standards Standards for Shopping Ctr. and Superstores
Appendix A	Definitions	Add Land Development Standards Manual (LDSM)
Appendix B	B.4 B.5 B.7	Major Site Plans Minor Site Plans Grading and Conservation Plan
Appendix C	C.1 C.2 C.4 C.5 C.7	General Provisions Water and Sewer Public Streets Stormwater Management Standard Details and Cross Section Drawings
Appendix D	D.1 D.4 D.5 D.7 D.8 D.12	Purpose of Driveway Ordinance Permit Required Plan Submission Requirements Inspections Driveway Design Standards Standard Detail Drawings



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE TA-2019-02 - Time Limit for Processing
Subdivision Plans

A. Action Requested by City Council

First Reading of TA-2019-02 (No Action Required)

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Staff is proposing to amend Article 6.1 of the UDO, by deleting Table 6-1.1, which includes the designated city official/department and time limits for processing subdivision plans. This information will be incorporated in the following document: **Development Guidebook: Commercial and Residential Land Development** (currently in final draft stage). This guidebook will serve as a concise reference guide and include requirements for the submission, review and approval of all land development proposals in the City.

D. Fiscal Considerations

None

E. Policy Issues

The proposed text amendments to the UDO are attached and shown as **additions and deletions**:

F. Legal Issues

Text Amendment Process

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

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. At its February 6, 2019 meeting, the Planning and Zoning Commission unanimously recommended City Council adoption of the proposed text amendments, which shall either approve, or deny the text amendment by a majority vote. This is the first of a two-step process for adoption of the proposed text amendments. The second step is for City Council to hold a public hearing on these amendments, which is scheduled for April 8, 2019.

Summary of Proposed Text Amendments

The proposed text amendment to Article 6.1 will transfer the timetable requirements for processing subdivision plans to a document titled: **Development Guidebook: Commercial and Residential Development**. This document is in the final draft stage and will provide developers with a summary of the requirements for the submission, review and approval of all land development proposals in the City.

G. Alternative Courses of Action and Recommendation

This is the first reading of proposed TA-2019-02. A public hearing will be held at the April 8, 2019 City Council meeting.

ATTACHMENTS:

File Name

- ☐ Text_Amendment_Application.pdf
- ☐ Changes_to_UDO_Article_6.pdf



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

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	<input checked="" type="checkbox"/>	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: Zachary D. Gordon, AICP
Planning Director Owner: _____

Address: 401 Laureate Way Address: _____
Kannapolis, NC 28081

Telephone: 704-920-4355 Telephone: _____

Email: zgordon@kannapolisnc.gov Email: _____

Legal relationship of applicant to property owner: N/A

Property Location/Address: N/A

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

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

[Signature] 1/18/19
Applicant Signature & Date Property Owner Signature & Date _____

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

For Staff Use Only:

Filing Fee: _____ Receipt # _____

Application No.: _____ Date Submitted (Complete): _____



CITY OF KANNAPOLIS

AN APPLICATION TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Article 6, Subdivision Regulations

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

See attached Staff Report

State your reasons for amending the text of the Ordinance:

See attached Staff Report



Signature of applicant

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

Table 6-1.1 Classification of Subdivisions

(A)		(B)	(C)
CLASSIFICATION	STAGE	DESIGNATED AGENCY (DECISION MAKER)	TIME LIMIT FOR PROCESSING
Minor Subdivision	Sketch Plat	Administrator	15 working days
Minor Subdivision	Final Plat	Administrator	15 working days
Major Subdivision	Sketch Plat	Administrator	15 working days
Major Subdivision	Preliminary Plat	⁽¹⁾Technical Review Committee	30-60 days
Major Subdivision	Final Plat	Administrator	15 working days
Construction Plans	—	Public Works Director, as delegated by this Ordinance	30 days
Exception from Subdivision Ordinance (see § 6.4.16)	—	Planning & Zoning Commission	Reasonable period of time, depending on circumstances and scope of application

6.4.8.9. The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as set forth in Appendix B.

6.4.8.10. In addition to the criteria as set forth in § 6.2 of this Ordinance, the Administrator shall not approve a final plat unless and until satisfactory evidence is filed that the final plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

6.4.8.11. The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

6.4.8.12. The applicant shall place reference monuments in the subdivision as required by NCGS § 47-30.

6.4.9. PHASING OF A PRELIMINARY PLAT. Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the final plat shall coincide with phase lines as established on the preliminary plat. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Commission.

6.4.10. RECORDING A FINAL PLAT.

6.4.10.1. Within the time period prescribed by Table 6.4-1 of this Ordinance, after final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

6.4.10.2. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

6.4.10.3. Plat Review Officer. Final plats for major subdivisions shall be reviewed by a Review Officer in the same manner as set forth in § 6.3.7.4 of this Ordinance.

6.4.11. SCOPE OF APPROVAL FOR FINAL PLAT.

6.4.11.1. Approval of the final plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the final plat and engineering plans for the maintenance, repair or operation thereof. (See § 6.4.13 for acceptance).

6.4.11.2. No zoning clearance permit or building permit shall be issued or approved until the expiration of ten (10) business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus (or Rowan) County.

6.4.12. CONSTRUCTION PLANS.

6.4.12.1. Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer or professional landscape architect, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by Appendix C and the [Land Development Standards Manual \(LDSM\)](#) of this Ordinance and any additional technical manuals as adopted by the City. Construction plans shall be submitted to the Public Works Director for review and approval as an administrative permit. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

6.4.12.2. The Administrator shall delegate the authority to review and approve all construction plan applications to the Public Works Director.

6.4.12.3. All installations of improvements shall

conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Public Works Director. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

6.4.12.4. As-Built Drawings.

Prior to final inspection of the required improvements, the applicant shall submit to the Administrator, per the Land Development Standards Manual (LDSM), one (1) reproducible copy and two (2) prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.

6.4.12.4.1. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the City's Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have

received approval.

6.4.12.4.2. As-built drawings shall depict water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.

6.4.12.4.3. As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.

6.4.12.4.4. As-built drawings shall show all control points and monumentation.

6.4.13. INSPECTION OF IMPROVEMENTS.

6.4.13.1. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the city and state may make inspections at any time during the progress of work.

6.4.13.2. All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the Public Works Director, (or his/her designee), the applicant shall provide the Public Works Director with written reports of each final inspection.

6.4.13.3. Prior to beginning construction, the applicant shall arrange with the Public Works Director a pre-construction meeting for the purpose of coordinating construction activities.

6.4.13.4. It shall be the responsibility of the applicant to notify the Public Works Director (or his/her designee) of the commencement of construction of improvements one (1) full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction

Table 6.6-2. Maximum Number of Flag Lots

Size of Subdivision	Maximum Number or Percentage (%) of Flag Lots
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

- This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots.
- The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

6.6.9. INFRASTRUCTURE STANDARDS.

6.6.9.1. Standards for Street Design.

Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance and the Land Development Standards Manual (LDSM).

6.6.9.2. Standards for Utilities.

Standards for the design and installation of public utilities shall be in accordance with Appendix C of this Ordinance and the Land Development Standards Manual (LDSM).



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
P R O C L A M A T I O N

FAIR HOUSING MONTH

WHEREAS, Provision of fair housing opportunities for all citizens of Kannapolis is an important goal of the City of Kannapolis; and

WHEREAS, The City of Kannapolis, the North Carolina Human Relations Commission, concerned citizens, financial institutions and the housing industry are working to realize the dream of fair, safe, decent and affordable housing for all city residents; and

WHEREAS, The participation of the City of Kannapolis with programs of the United States Department of Housing and Urban Development, which prohibits discrimination in housing because of race, color, sex, religion, disability, family status or national origin with April marking the fifty-first anniversary of the Federal Fair Housing Act of 1968;

WHEREAS, By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our city, our state and our nation, and we are encouraging other to abide by the letter and the spirit of the Federal Fair Housing Act.

NOW, THEREFORE, I, Milton D. Hinnant, Mayor of the City of Kannapolis, North Carolina, by the virtue of the authority vested in me as Mayor do hereby proclaim April 2019 as:

“FAIR HOUSING MONTH”

in the City of Kannapolis and urge, all our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and all citizens are protected against discrimination.



IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 25th day of March, 2019.

Milton D. Hinnant

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
January 28, 2019**

A continued meeting from the January 14, 2019 meeting of the City Council was held on January 28, 2019 at 4:30 PM at the Kannapolis City Hall Executive Conference Room, 3rd floor, located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault
Roger Haas
Van Rowell
Diane Berry
Tom Kincaid

Council Members Absent: Doug Wilson

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Irene Sacks Annette Privette Keller
Zac Gordon Trent Marlow
Eric Davis Gary Mills

Visitors Present: Richard Flowe Steve Morris
Steve Schuster Mon Peng Yueh

CALL TO ORDER AND WELCOME:

Mayor Hinnant reconvened the meeting to order and welcomed those in attendance.

BUSINESS AGENDA:

Discussion on the Gem Theater Renovations (Mike Legg, City Manager and Irene Sacks, Director of Community and Economic Development)

Steve Schuster and Mon Peng Yueh of Clearscapes, Architects presented a PowerPoint presentation reviewing Council comments from the October 22, 2018 presentation and timeline.

GEM THEATRE MASTER PLAN TIMELINE PROGRAMMING / PLANNING SCHEDULE

- Project kick-off meeting in 6/2018
- Conducted Existing Conditions Analysis in 7/2018

- Core Group Visioning Session in 9/2018
- City Council Presentation in 10/2018
- City Council Final Presentation in 1/2019

NATIONAL REGISTER OF HISTORIC PLACES NOMINATION SCHEDULE

- Study List submitted in 9/2018
- NRAC approved Study List in 10/2018
- Draft nomination application submitted to SHPO in 1/2019
- NRAC review draft application in 2/2019 (likely to be delayed due to government shutdown)
- NRAC review final application in 6/2019
- Final Nomination Application submission to Keeper of National Register in 7/2019
- Fall 2019 to receive notification of decision

NEXT STEPS

With today's input, Clearscapes will prepare and submit final plan diagrams, budget opinion and provide recommendation on timeline for design phase.

DIAGRAM B

IMPROVEMENTS WITH ELEVATOR

FIRST: IMPROVE FOR CURRENT USES – NOW

- NEW CONCESSION AREA FOR BETTER CIRCULATION AND FLOW
- PROVIDE LARGER LOBBY AND EVENT SPACE
- PROVIDE ACCESSIBLE RESTROOMS

SECOND: EXPAND PROGRAMMING – FUTURE

- RENOVATE SECOND FLOOR SPACES FOR ADDITIONAL PROGRAM USES
- ADD ELEVATOR FOR ACCESSIBILITY TO SECOND FLOOR



10.22.18 COUNCIL COMMENTS

- CONSIDER IMPROVEMENTS IN THE THEATER HOUSE
- PROVIDE INFRASTRUCTURE FOR FUTURE PERFORMING ARTS PROGRAMMING
- SHOW DIAGRAM OF BUILDING ADDITIONS
- PROVIDE COST INFORMATION
- CONSIDER FUNDING SOURCES
- CONSIDER FUND RAISING OPPORTUNITES
- HOW TO TRANSITION FROM MOVIES TO PERFORMING ARTS



COLOR LEGEND:

- ENTRY / EXIT ACCESS
- CIRCULATION PATH

- NEW ELEVATOR
- RESTROOMS

- CONCESSION
- CATERING STAGING

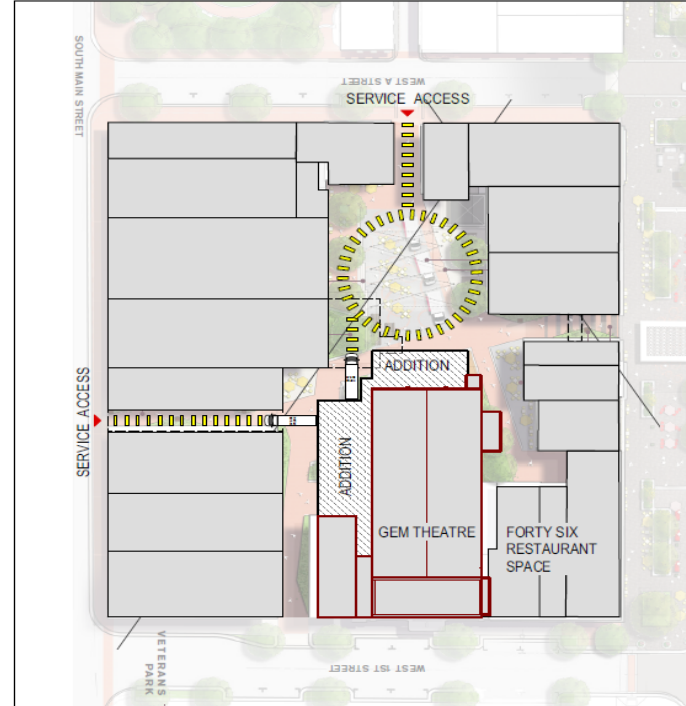
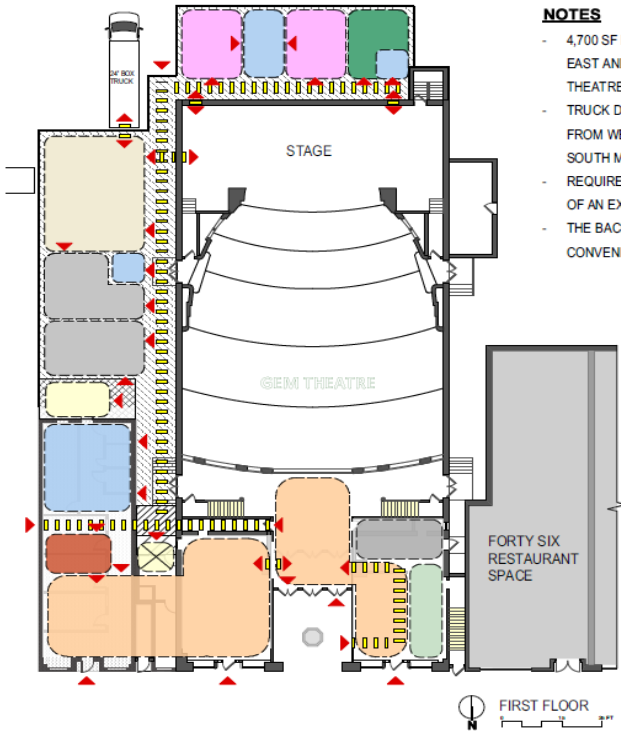
- LOBBY / EVENT SPACE
- DRESSING ROOM

- PROP ASSEMBLY
- GREEN ROOM

- STORAGE, UTILITY
- BUILDING ADDITION

NOTES

- 4,700 SF BUILDING ADDITION TO THE EAST AND NORTH SIDES OF GEM THEATRE
- TRUCK DELIVERY ACCESS COULD BE FROM WEST A STREET OR FROM SOUTH MAIN STREET
- REQUIRES DEMOLITION OF A PORTION OF AN EXISTING BUILDING
- THE BACK-OF-HOUSE ADDITIONS HAVE CONVENIENT ACCESS TO STAGE AREA



PERFORMANCE THEATER CONCEPT DIAGRAM

ADDITION TO THE EAST AND SOUTH SIDES

JANUARY 2019
CLEARSCAPES
ARCHITECTURE ART

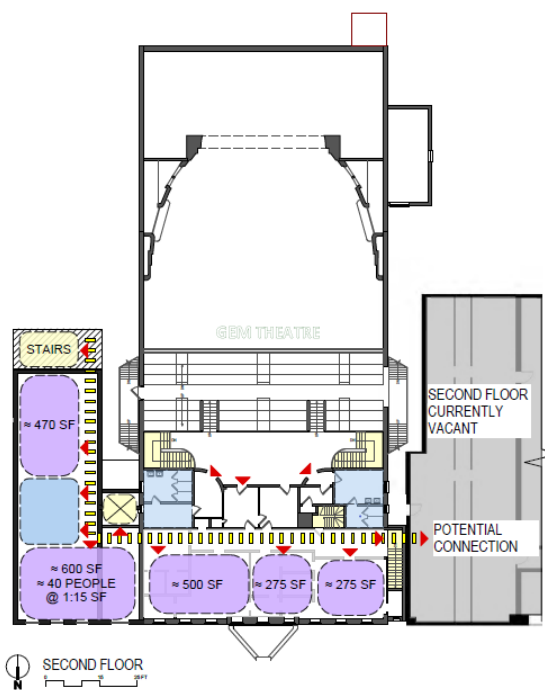
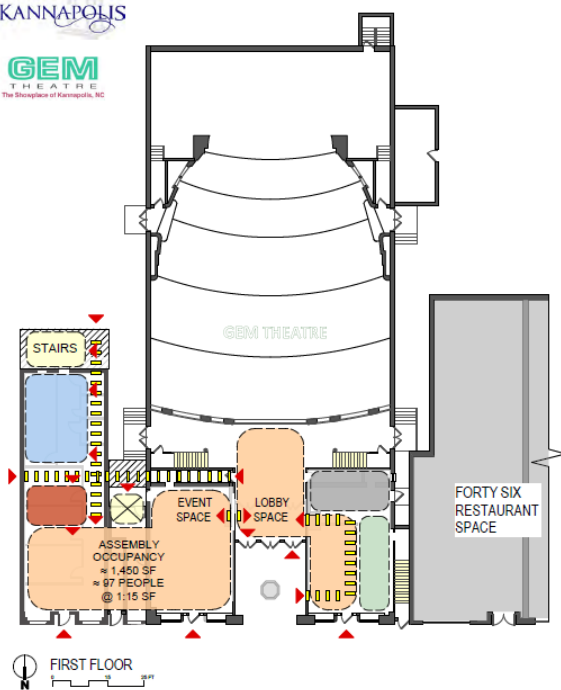


RENOVATION SCOPE

- EXPANSION INTO ADJACENT BUILDING WITH CONNECTED 2ND FLOOR SPACES
- NEW CONCESSION LOCATION FOR BETTER CIRCULATION FLOW
- ADD ELEVATOR ON THE EAST SIDE
- NEW ADA RESTROOMS AND CATERING STAGING IN ADJACENT BUILDING
- NEW STAIR ADDITION IN ADJACENT BUILDING
- SECOND FLOOR SPACES CAN BE RENOVATED IN FUTURE PHASE

NOTES

- ELEVATOR LOBBY HAS EXTERIOR ACCESS ON THE EAST SIDE OF THE BUILDING
- CATERING STAGING HAS EASY ACCESS TO THE EXTERIOR ON THE EAST SIDE
- EVENT SPACE CAN FUNCTION SEPARATELY FROM THE THEATER LOBBY SPACE
- STEPS AND RAMPS WILL BE STRATEGICALLY LOCATED TO CONNECT THE SPACES
- 2ND FLOOR MULTI-PURPOSE SPACES ARE SEPARATE FROM THE THEATER SPACE TO CONTROL PUBLIC ACCESS TO THE THEATER
- POTENTIAL 2ND FLOOR ADA ACCESS TO BUILDINGS WEST OF GEM THEATRE
- BUSINESS OR RESIDENTIAL OCCUPANCY ON THE SECOND FLOOR DOES NOT REQUIRE SPRINKLER SYSTEM



COLOR LEGEND:

- ENTRY / EXIT ACCESS
- CIRCULATION PATH

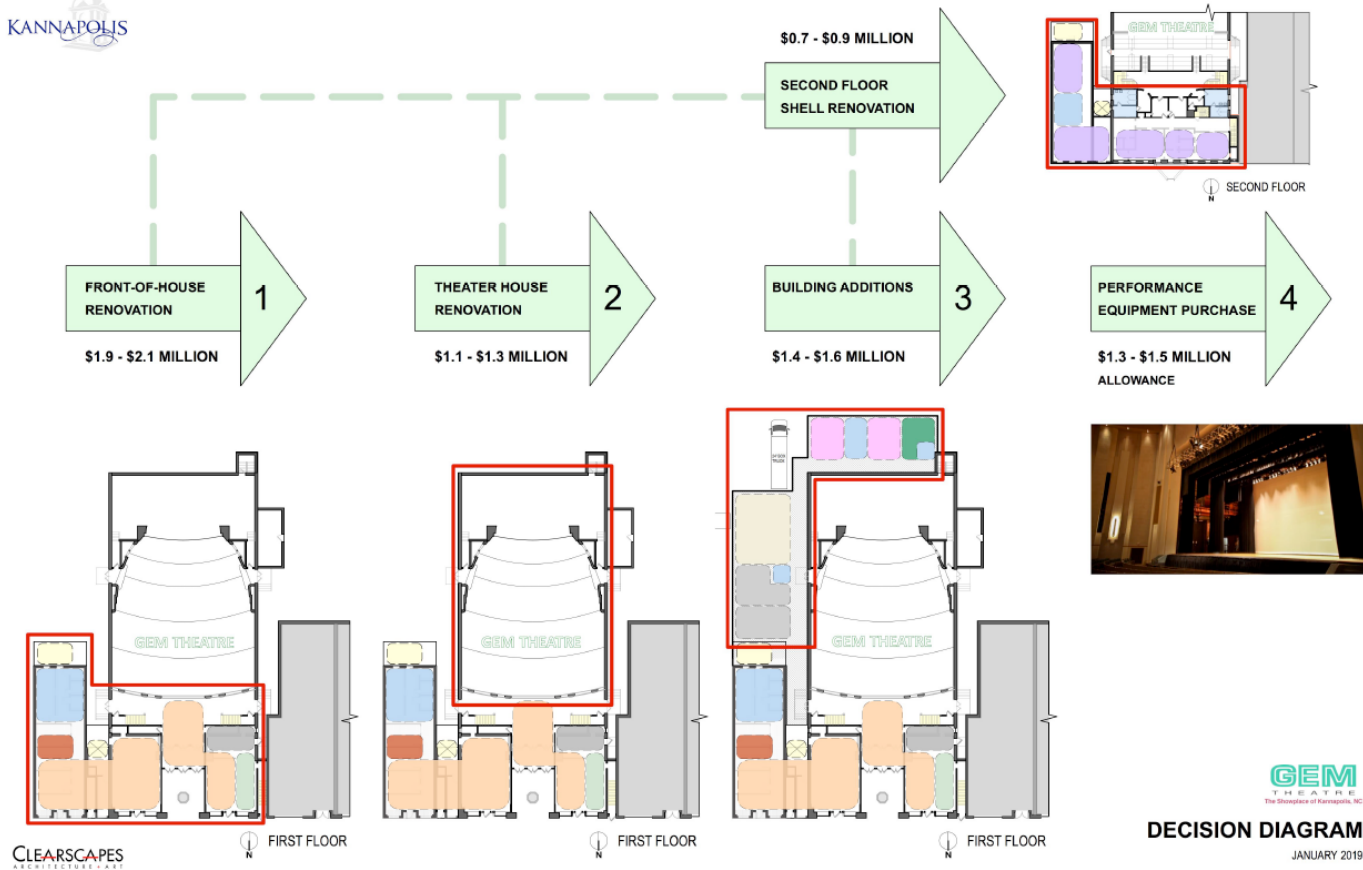
- NEW ELEVATOR
- RESTROOMS

- CONCESSION
- CATERING STAGING

- LOBBY / EVENT SPACE
- ADMINISTRATIVE OFFICES

- STORAGE, UTILITY SPACES
- NEW BUILDING ADDITION

- MULTI-PURPOSE BUSINESS OCCUPANCY



Following general discussion, Council Member Dayvault made a motion to adjourn. Motion was seconded by Council Member Rowell and approved by unanimous vote.

The meeting adjourned at 5:26 PM on Monday, January 28, 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
January 28, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, January 28, 2019 at 6:00 p.m., at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault
Roger Haas
Van Rowell
Diane Berry
Doug Wilson
Tom Kincaid

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Tina Cline Annette Privette Keller
Irene Sacks Zac Gordon
Trent Marlow Eric Davis
Donie Parker JW Chavis
Terry Clanton David Zienka
Kirk Beard Jason May
Tony Eury David Jordan

Visitors Present: Brandon Wagner Tim Everette
Ebari Moore Courtney Barnes
Nathan Payne Jo Stephens
Carrie Ryan Sophia Wilkerson
Mark Spitzer Bobbi Hague
Chris Howard Debbie Newton
Dianne Ship Lester Sisk
S. Hall Sally Hilton

CALL TO ORDER AND WELCOME:

1 Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent
2 prayer and the Pledge of Allegiance was led by Council Member Wilson.

3
4 **RECOGNITIONS:**

5 **Administer the Oath of Office to Kannapolis Police Officers**

6 City Clerk Bridgette Bell administered the Oath of Office to Kannapolis Police Officers. The
7 Kannapolis Police Department has added five new officers who successfully completed Basic Law
8 Enforcement Training and graduated in early January 2019. Basic Law Enforcement Training
9 consists of 682 hours of extensive training. They are currently in Field Training with the
10 Department. They will be administered the ceremonial oath of office by the City Clerk.

11
12 The Officers are:

- 13 • Ronald Jared Barnes
- 14 • Brandon Chase Crowe
- 15 • Cody Thomas Franklin
- 16 • Zachary William Johnson
- 17 • Brandon Rashad Moore

18
19 **ADOPTION OF AGENDA:**

20 Mayor Hinnant noted a revised agenda adding Consent Agenda Item #4 – Resolution for
21 appointment of Acting City Clerk.

22
23 Council Member Dayvault made a motion to approve the revised agenda. Motion was seconded
24 by Council Member Wilson and approved by unanimous vote.

25
26 **APPROVAL/CORRECTION OF MINUTES**

27 Mayor Pro tem Haas made a motion to approve the January 14, 2019 regular Meeting minutes.
28 Motion was seconded by Council Member Berry and approved by unanimous vote.

29
30 Council Member Kincaid made a motion to approve the January 14, 2019 Closed Session minutes.
31 Motion was seconded by Council Member Dayvault and approved by unanimous vote.

32
33 **CONSENT AGENDA:**

34 Motion was made by Council Member Dayvault and seconded by Council Member Kincaid to
35 approve the Consent Agenda. The motion was approved by unanimous vote.

36
37 Delegation of Authority to Award, Approve and Execute Contracts and Other Instruments (Walter
38 M. Safrit, II, City Attorney) (Copy included as Exhibit A)

39
40 Amend Personnel Policy 600.02 - Holidays (Tina Cline, Human Resources Director) (Copy
41 included as Exhibit B)

42
43 Interlocal Agreement regarding debris disposal (Wilmer Melton, Public Works Director and
44 Walter M. Safrit II, City Attorney) (Copy included as Exhibit C)

45
46 Resolution for Appointment of Acting City Clerk (Mike Legg, City Manager) (Copy included as
47 Exhibit D)

1
2 **BUSINESS AGENDA:**

3 **Public Hearing and Resolution Approving the Execution of the Amended and Restated**
4 **Parking Garage Lease Agreement and the Hotel Parking Garage Lease Agreement by and**
5 **between the City of Kannapolis and Kannapolis Master Venture, LLC (Mike Legg, City**
6 **Manager and Walter M. Safrit II, City Attorney) (Copy included as Exhibit E)**

7 City Manager Legg explained that in June 2018 the City and Demonstration Project developer,
8 LMG negotiated terms to ensure for the successful construction of the mixed use projected
9 downtown. At the request of LMG's potential lending institution at the time, the City agreed to a
10 delayed payment for the land purchase and a 10-year parking fee waiver equal to \$165,000
11 annually to the City. With a more recent change in LMG's source of financing, the previously
12 discussed terms no longer applied. LMG agreed pay for the land at closing (which happened in
13 December 2018) and to float the City's purchase of the parking garage until it was completed in
14 2020. A previous promissory note for \$340,000 for the existing buildings was also no longer
15 needed (this was an original agreement from the beginning negotiations). The assumption was
16 made that the parking fee waivers were no longer needed either. As a result, they were removed
17 from the MDA amendments approved by City Council in September 2018. Since those
18 amendments were made, LMG has maintained that the parking fee waiver is critical to getting the
19 financing terms of the project and construction is tied to this waiver.
20

21 Additionally, in the past 30 days it has become clear that LMG intends to proceed with a hotel
22 project on the same site as the mixed use/residential project. As a compromise LMG has agreed to
23 execute a long term parking garage lease agreement for the planned hotel equal to the amount of
24 the annual fee waiver amount in the parking lease agreement for the mixed use project. This has
25 presented itself as a win-win for both parties.
26

27 The attached resolution approves the above-described waiver for the mixed use project and also
28 approves a new parking lease agreement for the hotel. Both amounts equal \$165,000 annually. The
29 waiver ends after 10 years after which the mixed use project would generate parking lease revenues
30 of \$50 per space per month (275 spaces) to the City. The Hotel would continue to generate the
31 same amount going forward as well. As included in the agreements, LMG's local project company
32 is Kannapolis Master Venture, LLC.
33

34 Council Member Dayvault made a motion to approve Resolution Approving the Execution of the
35 Amended and Restated Parking Garage Lease Agreement and the Hotel Parking Garage Lease
36 Agreement by and between the City of Kannapolis and Kannapolis Master Venture, LLC. Motion
37 was seconded by Council Member Kincaid and approved by unanimous vote.
38

39 **Public Hearing and an adopting an Ordinance directing the Housing Code Inspector to**
40 **demolish the dilapidated structure at 909 Miller Street (Zachary D. Gordon, AICP, Planning**
41 **Director) (Copy included as Exhibit F)**

42 Planning Director, Zac Gordon, gave a PowerPoint presentation regarding the Public Hearing and
43 Action on Minimum Housing Code Violations at 909 Miller Road.
44

- 45 ➤ **November 12, 2015** – Original Minimum Housing Code case for 909 Miller St.
46 opened but estate for related owners not completely resolved.
47 ➤

- Communication with family members continued as estate was distributed. Those family members contested demolition indicating that structure is not a house but rather used as storage building used to store related items for other rental properties
 - Per Article 5.2.1.4. of UDO, storage buildings defined as accessory structures and shall not be constructed or established on a lot until the primary use has been established
 - With no other primary structure on the property, the accessory use of the inhabitable structure violates the UDO
 - **April 4, 2017**- New case opened after title search performed (new owner)
 -
- **November 8, 2017** – Notice of Hearing mailed to owner of property, Gwin & Sally Hilton, notifying of November 21, 2017 hearing
-
- **November 21, 2017** – Findings of Fact conducted on property located at 909 Miller St. with Gwin Hilton present
 - Deadline of February 21, 2018 was provided in order for owner to either repair or demolish the structure
 - To date no permits issued to repair or demolish structure
 - Per water departments current monitoring system, water utilities have never been connected

Council Member Dayvault asked if the taxes had been paid. Mr. Gordon stated he was not sure.

There being no other questions, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

Sallie Hilton of 1735 Mount Clair Avenue, Gastonia, NC told Council they were in the process of putting the property into another person's name. She requested an additional 30 -45 days in order to complete the transaction.

Council Member Dayvault asked what the property would be used for. Ms. Hilton stated she was not 100% sure, but thinks it will be residential.

Council Member Rowell asked when Ms. Hilton became involved. Ms. Hilton explained the property was inherited by in-laws. Her husband travels and was not able to attend. It is her understanding that a title search is being done.

Council Member Kincaid asked if it was through a realtor or private individual. Ms. Hilton stated they did not have a realtor.

Council Member Haas asked if she knew the intent of the new property owner. Ms. Hilton replied "she did not think they are going to keep the building".

1 Council Member Berry asked if the property taxes had been paid. Ms. Hilton responded yes.

2
3 Council Member Wilson asked Mr. Gordon if this property has been presented for demolition at a
4 previous time. Mr. Gordon responded no.

5
6 Mayor Hinnant asked if any earnest money had been given. Ms. Hilton replied “not that she is
7 aware of.”

8
9 There being no further speakers, Mayor Hinnant closed the public hearing.

10
11 Mayor Hinnant asked the City Attorney if Council decided to adopt the Ordinance for the building
12 to be demolished and another owner took possession, would the process have to start over or how
13 would the owner know that this action is pending? Mr. Safrit explained that the Planning
14 Department typically files a Notice of Lis Pendens for pending litigation. The new property owner
15 would be given notice that the property is subject to this order. Also a title investigation would
16 reveal the pending notice.

17
18 Mr. Safrit recommended that in Section 3, the date be changed to state “on or after March 15,
19 2019, but no later than April 1, 2019,”

20
21 Council Member Dayvault made a motion to approve the Ordinance with recommendations as
22 stated by the City Attorney. Council Member Wilson seconded the motion and it was approved by
23 unanimous vote.

24
25 **Resolution of Intent to approve a request for Voluntary contiguous Annexation of property**
26 **located on Moose Road (Zachary D. Gordon, AICP, Planning Director) (Copy included as**
27 **Exhibit G)**

28 Planning Director, Zac Gordon, gave a PowerPoint presentation regarding the voluntary
29 contiguous annexation of property located on Moose Road.

- 30
31 • Property Owner: Brian and Amanda Rabon
32 • Applicant: PP&I, LLC
33 • Property Location: Unaddressed parcel located on Moose Road
34 • Property Area: Approximately 5.91 +/- acres
35 • Rowan Parcel Identification Number: (145 063 2)
36 • Existing Zoning: City of Kannapolis Zoning Designation RM-2 (Residential Medium
37 Density)
38 • Proposed Zoning: To remain the same
39 • Property located on south side of Moose Road, east of China Grove Road
40 • Applicant has submitted petition requesting contiguous “Voluntary Annexation”.
41 • Property currently located within Rowan County’s Extra Territorial Jurisdiction (ETJ) area
42 of the City of Kannapolis

43
44 There being no questions, Mayor Pro tem Haas made a motion to adopt a Resolution directing the
45 City Clerk to investigate the sufficiency of the petition. Council Member Rowell seconded the
46 motion and approved by unanimous vote.

1 The City Clerk presented a Certificate of Sufficiency (Copy included as Exhibit H)

2
3 Council Member Kincaid made a motion to approve a Resolution of Intent to annex approximately
4 5.91 +/- acres located on an unaddressed parcel on Moose Road (Rowan County PIN: 145 063 2)
5 and set a public hearing date of February 11, 2019. Motion was seconded by Council Member
6 Rowell and approved by unanimous vote.
7

8 **Train Station Second Platform Agreement (Mike Legg, City Manager) (Copy included as**
9 **Exhibit H)**

10 Mr. Legg explained that a 2001 Municipal Agreement between the City and NCDOT provided for
11 a future phase of the Kannapolis Train Station project. NCDOT has now secured funding for this
12 phase. This phase (described generally in the attached agreement) consists of:
13

- 14 • Construction of a second platform on the east side of the railroad tracks.
- 15 • Construction of a bridge connecting the east and west sides of the railroad tracks (the two
16 platforms). This bridge will now be located on the north side of the train station closer to
17 the B Street intersection (the attached plans show it on the south side near the new parking
18 lot). Option A on the attached site plans has been established as the preferable option. The
19 bridge will include an elevator and will be also remain open for public, non-train station
20 users.
- 21 • Acquisition of the two single family homes north of the Train Station (owned by the City).
- 22 • Demolition of the two homes and construction of a parking lot.
23

24 Under the agreement, NCDOT will be responsible for all design, right of way acquisition and
25 construction. All of these costs will be the responsibility of NCDOT. There is not a local match
26 for this project. The agreement provides that the City will be the owner of these facilities when
27 completed and will responsible for future maintenance. The total estimated costs of the Project is
28 \$6,550,000 including preliminary engineering of \$600,000, right of way acquisition of \$1,250,000,
29 and construction of \$4,700,000.
30

31 Following general discussion, Mayor Pro tem Haas made a motion to approve the Train Station
32 Second Platform Agreement. Motion was seconded by Council Member Dayvault and approved
33 by unanimous vote.

34 **CITY MANAGER REPORT:** None

35
36 **CITY COUNCIL COMMENTS:** None

37
38 **SPEAKERS FROM THE FLOOR:** None

39
40 **CLOSED SESSION:**

41 Mayor Pro tem Haas made a motion to go into closed session pursuant to GS. 143-318.11 (a) (3)
42 to consult with an attorney in order to preserve the attorney client privilege; G.S. 143.318.11 (a)
43 (4) for discussing matters relating to the location or expansion of industries or businesses in the
44 area and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters. Motion was
45 seconded by Council Member Kincaid and approved by unanimous vote.
46

47 Council went into closed session at 6:50 PM.

1
2 Council Member Kincaid made a motion to come of out closed session. Motion was seconded by
3 Council Member Wilson and approved by unanimous vote.
4

5 Council resumed regular session at 7:55 PM.
6

7 There being no further business, Council Member Wilson made a motion to adjourn. Motion was
8 seconded by Council Member Dayvault and approved by unanimous vote.
9

10 The meeting adjourned at 7:55 PM on Monday, January 28, 2019.
11
12
13
14

15 _____
Milton D. Hinnant, Mayor

16 _____
17 Bridgette Bell, MMC, NCCMC
18 City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
February 11, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, February 11, 2019 at 6:00 p.m., at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault
Van Rowell
Diane Berry
Doug Wilson
Tom Kincaid

Council Members Absent: Roger Haas

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Absent

City Attorney: Walter M. Safrit

Staff Present: Terry Clanton Ernie Hiers
Irene Sacks Eric Davis
Trent Marlow Annette Privette Keller
Zac Gordon

Visitors Present: Tony Tagliaferri Pate Butler
Bobbie Hague Bishop Roland Jordan
Nathan Payne Dianne Ship
Lester Sisk Ron Haithcock
Donna Carpenter

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent prayer and the Pledge of Allegiance was led by Council Member Kincaid.

ADOPTION OF AGENDA:

Mayor Hinnant noted a revised agenda adding as Business Agenda Item "E" Public Hearing for Voluntary Annexation of unaddressed property located on Moose Road. Motion was made by

1 Council Member Wilson to approve the revised agenda. Motion was seconded by Council Member
2 Dayvault and approved by unanimous vote.

3
4 **PROCLAMATION:**

5 Mayor Hinnant presented Bishop Roland Jordan a Proclamation in honor of February as Black
6 Heritage Month.

7
8 **RECOGNITIONS:**

9 Donna Carpenter, Cabarrus County Convention and Visitors Bureau (CVB) President and CEO,
10 presented Eddie Smith, Deputy City Manager, with the Top 20 Event Award by the Southeast
11 Tourism Society for the Jiggy with the Piggy Festival. Eddie was instrumental in founding the
12 festival which brings thousands of people to Kannapolis and Cabarrus County each year.

13
14 **CONSENT AGENDA:**

15 Motion was made by Council Member Kincaid made a motion to approve the Consent Agenda.
16 Motion was seconded by Council Member Berry and was approved by unanimous vote.

17
18 Approval of FY19 Audit Contract (Eric Davis, Finance Director) (Copy included as Exhibit A)

19
20 Approve Budget Amendment 19-13 for the Irish Buffalo Creek Sewer project (Eric Davis, Finance
21 Director) (Copy included as Exhibit B)

22
23 **BUSINESS AGENDA:**

24 **Presentation by NCDOT regarding US 29 Corridor (Cannon Boulevard) Improvement**
25 **Project south of McLain Road and north of Sweet Gum Street and adopt a Resolution of**
26 **Support (Wilmer Melton III, Director of Public Works) (Copy included as Exhibit C)**

27 Tony Tagliaferri, Division Traffic Engineer and Pate Butler, P.E. Regional Traffic Engineer
28 presented a PowerPoint Presentation proposing certain road improvements necessary for public
29 safety and the efficient transportation system along the US 29 Corridor (Cannon Boulevard) from
30 south of McLain Road to north of Sweet Gum Street.

31
32 Following general discussion, Council Member Dayvault made a motion to approve a Resolution
33 of Support for NCDOT's US 29 Corridor (Cannon Boulevard) Improvement Project south of
34 McLain Road and north of Sweet Gum Street. Motion was seconded by Council Member Kincaid
35 and approved by unanimous vote.

36
37 **High Bridge Property Off-Site Water and Sewer Extensions (Wilmer Melton, III, Director**
38 **of Public Works) (Copy included as Exhibit D)**

39 Public Works Director Wilmer Melton stated that Staff has received ten statements of
40 qualifications from prospective consultants regarding the High Bridge Property Off-Site Water
41 and Sewer Extensions Project for Engineering and Construction Administration Services. Staff
42 selection team short-listed two firms for interview and selected LKC Engineering, PLLC to
43 perform the work. Staff has also reviewed the attached contract and cost and is in concurrence.
44 Therefore, it is staff's recommendation that City Council award the Engineering and Construction
45 Administration Services for the High Bridge Property Off-Site Water and Sewer Extensions
46 Project to LKC Engineering, PLLC. In addition, City Council will also consider adopting both a

1 project ordinance and reimbursement resolution. The project ordinance includes an authorization
2 of \$3,000,000 for engineering and other preliminary work. An amendment for the full project
3 amount will be considered at the time the project is bid.

4
5 Following general discussion, Council Member Dayvault made a motion to award the High Bridge
6 Property Off-Site Water and Sewer Extensions Project Engineering and Construction
7 Administration Services to LKC Engineering, PLLC in the amount of \$1,925,000.00 and authorize
8 City Manager to execute Contract. Motion was seconded by Council Member Wilson and
9 approved by unanimous vote.

10
11 Council Member Wilson made a motion to approve the Project Ordinance for the High Bridge
12 Property Off-Site Water and Sewer Extensions Project. Motion was seconded by Council Member
13 Dayvault and approved by unanimous vote.

14
15 Council Member Kincaid made a motion to approve the reimbursement Resolution of Intent for
16 the High Bridge Property Off-Site Water and Sewer Extensions Project. Motion was seconded by
17 Council Member Berry and approved by unanimous vote.

18
19 **Appointment of members to Board of Adjustment (Zac Gordon Planning Director) (Copy**
20 **included as Exhibit E)**

21 Planning Director Zac Gordon explained that the Board of Adjustment has seven (7) regular
22 members (including one ETJ member) and two (2) alternate members. Currently, the BOA is in
23 need of one (1) regular member to replace a member that resigned in October 2018. Typically,
24 new regular BOA members are appointed by City Council from the list of alternate members. Of
25 the two (2) current alternates, James Palmer, has served the longest and is willing to serve as a full
26 member of the Board. The BOA is also in need of an alternate member to replace James Palmer.

27
28 At its November 26, 2018 meeting, the City Council approved a text amendment to the UDO which
29 removed the previous limit of two (2) on the maximum of alternate members. In order to insure a
30 sufficient number of BOA members to rule on cases, in addition to the appointment of a new
31 regular board member, staff is recommending the appointment of two (2) additional alternates to
32 the Board, for a total of three (3). The additional alternate members will provide enough flexibility
33 to insure that the BOA has a sufficient number of board members at meetings to rule on
34 applications for variances. Six (6) members must be present to rule on a variance request. In the
35 past year, there have been several meetings where the BOA has not been able to hear a variance
36 request due to the lack of a sufficient number of board members present to hear the case.

37
38 Council Member Wilson made a motion to appoint James Palmer (currently serving as an alternate
39 member) as a regular member to the BOA. Motion was seconded by Council Member Kincaid.

40
41 Council Member Kincaid made a motion to appoint the following individuals to the BOA as
42 alternate members: Jeff Parker and Scott Trott. The motion was seconded by Council Member
43 Berry and approved by unanimous vote.

44
45 **Cancel February 25, 2019 Regular Meeting starting at 6:00PM (Mike Legg, City Manager)**

1 City Council has set their regular meeting schedule for 2019. All meetings are slated to begin at
2 6:00 PM. A mini-retreat has been scheduled for Monday, February 25, 2019 beginning at 4:30
3 PM. Therefore it is recommended that the regular meeting set for February 25, 2019, 6:00 PM be
4 cancelled and City Council will be asked to continue this meeting to February 25, 2019 beginning
5 at 4:30 PM.

6
7 Council Member Wilson made a motion to cancel the 6:00 PM Regular scheduled meeting for
8 February 25, 2019. Motion was seconded by Council Member Dayvault and approved by
9 unanimous vote.

10
11 Mr. Legg gave a mini-retreat preview for the upcoming February 25 meeting.

12
13 **Public Hearing for Voluntary Annexation of unaddressed property located on Moose Road**

14 Council Member Dayvault made a motion to postpone this Public Hearing to the March 25, 2019
15 City Council Meeting. Motion was seconded by Council Member Kincaid and approved by
16 unanimous vote.

17
18 **SPEAKERS FROM THE FLOOR:**

19 Bishop Roland Jordan of Concord spoke in support of the Fishertown Annexation, Black History
20 Month and Barber-Scotia College.

21
22 Bobbi Hague of 423 West Avenue spoke on the free medicine giveaway in Rowan County.

23
24 **CLOSED SESSION:**

25 G.S. 143.318.11 (a) (3) for consulting with an attorney in order to preserve the attorney-client
26 privilege and G.S. 143.318.11 (a) (4) for discussing matters related to the location or expansion of
27 industries or businesses in the area.

28
29 No Closed Session was held.

30
31 There being no further business, Council Member Wilson made a motion to continue to January
32 28, 2019 4:30 PM in the Executive Conference Room, Second Floor. Motion was seconded by
33 Council Member Berry and approved by unanimous vote.

34
35 The meeting recessed at 7:39 PM on Monday, February 11, 2019.

36
37
38
39
40
41 _____
42 Milton D. Hinnant, Mayor

43
44 _____
45 Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
February 25, 2019**

A continued meeting from the February 11, 2019 meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, February 25, 2019 at 4:00 p.m., at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault
Roger Haas
Van Rowell
Diane Berry
Doug Wilson

Council Members Absent: Tom Kincaid

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Eric Davis Gary Mills
Wilmer Melton Woody Chavis
Terry Clanton Terry Spry
Pat Patty Tina Cline
Zac Gordon Tony Eury
Jason May Irene Sacks
Ernie Hiers Annette Privette Keller
Trent Marlow

Visitors Present: Mark Spitzer Susan Manning
Chris Hill

CALL TO ORDER AND WELCOME:

Mayor Hinnant reconvened the meeting continued from February 11, 2019 and welcomed those in attendance.

ADOPTION OF AGENDA:

Council Member Dayvault made a motion to approve the Agenda. Council Member Wilson seconded the motion and it was approved by unanimous vote.

1 **CONSENT AGENDA:**

2 Council Member Kincaid made a motion to approve the Consent Agenda. Mayor Pro tem Haas
3 seconded the motion and it was approved by unanimous vote.
4

5 2019 Federal Legislative Priorities (Mike Legg, City Manager) (Copy included as Exhibit A)
6

7 Municipal Construction Agreement TIP #Y-4810K (Rogers Lake Road Grade Crossing
8 Separation) (Wilmer Melton, III, Director of Public Works) (Copy included as Exhibit B)
9

10 **BUSINESS AGENDA:**

11 FY 19 Mid-Year Strategic Planning Workshop.
12

13 **Recap of the March 2018 City Council Retreat (Deputy City Manager Eddie Smith and
14 Finance Director Eric Davis) (Copy included as Exhibit C)**

15 Mr. Smith recapped the 7-year Financial Plan City Council approved at last year's retreat which
16 included the prioritization of major Capital Projects and Initiatives.
17

18 **Overview of FY19-22**

19 Mr. Davis presented the following financial information. General Fund \$64.3M. Those revenue
20 drivers consists of increases from; Property Tax, Sales Tax, Franchise Tax, Powell Bill, Cabarrus
21 County Reimbursement, General Management Fee. Future Revenue Drivers are fueled by the
22 upcoming re-valuation: Rowan County FY20 and Cabarrus County FY21. Sales tax shows an
23 average growth over the last 7 years of 8.72%. FY19 growth tracking at 6.35% increase over FY18.
24 Future models project between 5-8% annually.
25

26 With recent accomplishments from FY15 to FY19: City Hall, Downtown Acquisition, Vehicles
27 and Wayfinding, Village Park Improvements, Fire Ladder Trucks, Wayne Brothers Utilities,
28 College Station, Downtown Utilities/Park and the construction of Fire Stations 2 & 3 show the
29 FY15-FY19 Total \$150.9M. Mr. Davis reviewed the rate increase summary for FY20, an increase
30 in storm water 0.75 cents generating revenues of \$240,383. With the next proposed increase in
31 Environmental for FY25 increasing \$3.50, generating \$510,000 in additional revenue.
32

33 Mr. Davis looked at the Fund Balance/Cash Reserves Status (as of June 30, 2018). General Fund
34 25% - 33%. - (\$1,254,429) does not include FY10 actions. W&S Fund (\$4,155,843) and the Storm
35 water 25 %(\$1,593,359), with Environmental Fund 10% (\$292,166) and Downtown at 10%
36 - (\$331,837). Mr. Davis also showed a slide indicating the debt to assessed value and debt service
37 to expenditures. He distinguished the key differences for issuing debt in the way of General
38 Obligation Bonds, Revenue Bonds, Special Obligation Bonds and Limited Obligation
39 Bonds/Installment Financing.
40

41 **Presentation, Discussion and Action on the Employee Compensation Study. Susan
42 Manning, Human Resources consultant will present her Study findings and
43 recommendations (Copy included as Exhibit D)**

44 One of the goals of the City Council is to ensure that the City's salary ranges are competitive
45 with the market to facilitate recruitment and retention. To pay employees competitively within
46 their salary ranges based on qualifications to improve retention; address pay compression at

1 the lower end of the salary ranges; and to update the City's Classification & Pay Plan to ensure
2 equity and market competitive compensation. Kannapolis participated in a joint survey of
3 Charlotte regional market in summer/fall with 21 jurisdictions with 19 (90%) responding. 36
4 job classifications surveyed representing 213 employees. A custom survey was completed in
5 November/December with 24 jurisdictions with 22 or 92% response. 33 additional job
6 classifications surveyed representing 81 employees. Market Methodology was used to
7 determine market rates for average salaries being paid for each job classification, number of
8 employees in each classification, salary range, minimum-midpoint and maximum. The
9 outcome of the survey results depicted that 26 job classes were below market; 34 job classes
10 were competitive with the market and 11 job classes were slightly above market.

11
12 Several job classes were competitive at midpoint, but had a low minimum salaries including
13 Police Officers, Telecommunicators and maintenance classes in Public Works, Parks &
14 Recreation and General Services. Most Executive positions including Deputy City Manager,
15 Police Chief, Finance Director, Public Works Director, General Services Director and the
16 Economic Development Director, job classifications were below market. Some professional
17 positions including City Engineers, Assistant Public Works Director, Risk Manager, HR
18 Analyst, Community Development Program Administrator and the City Clerk. Administrative
19 positions including Police Records Clerk and Senior Office Assistant and most law
20 enforcement positions as well as most maintenance positions in Public Works, Parks and
21 Recreation and General Services.

22
23 Executive Positions: Planning Director, Parks and Recreation Director, HR Director and
24 Communications Director. Professional positions include Deputy Finance Director, Civil
25 Engineer, Purchasing Agent and Senior Accountant. Administrative positions as
26 Administrative Assistance, Customer Service Representative Accounting Tech, Police
27 Records Manger and Utility Billing Specialist, most Fire, Planning, Parks & Recreation and
28 utility positions were among those listed as being competitive with the market.

29
30 Compensation Findings indicate that 36 salary ranges needs to be increased to be competitive,
31 most salary ranges need to be increased 5%, a few salary ranges need to be increased 10-15%
32 to be competitive. Police Officers and Telecommunicators have competitive ranges at
33 midpoint, but not at the minimum hiring rate making recruitment and retention difficult.
34 Maintenance workers are generally paid on the lower end of their salary ranges, which leads
35 to high turnover making recruitment and retention difficult. Out of 15 municipalities surveyed,
36 Kannapolis was 13th with minimum current-pay. Also, Kannapolis was the only municipality
37 out of the 15 that has no social security withholding for Police Officers. Police Officer
38 minimum pay adjusted for social security, Kannapolis ranked 8th out of the 15. Police Officer
39 recommended minimum pay adjusted for Social Security put Kannapolis 3rd. The cost to hire
40 a Police Officer includes recruitment and HR costs, uniforms, field training, state mandated
41 training, radar school and other required training, a total of \$25,081. This represents 2/3 of the
42 annual salary of a Patrol Officer.

43 44 Classification Recommendations:

- 45
46 • Combine Grounds Maintenance and Parks Maintenance classes;

- Realign Building Maintenance, Parks Maintenance and Construction classes to be more competitive with the market;
- New title for Building Maintenance Technicians;
- New titles for Administrative Support classes;
- Eliminate classes not being used;
- Consolidate Fire Inspector classifications into one class;
- Add a new classification for Assistant to the City Manager.

Compensation Recommendations:

- Increase salaries to the minimum for employees whose salary falls below the minimum of the new range for their classification;
- Award up to 4% market pay increases to employees whose salaries are above minimum but below market to move them closer to the market and reduce compression;
- Provide 4% market adjustments to Police Officers, Telecommunicators and employees in most maintenance classes to improve retention and recruitment;
- Provide 5% incentive pay to Detectives to recognize difference in classification and market rate with Police Officers;
- No salary increases for employees being paid competitively with market.

Employee Salary Recommendations:

- 125 Employees are recommended for market adjustments
- Salary increases generally are 4% or less;
- Employees moving to the minimum of their new salary range will receive a maximum 5% salary increase
- Employees being paid at market/midpoint are not recommended for increases

Implementation Options:

Implement study recommendations prior to July 1 to avoid falling further behind the market:

Two Options for Salary increases:

- Option 1 – Employees with salaries below market receive salary increases commensurate with the new minimum of the salary range and their years of experience in the position.
- Recommended Option 2 – Employees with salaries below market receive market adjustments up to 5%.

Total Study Implementation Cost for Option 1: \$88,444. Total Implementation Cost for Option 2: \$304,965.

Next steps is to approve a new pay classification and pay plan at the March 25th Meeting. Implement changes in salary ranges and job classifications and recommended salary increases for employees effective in the 4th quarter FY19. Review the pay plan annually and conduct a market study every 2-3 years to remain competitive as long as the market remains dynamic.

1 Mr. Legg pointed out as part of the FY 19 Employee Retention and Recruitment:
2 \$390,000 for 2% Cost of Living Increases July 1
3 \$36,400 Career Advancement Program (lapsed salaries funded)
4 \$107,000 for 1% 401k match to employee contribution (final target = 3% match).
5 \$172,000 for Flex Dollar Program (\$420 per employee = 33% of final target).
6 \$207,975 to implement Interim Compensation Study. Result was 1.26% salary increase for
7 all employees in Sept. 2018.
8 \$250,000 in Personnel Additions – Water and Sewer Fund only.
9

10 Following general discussion, Mr. Legg reviewed the Employee Retention and Recruitment
11 schedule for FY20 and FY21.
12

13 **Review and Changes to the current Downtown Master Plan (Jordan, Jones, DFI, Mike Legg,**
14 **City Manager (Copy included as Exhibit E)**

15 **Review downtown development potentials and trends**

16 Jordon Jones of the Development Financial Initiative spoke on potentials of downtown
17 redevelopment. Uses include residential units, office and retail spaces and hotel keys. By having a
18 Master Plan, can help guide the City's decisions in development activities versus development
19 feasibility. Development interest versus market absorption and respecting historic integrity versus
20 encouraging density. Mr. Jones and Mr. Legg then discussed the status each block (Power Point
21 included as Exhibit E). Mr. Jones noted that Block 4, Block 5 and Block 8 will be discussed in
22 closed session due to some recent activity.
23

24 Following general discussion Mayor Pro tem Haas made a motion to go into closed session
25 pursuant to GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney
26 client privilege; G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion
27 of industries or businesses in the area. Motion was seconded by Council Member Kincaid and
28 approved by unanimous vote.
29

30 Council went into closed session at 7:55 PM.
31

32 Council Member Dayvault made a motion to come of out closed session. Motion was seconded by
33 Council Member Wilson and approved by unanimous vote.
34

35 Council resumed regular session at 9:05 PM.
36

37 There being no further business, Council Member Wilson made a motion to adjourn. The motion
38 was seconded Council Member Dayvault and approved by unanimous vote.
39

40 The meeting adjourned at 9:05 PM on Monday, February 25, 2019.
41

42
43 _____
44 Milton D. Hinnant, Mayor

45 _____
46 Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Bridgette Bell, City Clerk
TITLE Resolution adopting new 2019 Records
Retention and Disposition Schedule

A. Action Requested by City Council

Motion to approve a Resolution adopting a new Records Retention and Disposition Schedule Effective March 1, 2019

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The North Carolina Department of Cultural Resources, Division of Archives and Records provides a comprehensive records disposition plan which ensures compliance with NCGS 121 and 132. The current records retention schedule was adopted on September 10, 2012 with amendments adopted in 2016. General Statute 121-5(b) states that no person may destroy, sell, loan or otherwise dispose of any public record without the consent of the Department of Cultural Resources effective October 1, 1994. Without a retention program, public records can accumulate; causing the need for additional storage space and valuable documents can be mistakenly discarded.

The North Carolina Department of Cultural Resources, Division of Archives and Records has released a universal update covering General Records. This update to the schedule went into effect on March 1, 2019 by the North Carolina Department of Cultural Resources, Division of Archives and Records. The new schedule is intended to replace the general records standards. All subsequent updates will be issued on an annual basis at the beginning of the calendar year.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Motion to approve a Resolution adopting a new 2019 Municipal Records Retention and Disposition Schedule (Recommended)**
2. Do not approve Resolution.
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ☐ Resolution_Records_and_Retention_Schedule_Effective_3-1-2019.pdf
- ☐ Records_Retention_and_Disposition_Schedule.pdf

**RESOLUTION ADOPTING THE 2019 MUNICIPAL RECORDS
RETENTION AND DISPOSITION SCHEDULE**

WHEREAS, the North Carolina Department of Cultural Resources, Division of Archives and Records provides a comprehensive records disposition plan which ensures compliance with General Statutes 121 and 132; and

WHEREAS, General Statute 121-5(b) states that no person may destroy, sell, loan or otherwise dispose of any public record without the consent of the Department of Cultural Resources effective October 1, 1994; and

WHEREAS, without a retention program, public records can accumulate; causing the need for additional storage space and valuable documents can be mistakenly discarded; and

WHEREAS, The North Carolina Department of Cultural Resources, Division of Archives and Records has released a universal update covering General Records. This update to the schedule went into effect on March 1, 2019 by the North Carolina Department of Cultural Resources, Division of Archives and Records.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis, North Carolina that:

1. The City Council adopt the 2019 Municipal Records Retention and Disposition Schedule effective March 1, 2019; and
2. The Mayor, City Manager and City Clerk are hereby authorized to sign the Municipal Records Retention and Disposition Schedule as stipulated by the North Carolina Department of Cultural Resources, Division of Archives and Records; and
3. This Resolution shall be in full force and effect from and after its adoption this 25th day of March, 2019.

Milton D. Hinnant, Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends.*" All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends.*" If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends.*"

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

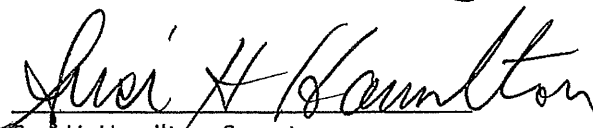
Municipal/County Clerk or Manager
Title: _____



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____



Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Quebec Court request to consider withdrawal
from dedication a portion of ROW

A. Action Requested by City Council

Motion to approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of R-O-W known as Quebec Court located off Kannapolis Parkway and establish a Public Hearing date for April 22, 2019.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The property owner has requested the closure of a portion of R-O-W known as Quebec Court located off Kannapolis Parkway. All necessary documents have been received. Staff has reviewed all documents and finds no reason to deny the request for closure.

D. Fiscal Considerations

None

E. Policy Issues

The approval of this recommendation is in keeping with the practice of City Council of vacating easements that are no longer necessary for public use, returning the land to private ownership.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of R-O-W known as Quebec Court located off Kannapolis Parkway and establish the Public Hearing date for April 22, 2019. (Recommended)**
2. Table to a future meeting.
3. Take no action

ATTACHMENTS:

File Name

- ▣ Quebec_Court_Closure_Petition.pdf
- ▣ QUEBEC_COURT_R.O.W._PLAT.pdf
- ▣ Resolution_of_Intent_to_Close_Quebec_Court_R-O-W.doc

PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe) Quebec Ct.

hereby petition the City of Kannapolis to remove from dedication the right of way for the above mentioned alley or street.

NAME

ADDRESS

PHONE #

SIGNATURE

~~FLM Partners LLC~~ ~~5851 Quebec Ct.~~ 704-796-8125 ~~[Signature]~~
M+L Property Development *see below Rick Mack, Mbr/Mgr

Tommy Wade Snyder 5851 Quebec Ct. 704-782-6342 [Signature]

* Mailing address for M+L - 313 S. Main St, Suite 100
Kannapolis, NC 28081

Adjacent property to Quebec Ct For M+L:

No physical address associated with property

Deed book 521 page 490 and deed book 521 page 495

NOTES:

1) THESE PROPERTIES ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M.#3710560100J EFFECTIVE NOVEMBER 5, 2008.

2) PROPERTIES SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.

3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THESE PROPERTIES.

4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THESE PROPERTIES.

5) AREA BY COORDINATE COMPUTATION.

6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. THE COMBINED SCALE FACTOR IS 0.999649417.

7) SUBJECT PROPERTIES ARE ZONED "RE - RURAL ESTATE" PER THE CITY OF KANNAPOLIS UNIFIED DEVELOPMENT ORDINANCE. REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

BUILDING SETBACKS (PER "RE" CLASSIFICATION):

FRONT= 45'
SIDE= 20'
REAR= 30'

FOR CLARITY PURPOSES, BUILDING SETBACK LINES AND THE 20' DRAINAGE EASEMENT (PER PLAT BOOK 19 PAGE 2) ARE NOT SHOWN HEREON.

8) THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE REAL PROPERTY FORMALLY COMPRISING QUEBEC COURT (A FORMER PUBLIC RIGHT OF WAY OWNED AND MAINTAINED BY THE CITY OF KANNAPOLIS WHICH HAS BEEN FORMALLY ABANDONED) INTO MULTIPLE PARCELS AND TO REFLECT THE NEW BOUNDARY LINES OF PARCELS ADJACENT TO QUEBEC COURT (POST CONVEYANCE OF SAID PARCELS BY THE CITY OF KANNAPOLIS). DEEDS FROM THE CITY OF KANNAPOLIS (ORDERING OUT THE VARIOUS PARCELS OR "AREAS" IDENTIFIED ON THIS SURVEY) WILL BE RECORDED SIMULTANEOUSLY WITH THIS SURVEY. THE RECOMBINATION OF THOSE PORTIONS OF QUEBEC COURT WITH ADJACENT PROPERTIES WILL BE ACCOMPLISHED BY THE RECORDATION OF THIS SURVEY AND THE DEEDS FROM THE CITY OF KANNAPOLIS.

9) NOT ALL INTERIOR IMPROVEMENTS ON THE SUBJECT PARCELS ARE SHOWN ON THIS PLAT.

10) PER SCOTT KAUFHOLD AT CITY OF KANNAPOLIS: THE PUBLIC RIGHT OF WAY FOR QUEBEC COURT IS OWNED BY CITY OF KANNAPOLIS.

11) A FULL BOUNDARY SURVEY WAS NOT PERFORMED ON NEW TRACT "2" (PIN: 5601-02-8964, OWNER: TOMMY W. SNYDER). THE TOTAL ACRES LISTED FOR THIS PROPERTY ARE APPROXIMATE. THEY WERE CALCULATED BY PLOTTING LOT 6 OF BLOCK 3 PER PLAT BOOK 19 PAGE 1.

CERTIFICATE OF EXCEPTION PLAT APPROVAL

THIS MAP IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION, IS EXEMPT FROM THE CITY OF KANNAPOLIS APPROVAL AS A SUBDIVISION PLAT, AND IS IN ACCORDANCE WITH CITY OF KANNAPOLIS UNIFIED DEVELOPMENT ORDINANCE REGULATIONS.

PLANNING DIRECTOR

DATE 3-12-19

STATE OF NORTH CAROLINA:
COUNTY OF CABARRUS:

I, _____ REVIEW
OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP
OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

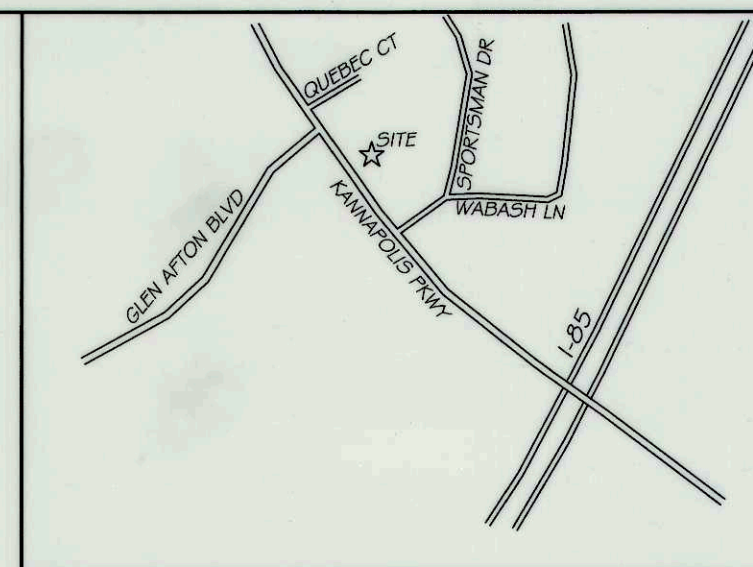
DATE

REGISTER OF DEEDS

STATE OF NORTH CAROLINA:
COUNTY OF CABARRUS:

REGISTERED THIS THE _____ DAY OF _____ 2019
AT _____ O'CLOCK. RECORDED IN PLAT BOOK _____
PAGE _____ BY _____
DEPUTY.

NAD 83 (2011)
NC GRID NORTH

VICINITY MAP
NOT TO SCALE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	54.94'	47.77'	46.28'	N 30°48'31" E
C2	54.96'	52.91'	50.89'	N 21°32'01" W
C3	54.96'	37.56'	36.83'	N 68°41'15" W
C4	54.96'	34.36'	33.19'	S 42°33'13" W
C5	40.00'	43.09'	41.04'	S 24°50'12" W

LINE	BEARING	DISTANCE
L1	S 01°04'53" W	14.44'
L2	N 84°06'58" W	12.12'
L3	S 55°06'56" W	51.28'
L4	S 54°56'34" W	117.98'
L5	S 54°56'34" W	25.74'
L6	N 78°47'28" W	30.50'
L7	N 35°15'28" W	12.90'
L8	N 78°06'02" W	38.74'
L9	N 33°19'07" W	84.38'
L10	N 30°14'30" W	28.96'
L11	N 34°30'28" W	55.85'
L12	N 35°03'26" W	87.47'
L13	N 35°03'26" W	25.19'
L14	S 55°45'57" W	46.66'
L15	N 35°15'28" W	46.55'
L16	N 84°50'08" E	57.43'
L17	S 55°41'51" W	23.35'
L18	N 55°50'38" E	18.17'

SUMMARY OF RECOMBINATION AREAS

AREA "A"

PORTION OF CITY-OWNED RIGHT OF WAY, TO BE REMOVED FROM PUBLIC RIGHT OF WAY AND RECOMBINED WITH NEW TRACT "1" (PIN 5601-03-7175).

TOTAL AREA=0.278 ACRES (12,118 SQ. FT.)

AREA "B"

TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY AND RECOMBINED WITH NEW TRACT "2" (PIN 5601-02-8964).

AREA=0.031 ACRES (1,348 SQ. FT.)

AREA "C"

BEING A PORTION OF CITY-OWNED RIGHT OF WAY FOR QUEBEC COURT. TO BE REMOVED FROM PUBLIC RIGHT OF WAY AND RECOMBINED WITH NEW TRACT "1" (PIN 5601-03-7175).

AREA=0.007 ACRES (326 SQ. FT.)

NOTE: THIS TRIANGULAR PIECE OF LAND WAS ACQUIRED IN 2007 BY CITY OF KANNAPOLIS PER DEED BOOK 7513 PAGE 61.

AREA "D"

BEING A PORTION OF THE CITY-OWNED RIGHT OF WAY FOR QUEBEC COURT. TO BE CONVEYED TO NCDOT AND RECOMBINED WITH THEIR EXISTING PUBLIC RIGHT OF WAY.

AREA=0.032 ACRES (1,392 SQ. FT.)

AREA "E"

BEING A PORTION OF THE CITY-OWNED RIGHT OF WAY FOR QUEBEC COURT. TO BE RECOMBINED WITH CITY-OWNED PARCEL, NEW TRACT "3" (PIN: 5601-02-7829).

AREA=0.070 ACRES (3,063 SQ. FT.)

ACREAGES TABLE

TRACT	PREVIOUS AREA	NEW AREA
1	2.186 ACRES	2.472 ACRES
2	0.70 ACRES (SEE NOTE #11)	0.73 ACRES (SEE NOTE #11)
3	0.235 ACRES (10,235 SQ. FT.)	0.305 ACRES (13,299 SQ. FT.)

LEGEND & ABBREVIATIONS:

PB= PLAT BOOK

DB= DEED BOOK

PG= PAGE

RW= RIGHT OF WAY

PIN= PARCEL IDENTIFICATION NUMBER

○ CALCULATED POINT

(NOT MARKED IN FIELD)

● RECOVERED BOUNDARY MONUMENT
(SIZE AND TYPE AS NOTED)● BOUNDARY MONUMENT SET BY MCABEE
(#4 REBAR WITH "MCABEE" CAP)

— BOUNDARY LINE (FIELD SURVEYED)

--- BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS)

- - - - - ADJOINING BOUNDARY LINE (PLOTTED FROM RECORD DESCRIPTIONS)

C & G= CURB AND GUTTER

CSW= CONCRETE SIDEWALK

C.V.C.= CONCRETE VALLEY CURB

HDPE= HIGH DENSITY POLYETHYLENE PIPE

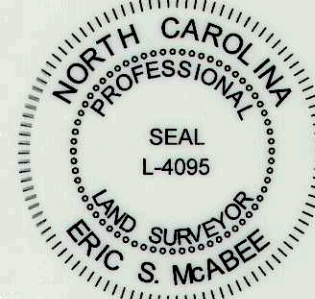
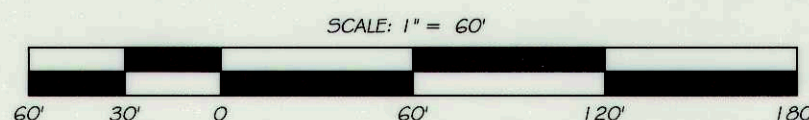
NCDOT= NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

N.L.L.= NEW LOT LINE

O.L.L.= OBSOLETE LOT LINE (TO BE REMOVED)

T= TOTAL DISTANCE

— INDICATES A PROPERTY LINE OR RIGHT OF WAY LINE TO BE REMOVED



GLOBAL POSITIONING SYSTEM CERTIFICATION

I, ERIC S. MCABEE, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION; THAT THIS GPS SURVEY WAS PERFORMED TO CLASS 1 FGDC SPECIFICATIONS AND THAT I USED THE NGS VRS RTK NETWORK; GPS FIELD PROCEDURES AND COORDINATES WERE OBTAINED BY THE RTK NETWORK SOLUTIONS; THAT THE ORIGINAL SURVEY WORK WAS PERFORMED ON 9/15, 2014 USING A TRIMBLE 5800 DUAL FREQUENCY RECEIVER AND ALL COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983 - 2011 UPGRADED POSITIONS.

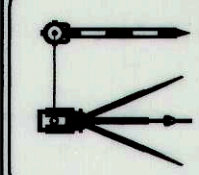
I, ERIC S. MCABEE, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY; SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, ERIC S. MCABEE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; DEED DESCRIPTIONS RECORDED IN BOOK 13316 PAGE 144, BOOK 944 PAGE 208, AND BOOK 13221 PAGE 224; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (P)(1)(D) AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 11th DAY OF FEBRUARY, 2019.

Eric S. Mcabee

L-4095

MCABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING



Eric S. Mcabee, PLS
J. Barry West, PLS
Wallace S. Mcabee, PLS (Emeritus)
3 Mcabee Trail
Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

QUEBEC COURT SUBDIVISION AND PARCEL RECOMBINATION SURVEY FOR:

M & L PROPERTY DEVELOPMENT LLC
TOMMY WADE SNYDER
CITY OF KANNAPOLIS
N.C. DEPARTMENT OF TRANSPORTATION

PIN: 5601-03-7175 (OWNER: M & L PROPERTY DEVELOPMENT LLC)
PIN: 5601-02-8964 (OWNER: TOMMY WADE SNYDER)
PIN: 5601-02-7829 (OWNER: CITY OF KANNAPOLIS)

CITY OF KANNAPOLIS
CABARRUS COUNTY, N.C.

DATE: 1-15-2019
PROJECT #: 11485
DRAWING #: C-19-1746
DRAWN BY: CIM
SCALE: 1"=60'

**A RESOLUTION STATING THE INTENT OF THE
CITY OF KANNAPOLIS TO CONSIDER WITHDRAWAL FROM DEDICATION
A PORTION OF R-O-W KNOWN AS QUEBEC COURT LOCATED OFF KANNAPOLIS
PARKWAY AS DESCRIBED HEREIN AND ESTABLISHING THE DATE OF PUBLIC
HEARING ON THE QUESTION OF SUCH CLOSING**

BE IT RESOLVED by the City Council of the City of Kannapolis:

Section 1. That it is the intent of the City Council of the City of Kannapolis to consider closing a portion of R-O-W known as Quebec Court located off Kannapolis Parkway as a described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LEGAL DESCRIPTION

AREA "A"

Beginning at a #4 rebar, said rebar being located N 35°07'27" W 182.82' from a #4 rebar found at the southern-most corner of Block 3 Lot 6 (per Plat Book 19 Page 1); thence S 54°56'34" W a distance of 117.98' to a point; thence S 54°56'34" W a distance of 25.74' to a #4 rebar; thence N 78°47'28" W a distance of 69.39' to a #4 rebar; thence N 33°19'07" W a distance of 13.12' to a point; thence N 84°50'08" E a distance of 57.43' to a point; thence N 55°41'51" E a distance of 76.70' to a point; thence with a curve turning to the left with an arc length of 43.09', with a radius of 40.00', with a chord bearing of N 24°50'12" E, with a chord length of 41.04' to a point; thence with a reverse curve turning to the right with an arc length of 94.36', with a radius of 54.96', with a chord bearing of N 42°33'13" E, with a chord length of 83.19' to a #4 rebar; thence with a compound curve turning to the right with an arc length of 37.56', with a radius of 54.96', with a chord bearing of S 68°41'15" E, with a chord length of 36.83' to a #4 rebar; thence with a compound curve turning to the right with an arc length of 52.91', with a radius of 54.96', with a chord bearing of S 21°32'01" E, with a chord length of 50.89' to a #4 rebar; thence N 84°06'58" W a distance of 12.12' to a #4 rebar; thence S 55°06'56" W a distance of 51.28' to the point of beginning, having an area of 0.294 acres (12,796.6 square feet).

Subject to a 0.049 acre driveway easement for the benefit of Tommy Snyder.

AREA "B"

Beginning at a #4 rebar, said rebar being located N 35°07'27" W 182.82' from a #4 rebar found at the southern-most corner of Block 3 Lot 6 (per Plat Book 19 Page 1); thence N 55°06'56" E a distance of 51.28' to a #4 rebar; thence S 84°06'58" E a distance of 12.12' to a #5 rebar; thence with a curve turning to the right with an arc length of 47.77', with a radius of 54.94', with a chord bearing of S 30°48'31" W, with a chord length of 46.28' to a point; thence S 55°50'38" W a distance of 18.17' to a #4 rebar; thence N 35°07'27" W a distance of 26.74' to the point of beginning, having an area of 0.031 acres (1347.9 square feet).

Section 2. That a Public Hearing on the question of such closing the above described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m. on the 22nd of April 2019 at which time plans for such closing will be explained and all persons will be given an

opportunity to be heard.

Section 3. That notice of said closing and Public Hearing shall be given by publication, mailing and posting as required by law.

Adopted this 25th day of March 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Gary Mills, Parks and Recreation Director
TITLE YMCA Agreement for use of YMCA parking lots

A. Action Requested by City Council

Motion to approve an agreement between the City of Kannapolis and Kannapolis YMCA for usage of the YMCA parking lots.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

For years the City of Kannapolis has utilized the main parking lot and the overflow lot of the Cannon Memorial YMCA on West C Street for the City's concerts, movies in the park, and special events. There is also occasional usage of their parking lots by visitors on other days of the week as well. The YMCA approached the City for some form of restitution in exchange for the usage of their parking lots. The YMCA Executive Director, Philip Belfield, and the Kannapolis Director of P&R, Gary Mills, met to agree on an arrangement that would be mutually beneficial to both entities.

After discussion, the City offered the YMCA \$1,000 in athletic field usage credit and 15 punch cards for them to use for their summer camps. These punch cards are usable at Village Park for the splashpad, train and carousel. The YMCA agreed to that arrangement which will begin this spring. Typically the YMCA field usage is in the \$1,000 a year range and they bring about 175 kids to Village Park. This arrangement would essentially cover their field usage fees and their summer camp usage at Village Park. The agreement is for a term of five (5) years and will automatically renew unless terminated by either party upon proper written notice. The Kannapolis P&R Commission discussed and approved the arrangement at their February meeting.

D. Fiscal Considerations

The City will provide the Kannapolis YMCA with \$1,000 in field usage credit per year for their athletic programs as well as donate them 15 punch cards for their summer camp use at Village

Park. The punch cards have a value of \$225.00.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Motion to approve an agreement between the City of Kannapolis and the Kannapolis YMCA for parking lot usage (Recommended)**
2. Do not approve the agreement and renegotiate.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

- ☐ Parking_License_Agreement_(YMCA-City)_revised.pdf

STATE OF NORTH CAROLINA

PARKING LICENSE AGREEMENT

CITY OF KANNAPOLIS

THIS PARKING LICENSE AGREEMENT ("Agreement") is made and entered into as of the 1st day of April, 2019, by and between Cannon Memorial Young Mens Christian Association ("YMCA") and the City of Kannapolis ("City").

RECITALS:

- A. YMCA is the owner of those certain parcels of real property identified as Pin Numbers 5614-32-3117 and 5614-32-1742 in Kannapolis, North Carolina ("YMCA Property").
- B. There are two paved parking areas located on the YMCA Property, one of which is located adjoining the principal YMCA facilities on YMCA Drive and the other is located at the corner of Goldston Street and Mountain Street near the YMCA facilities (collectively the "YMCA Parking Area").
- C. YMCA desires to grant a non-exclusive parking license to City as herein provided (the "Parking License").

NOW, THEREFORE, for and in consideration of the mutual promises and agreements set forth below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

- 1. Parking License. Owner hereby grants to City for the benefit of City and its employees, agents, guests, licensee and invitees (collectively "City Invitees"), a non-exclusive right, to use the YMCA Parking Areas for vehicular parking.
- 2. Term. The Parking License granted hereby is for a term of five (5) years but shall automatically renew for successive five year periods unless terminated by either party upon ninety (90) days advance written notice prior to the end of the then current term.
- 3. Consideration. As consideration for the Parking License granted herein, the City shall allow a \$1,000.00 credit annually for YMCA use of athletic fields owned by City and provide fifteen (15) punch cards annually for use at Village Park splash pad, train and/or carousel.
- 4. Signage. City may install suitable signage approved by YMCA at City's sole expense notifying City invitees of available parking.
- 5. Indemnification. City covenants to indemnify and hold YMCA harmless from the claims of any and all persons, firms, partnerships, associations, and corporations for personal injury or damage to property or both arising out of or in connection with City's use of the Property.
- 6. No Partnership. Nothing in this Agreement shall be deemed or construed to create a partnership or joint venture of or between the City and YMCA, or to create any other relationship between the parties beyond the license granted herein.

7. Binding Effect and Complete Terms. The terms, covenants, conditions, and agreement herein contained shall be binding upon and inure to the benefit of and shall be enforceable by City and YMCA and by their respective successors and assigns. All negotiations and agreements of City and YMCA are merged herein. No modifications hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the City and YMCA.
8. Notice. All notices and other communications given pursuant to this Agreement shall be in writing and shall be deemed properly served if delivered in person to the party to whom it is addressed or two (2) days after deposit in the U.S. Mail if sent postage prepaid addressed as follows:

If to YMCA: President
 Cannon Memorial YMCA
 Post Office Box 46
 Kannapolis, North Carolina 28082

If to City: Director of Parks and Recreation
 City of Kannapolis
 401 Laureate Way
 Kannapolis, North Carolina 28081

Either party may change the name or the person or address to which notices and other communications are to be given by so notifying the other party.

9. Further Instruments. Each party hereto shall, from time to time, execute and deliver such further instruments as the other party or its counsel may reasonably request to effectuate the intent of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Parking Easement Agreement as of the day and year first set forth above.

YMCA:

Ron Davis
President and CEO

CITY:

Michael B. Legg
City Manager



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Gary Mills, Parks and Recreation Director
TITLE Ordinance amending the Budget related to a new
POS system at City parks

A. Action Requested by City Council

Motion to adopt an Ordinance amending the Budget for FY18-19 related to the new Point of Sale system for the City parks

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Our current Point of Sale (POS) system was purchased about 6 years ago and the hardware has begun to fail. The company that provided the equipment is no longer in business which leads to the inability to fix the hardware. The current software system that we use has limited technical support which means it is also difficult to service. Unfortunately there is no other hardware that can support our current software system. Replacement of this system is critical as almost \$473,000 in sales flowed through our registers last year.

After about 6 months of researching new hardware/software systems, it was decided to purchase the new Clover POS system. This new system will allow the integration of the credit card processing within the new hardware/software system which we do not have currently. This is very important as we do approximately 9,400 credit card transactions a year equating to almost \$83,000 in credit card sales at the park. This new system will also allow for mobile register devices to be utilized throughout the park thru 4G technology. With this new system, we will also be adding the updated registers to both Bakers Creek Park and Safrit Park.

With the new Clover system there will be a \$29 monthly fee for software maintenance. There is a 1 year warranty on the hardware and Clover agreed to match our current credit card fee of .04342 per total dollar transaction amount.

This equipment has been reviewed and approved by the Finance Department, the IT Department, and the P&R Department staff.

The budget amendment to cover the purchase of the hardware/software system is attached for review and approval.

D. Fiscal Considerations

Approve budget amendment for \$13,000 for purchase of the new POS system at the City parks

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Motion to adopt an Ordinance amending the budget for FY18-19 related to the purchase of the new POS system at the City parks (Recommended)**
2. Not approve budget amendment and continue searching for a new system.
3. Table to a future meeting

ATTACHMENTS:

File Name

📎 Budget_Amendment_#19-15_Parks_POS_system.pdf

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2018
AND ENDING JUNE 30, 2019
Amendment # 19-15**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of March 2019, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 is hereby adopted:

SECTION I - General Fund

Expenditures:

Increase:	Parks & Recreation: Small Tools & Equipment		
	Expenditure:	15010-46200	\$ 13,000

Revenues:

Decrease:	Contingency:	10000-51320	\$ 13,000
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This ordinance is approved and adopted this 25th day of March, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III Director of Public Works
TITLE Award bid for the 2019 Street Resurfacing Contract

A. Action Requested by City Council

Motion to award the 2019 City of Kannapolis Street Resurfacing Contract to the lowest responsible bidder, Trull Contracting, LLC in the amount of \$498,434.42 and authorize the City Manager to execute contract

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The Project consists of paving the following streets (or portions thereof); Shady Lane Avenue (from Fisher Street to a point just south of Laney Avenue) and Easy Street (from S. Main Street to Highland Street). Bids for the Project were opened on March 12, 2019. A total of five (5) bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Trull Contracting, LLC	\$498,434.42
NJR Group	\$546,259.65
Red Clay Industries	\$598,734.50
Carolina Siteworks, Inc.	\$649,350.24
Blythe Brothers Asphalt	\$767,386.62

The Contractor is awaiting notice to proceed on the Project to begin work. The contract has a substantial completion time of 30 calendar days and final completion time of 45 calendar days.

D. Fiscal Considerations

The resurfacing will be funded with Powell Bill Funds. Currently, the total amount available for resurfacing in the 2018-2019 budget is \$600,000.00. It is anticipated the final cost of the

Project will be within the Project budget.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Award the Project to the low bidder, Trull Contracting, LLC, in the amount of \$498,434.42 and authorize the City Manager to execute the Contract (Recommended).**
2. Take no action
3. Table to future meeting.

ATTACHMENTS:

File Name

- ❏ 2019_Resurfacing_Certified_Bid_Tab.pdf
- ❏ Resurfacing_Map_2019.pdf

CONTRACT : 2019 KANNAPOLIS RESURFACING PROJECT
CERTIFIED BID TABULATION

OWNER: CITY OF KANNAPOLIS
401 LAUREATE WAY
KANNAPOLIS, NORTH CAROLINA 28081



BID DATE: March 12, 2019 at 2:00 PM

Carolina Siteworks Inc PO Box 280 China Grove, NC 28023	Red Clay Industries PO Box 241689 Charlotte, NC 28224	NJR Group PO Box 924 Albemarle, NC 28002	Blythe Brothers Asphalt 1415 E. Westinghouse Blvd Charlotte, NC 28273	Trull Contracting LLC PO Box 379 Midland, NC 28107	ENGINEERS ESTIMATE
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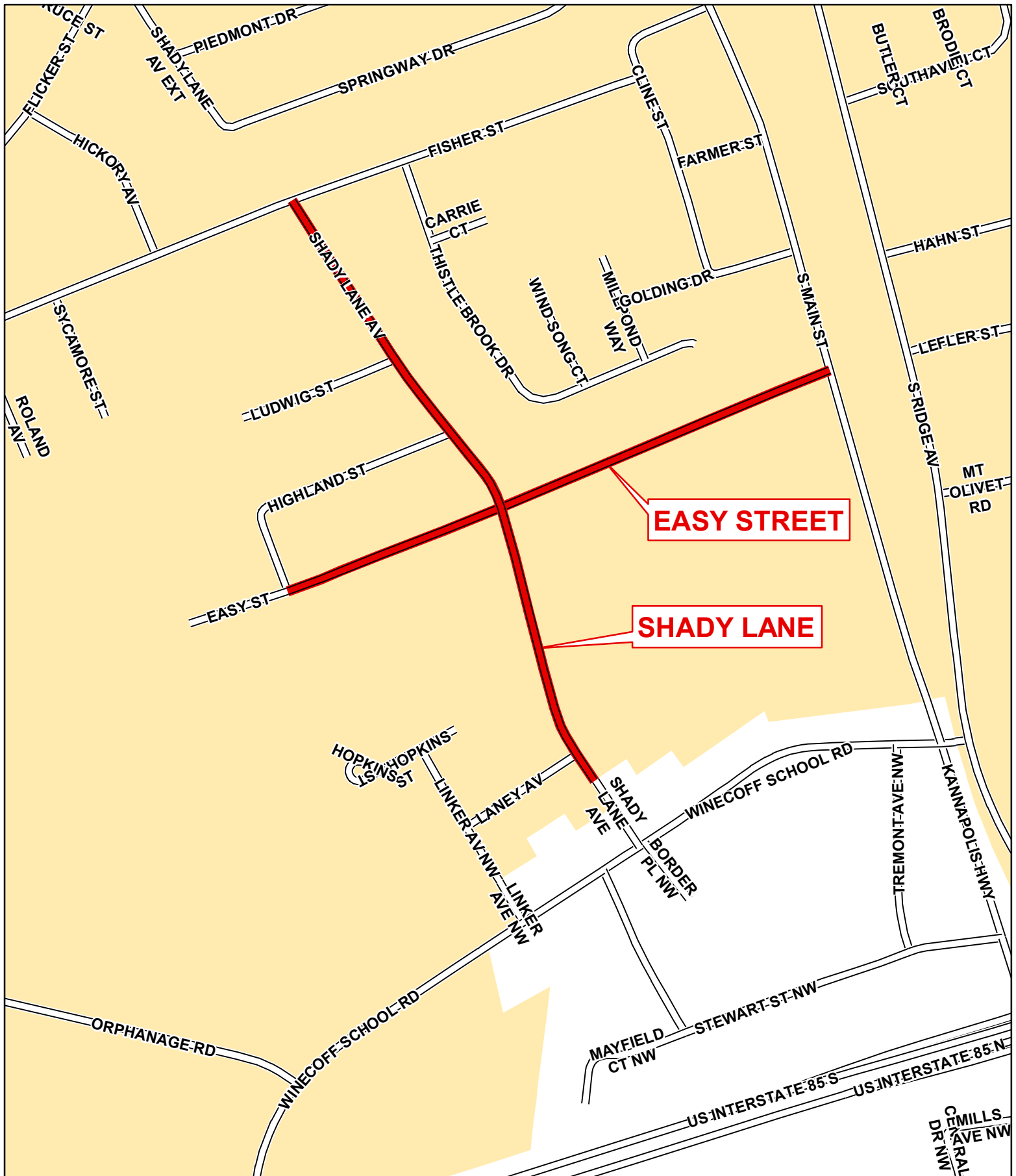
ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Mobilization	1	LS	\$ 14,000.00	\$ 14,000.00	\$ 35,000.00	\$ 35,000.00	\$ 25,000.00	\$ 25,000.00	\$ 70,000.00	\$ 70,000.00	\$ 15,000.00	\$ 15,000.00	\$20,000.00	\$20,000.00
2	Incidental Milling	100	SY	\$ 19.10	\$ 1,910.00	\$ 9.90	\$ 990.00	\$ 45.00	\$ 4,500.00	\$ 50.00	\$ 5,000.00	\$ 20.00	\$ 2,000.00	\$ 8.50	\$ 850.00
3	Adjustment of Manholes	20	EA	\$ 950.00	\$ 19,000.00	\$ 375.00	\$ 7,500.00	\$ 1,250.00	\$ 25,000.00	\$ 500.00	\$ 10,000.00	\$ 500.00	\$ 10,000.00	\$ 500.00	\$ 10,000.00
4	Adjustment of Valve Boxes	12	EA	\$ 930.00	\$ 11,160.00	\$ 175.00	\$ 2,100.00	\$ 1,150.00	\$ 13,800.00	\$ 300.00	\$ 3,600.00	\$ 350.00	\$ 4,200.00	\$ 400.00	\$ 4,800.00
5	Asphalt Concrete Surface Course, Type S9.5B	1,232	TON	\$ 113.50	\$ 139,832.00	\$ 95.00	\$ 117,040.00	\$ 83.84	\$ 103,290.88	\$ 105.00	\$ 129,360.00	\$ 88.50	\$ 109,032.00	\$ 90.00	\$ 110,880.00
6	Asphalt Concrete Intermeadate Course, Type I19.0B	2,086	TON	\$ 100.00	\$ 208,600.00	\$ 88.00	\$ 183,568.00	\$ 75.52	\$ 157,534.72	\$ 100.00	\$ 208,600.00	\$ 78.50	\$ 163,751.00	\$ 90.00	\$ 187,740.00
7	Thermoplastic Pavement Marking Lines (4"-120 mil)	6,172	LF	\$ 1.70	\$ 10,492.40	\$ 2.25	\$ 13,887.00	\$ 1.44	\$ 8,887.68	\$ 1.10	\$ 6,789.20	\$ 1.10	\$ 6,789.20	\$ 1.20	\$ 7,406.40
8	Shoulder Reconstruction	2.44	SHLDR MILE	\$ 4,750.00	\$ 11,590.00	\$ 2,975.00	\$ 7,259.00	\$ 10,750.00	\$ 26,230.00	\$ 7,500.00	\$ 18,300.00	\$ 7,000.00	\$ 17,080.00	\$ 7,000.00	\$ 17,080.00
9	Flexible Pavement Reclamation (8" Depth)	13940	SY	\$ 11.10	\$ 154,734.00	\$ 11.50	\$ 160,310.00	\$ 8.06	\$ 112,356.40	\$ 15.00	\$ 209,100.00	\$ 8.00	\$ 111,520.00	\$ 12.00	\$ 167,280.00
10	Mailbox Relocation	25	EA	\$ 175.00	\$ 4,375.00	\$ 150.00	\$ 3,750.00	\$ 200.00	\$ 5,000.00	\$ 375.00	\$ 9,375.00	\$ 150.00	\$ 3,750.00	\$ 75.00	\$ 1,875.00
11	Temporary Traffic Control	1	LS	\$ 14,625.00	\$ 14,625.00	\$ 12,900.00	\$ 12,900.00	\$ 15,000.00	\$ 15,000.00	\$ 27,500.00	\$ 27,500.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00

SUB TOTAL			\$ 590,318.40		\$ 544,304.00		\$ 496,599.68		\$ 697,624.20		\$ 453,122.20		\$ 547,911.40
10% CONTINGENCY			\$ 59,031.84		\$ 54,430.40		\$ 49,659.97		\$ 69,762.42		\$ 45,312.22		\$ 54,791.14
TOTAL PROJECT BID			\$ 649,350.24		\$ 598,734.40		\$ 546,259.65		\$ 767,386.62		\$ 498,434.42		\$ 602,702.54

Variance from Engineer's Estimate	7.74%	-0.66%	-9.36%	27.32%	-17.30%
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I HEREBY CERTIFY THIS BID TAB TO BE A TRUE
AND ACCURATE COPY OF THE BIDS RECEIVED:

Bart J. T.



2019 PROPOSED RESURFACING

0 600 1,200 Feet
1 inch = 600 feet



DISCLAIMER: This map is prepared from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data from various federal, state, and local agencies. Maps and associated information must be accepted and used by the recipient with the understanding that the primary information sources should be consulted for verification of the information contained on these maps. As such, the City of Kannapolis provides no warranties, expressed or implied, concerning the accuracy, completeness or reliability, or suitability of this data. Furthermore, the City of Kannapolis assumes no liability whatsoever associated with the use or misuse of such data.



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE Voluntary Annexation of Unaddressed property
located on Moose Road (Rowan County PIN
145-063-02)

A. Action Requested by City Council

1. Conduct a Public Hearing on proposed voluntary annexation of unaddressed property located on Moose Road (Rowan County PIN 145-063-02)
2. Consider a motion to adopt an Ordinance to Annex approximately 5.9+/- acres of property located on Moose Road - (Rowan County PIN 145-063-02)

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The property owner (PP&I LLC), has submitted a petition for the voluntary annexation of approximately 5.9 acres of property located off Moose Road. The subject property adjoins and is part of a subdivision located partially within the City's corporate limits. The applicant is requesting annexation to facilitate the extension of City utilities to this site. The property is located in an unincorporated portion of Rowan County, within the City's extra-territorial jurisdiction (ETJ). (See attached Vicinity Map).

North Carolina General Statutes require that an initial City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation. Since this property is already located in the City's ETJ and has a zoning designation of RM-2 (see attached Zoning Map), no assignment of zoning is required by the Planning & Zoning Commission. In addition, the property owner has indicated that they are satisfied with the current zoning designation.

D. Fiscal Considerations

North Carolina law requires the City to pay annually a proportionate share of any payments due on any debt, including principal and interest, relating to facilities or equipment of a rural fire

department subject to the following:

1. The area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or a fire service district under Article 16 of Chapter 153A of the General Statutes;
2. The debt was existing at the time of submission of a voluntary petition for annexation; and
3. The amount of debt payments calculated for all voluntary annexations exceeds one hundred dollars (\$100.00) in any calendar year.

See attached letter sent to the Chief of the Mt. Mitchell Fire Department requesting information regarding any financial obligation that the City may have for debt service associated with the proposed annexation.

Pursuant to G.S 160A-58.2A. Assumption of debt, failure to respond within forty-five (45) days following receipt of this letter will result in the forfeiture of the Fire Department's rights to receive any payment on this debt. The City has not received any response from the Mt. Mitchell Fire Department, so therefore the City has no obligation to repay any debt related fire facilities or equipment.

E. Policy Issues

The subject property is located in an unincorporated area of Rowan County within the Extraterritorial Jurisdiction (ETJ) of the City that is zoned RM-2, with a 10,000 sq. ft. required minimum lot size. According to the City's current long range planning document - ***Move Kannapolis Forward 2030 Comprehensive Plan*** - this property is located in a designated "Primary Service Area". A Primary Service Area is "land where provision of services is preferred. These are areas to encourage development within the planning horizon. Annexation is also envisioned as a part of the agreement to provide services."

F. Legal Issues

Prior to considering the Annexation Ordinance, pursuant to NCGS 160A-31, the City Council must first direct the City Clerk to investigate the sufficiency of the petition to annex. City Council must also adopt a Resolution of Intent to Annex and fix a public hearing date for consideration of the petition. A City Council Resolution directing the City Clerk to Investigate the Sufficiency of the Petition to Annex and a signed Certificate of Sufficiency for the proposed annexation are attached.

The City Council, at its January 28, 2019 meeting, adopted a Resolution of Intent to Annex and fix Date of Public Hearing for February 11, 2018 (see attached) to consider this petition for annexation. This Public Hearing date was changed by City Council at their February 11, 2019 meeting until March 25th. Public notice for this public hearing was provided on March 15th and 22nd (see attached notice).

G. Alternative Courses of Action and Recommendation

1. **Motion to adopt An Ordinance to extend the corporate limits of the City of Kannapolis to include approximately 5.9+/- acres of property located on Moose Road (Rowan County PIN 145-063-02) (Recommended)**

2. Do not approve Ordinance
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ▣ Annex.Form.Signed.pdf
- ▣ Annexation_Ordinance_-_Moose_Rd_Annexation.pdf
- ▣ Vicinity_A_2019_01.pdf
- ▣ Zoning_A_2019_01.pdf
- ▣ MOOSE_RD_ANNEX_PLAT.PDF
- ▣ Signed_Resolution_Directing_Clerk.pdf
- ▣ Signed_Certificate_of_Sufficiency.pdf
- ▣ CC_Signed_Resolution_of_Intent_to_Annex_and_Set_PH.pdf
- ▣ Public_Notification_Ad_3.25.19.pdf
- ▣ Petition_to_Annex_-_Mt_Mitchell_Fire_Department.pdf

KANNAPOLIS



PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 12/7/2018

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the City of Kannapolis, North Carolina and the boundaries of such territory are as follows:

See Attached **Survey Map** and **Metes and Bounds Description**

3. This petition is signed by all property owners of the area to be annexed.
4. _____ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water _____ sewer _____; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. _____ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160A-385.1 or G.S. 153A-344.1, and provide proof of such rights by attachment hereto.

_____ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

	<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1.	PP&I, LLC	77 Mccachern Blvd. SE ste 2, Concord, NC 28025	
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF KANNAPOLIS, NORTH CAROLINA**

WHEREAS, pursuant to NCGS 160A-31 the City Council has stated its intent to annex property contiguous to the City's boundary as described below; and

WHEREAS, the City Council has by resolution set a public hearing on the question of this annexation at Kannapolis City Hall, located at 401 Laureate Way at 6:00 PM on the 25th day of March 2019 after due notice by the Independent Tribune newspaper on the 15th day and 22nd day of March 2019;

WHEREAS, the City Council further finds that the public health, safety and welfare of the City of Kannapolis, North Carolina and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina that:

Section 1. By virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1, Section 160A-31 the following described territory is hereby annexed and made part of the City of Kannapolis, North Carolina as of the 25th day of March 2019, and being more particularly described as a portion of Rowan County PIN 145 063 2, as follows:

LYING AND BEING IN THE CITY OF KANNAPOLIS. CHINA GROVE TOWNSHIP, ROWAN COUNTY. NORTH CAROLINA AND BEING ON THE SOUTH SIDE OF MOOSE ROAD, STATE ROUTE NUMBER 1308 (HA YING A 60' PUBLIC RIGHT OF WAY) ALSO BEING 5.91AC PORTION OF DEED BOOK (DB) 1319 PAGE (PG) 435 AND ROWAN COUNTY TAX IDENTIFICATION NUMBER (TAX ID) 145 063 2 MORE FULLY DESCRIBED AS FOLLOWS:

POINT OF ORIENTATION IS A NORTH CAROLINA GEODETIC MONUMENT NAMED "GLENN" WITH GRID COORDINATES OF N: 647,487.97ft; E: 1,530,497.58ft; THENCE FROM SAID MONUMENT TO A NAIL AT A 1" PIPE HAVING GRID COORDINATES OF N 644,002.03ft; E: 1,532,170.23ft AND **BEING THE POINT OF BEGINNING**; SAID 1" PIPE BEING WITHIN THE SOUTHERN EDGE OF THE AFOREMENTIONED 60' RIGHT OF WAY (R/W) FOR MOOSE ROAD AND BEING A POINT IN THE LINE OF THE BOARD OF LIGHT & WATER COMMISSIONS OF THE CITY OF CONCORD " LAKE FISHER PROPERTY"; THENCE WITH SAID LAKE FISHER PROPERTY LINE **S 4-41-04 E - 280.09'** (CROSSING THE SOUTHERN EDGE OF SAID R/W AT 6.81') TO A POINT BEING THE TAX LINE BETWEEN TAX ID# 145 063 2 AND 145 063 1; THENCE WITH SAID TAX LINE **N 87-17-21; W 932.52'** TO A POINT IN THE LINE OF BRIAN RABON DB 1300 PG 351; THENCE WITH SAID RABON LINE **N 3-37-42; E 286.64'** (CROSSING A NEW IRON SET ON SAID R/W FOR MOOSE ROAD AT 263.33') TO A COMPUTED POINT IN THE ASPHALT OF SAID MOOSE ROAD; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION WITHIN THE SAID R/W FOR MOOSE ROAD **S 86-43-16; E-891.92'** TO **THE POINT OF BEGINNING**, CONTAINING 5.91 AC AND BEING SHOWN ON A REZONING MAP BY HARRISBURG SURVEYING, DATED DECEMBER 10, 2018; JOB# 18I003REZONE.

Section 2. Upon and after the 25th day of March 2019, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Kannapolis, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Kannapolis, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e).

Section 3. The Mayor of the City of Kannapolis, North Carolina shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Adopted this 25th day of March 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

APPROVED AS TO FORM:
Walter M. Safrit, II, City Attorney

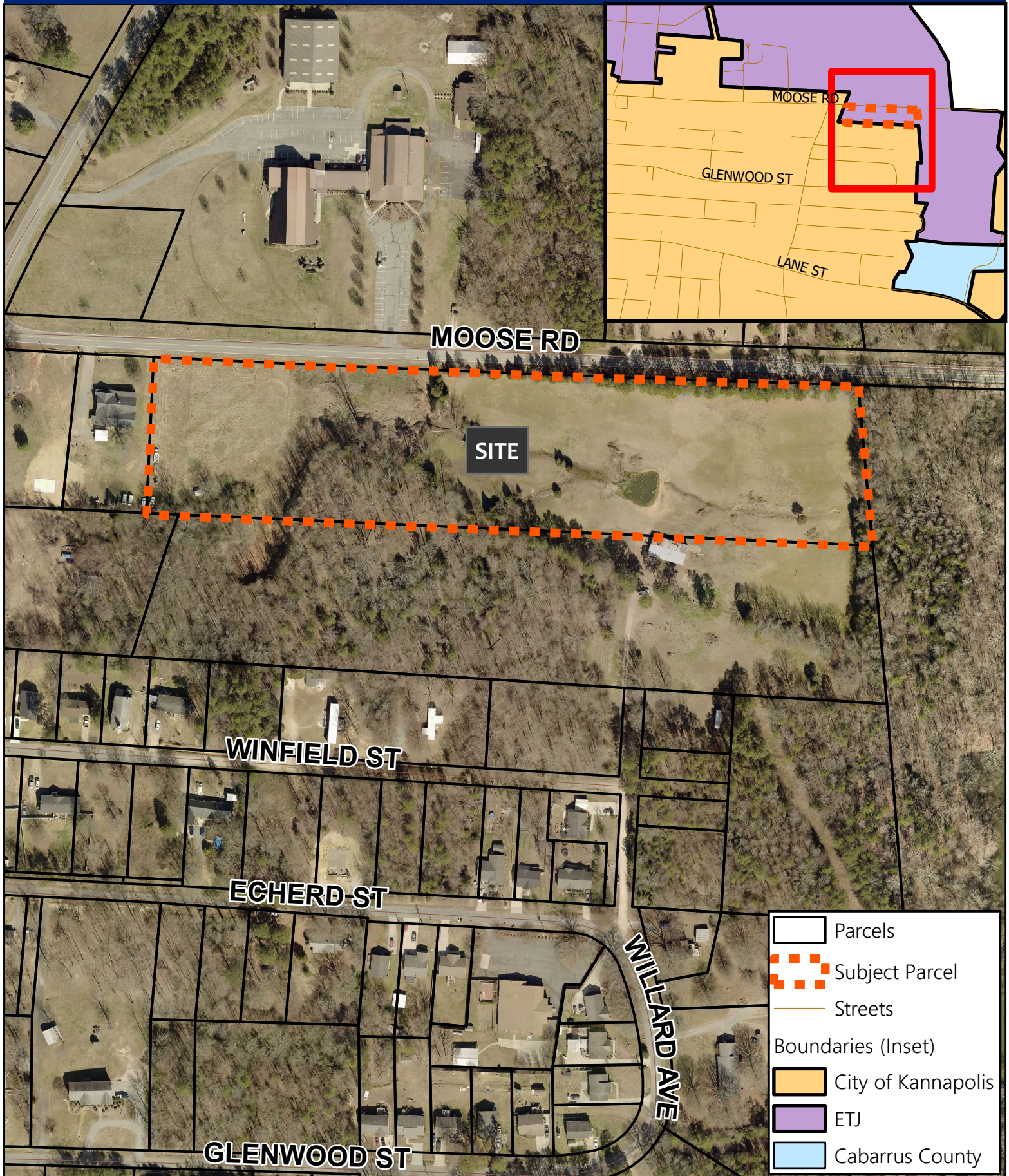


Vicinity Map

Case Number: A-2019-01

Applicant: PP & I, LLC

Moose Rd

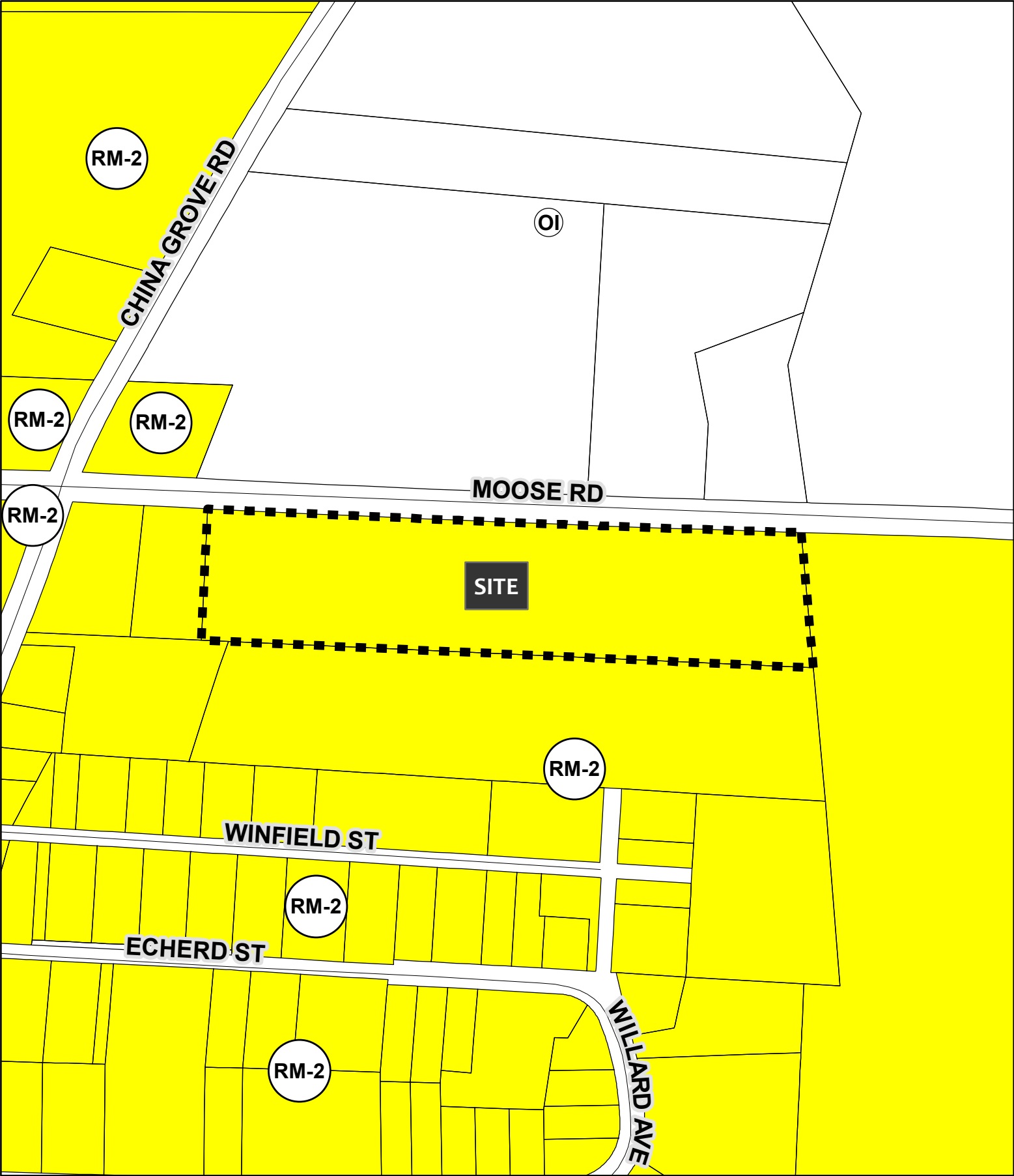


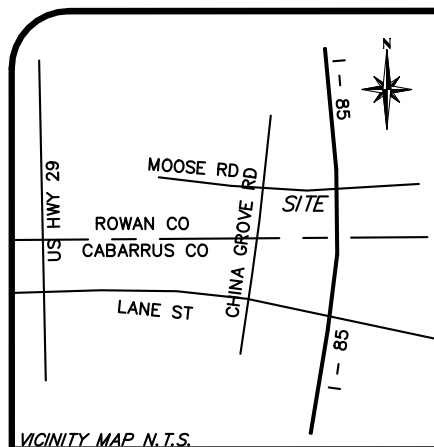
- Parcels
- Subject Parcel
- Streets
- Boundaries (Inset)**
 - City of Kannapolis
 - ETJ
 - Cabarrus County



Kannapolis Current Zoning

Case Number: Z-2019-01
Applicant: PP & I, LLC
Moose Rd





THE STATE OF NORTH CAROLINA
I, JAMES T. WEST, CERTIFY THAT THIS MAP WAS DRAWN BY ME
OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME
OR UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN BOOK
1319 PAGE 435, THAT THE ERROR OF CLOSURE AS CALCULATED BY
LATITUDES AND DEPARTURES IS 1:23,000; THAT THE BOUNDARIES NOT
SURVEYED ARE SHOWN AS BROKEN LINES PLATED FROM INFORMATION
FOUND AS NOTED, THAT THIS MAP WAS PREPARED IN ACCORDANCE
WITH GENERAL STATUTE 47-30 AS AMENDED.
WITNESS MY HAND AND SEAL THIS 10th DAY OF DECEMBER 2018
JAMES T. WEST
L-3392
REG. NO.

I, JAMES T. WEST, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED
YES NO
☒ ☐ THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF
LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS
AN ORDINANCE THAT REGULATES PARCELS OF LAND.
☐ ☒ THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH A PORTION
OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN
ORDINANCE THAT REGULATES PARCELS OF LAND.
☐ ☒ THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS
OF LAND.
☐ ☒ THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS
THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED
SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
☐ ☒ THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT,
I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROF.
ABILITY AS TO PROVISIONS CONTAINED IN A. THROUGH D. ABOVE

NUM	DISTANCE	BEARING
L1	33.15'	N2°58'23"E
L2	23.31'	S3°37'42"W
L3	6.81'	S4°41'04"E
L4	101.57'	S3°08'14"W
L5	146.90'	N86°59'04"W
L6	103.14'	N3°08'14"E
L7	100.99'	N20°18'20"E
L8	97.05'	N18°25'38"E
L9	53.61'	N20°18'00"E
L10	55.89'	N87°14'50"W

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN
AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION
JURISDICTION OF THE CITY OF KANNAPOLIS, AND THAT I HEREBY
SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT,
ESTABLISH MINIMUM BUILDING SETBACK LINES. AND DEDICATE
TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS,
WALKS, PARKS, OPEN SPACE AND EASEMENTS (IF APPLICABLE)
EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT
I WILL MAINTAIN ALL SUCH AREAS UNTILL ACCEPTED BY THE CITY
OF KANNAPOLIS, AND FURTHER THAT I HEREBY GUARANTEE THAT I
WILL CORRECT DEFECTS OR FAILURES OF IMPROVEMENTS IN SUCH
AREAS FOR A PERIOD OF ONE (1) YEAR COMMENCING AFTER
CERTIFICATE OF APPROVAL HAS BEEN EXECUTED BY THE CITY,
OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS,
WHICHEVER OCCURS LATER.

DATE OWNER

BY AUTHORITY OF THE CITY OF KANNAPOLIS SUBDIVISION REGULATIONS,
THIS FINAL PLAT FOR "MOOSE ROAD" IS HEREBY APPROVED.

DATE DIRECTOR OF PLANNING

DATE CITY ENGINEER

DATE DIRECTOR OF PUBLIC WORKS

APPROVAL DOES NOT GUARANTEE WATER AND SEWER AVAILABILITY
OR THE RIGHT TO BUILD A STRUCTURE ON THESE LOTS.

APPROVAL OF THIS PLAT DOES NOT PERMIT THE OWNER THE RIGHT TO
TO ALTER, PIPE, FILL OR RELOCATE ANY EXISTING DRAINAGE FEATURE
LOCATED ON THE PROPERTY WITHOUT SUBMITTING ENGINEERED PLAN
FOR REVIEW AND APPROVAL TO THE CITY OF KANNAPOLIS AND OTHER
APPROPRIATE STATE AGENCIES.

STATE OF NORTH CAROLINA, ROWAN COUNTY

I, _____, REVIEW OFFICER OF ROWAN COUNTY
, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

SITE CALCULATION TABLE:
TOTAL AREA: 11.45 AC
TOTAL NEW LOTS: 0

LEGEND:

EIP - EXISTING IRON PIN / PIPE PWW-PROPOSED WATER METER
NIP - NEW IRON PIN (#4 REBAR) PCO-PROPOSED SEWER CLEAN OUT
CP - COMPUTED POINT OVHDUTIL - OVERHEAD UTILITIES
P/P - POWER POLE FH - FIRE HYDRANT
MH - MANHOLE PDE - PUBLIC DRAINAGE EASEMENT
R/W - RIGHT OF WAY ESMT - EASEMENT
PVMT. - PAVEMENT STE - SIGHT TRIANGLE EASEMENT
CONC. - CONCRETE TRANSF. - ELECTRIC TRANSFORMER

Boundary & Lot Lines - - - - - Sight Triangle as labeled
-R/W- Road Right of Way -w-w- Waterline
-P- Adjoiners -OHU- Overhead Utilities
- Old Tract Line -ss-ss- Sanitary Sewer
-Setbacks- -sd-sd- Storm Drainage
- Easement as labeled -E-E- Electric Line
ETJ - Extra Territorial Limits

REZONING PLAT FOR

Part of 11.45ac on the South Side of
MOOSE ROAD
Part of DB 1319 PG 435 * TAX# 145 063 - 2
Owned by: PP & I, LLC
CITY OF KANNAPOLIS ETJ*CHINA GROVE TOWNSHIP
ROWAN COUNTY*NC
SURVEY FOR: PP & I, LLC
77 McCACHERN BLVD, CONCORD NC

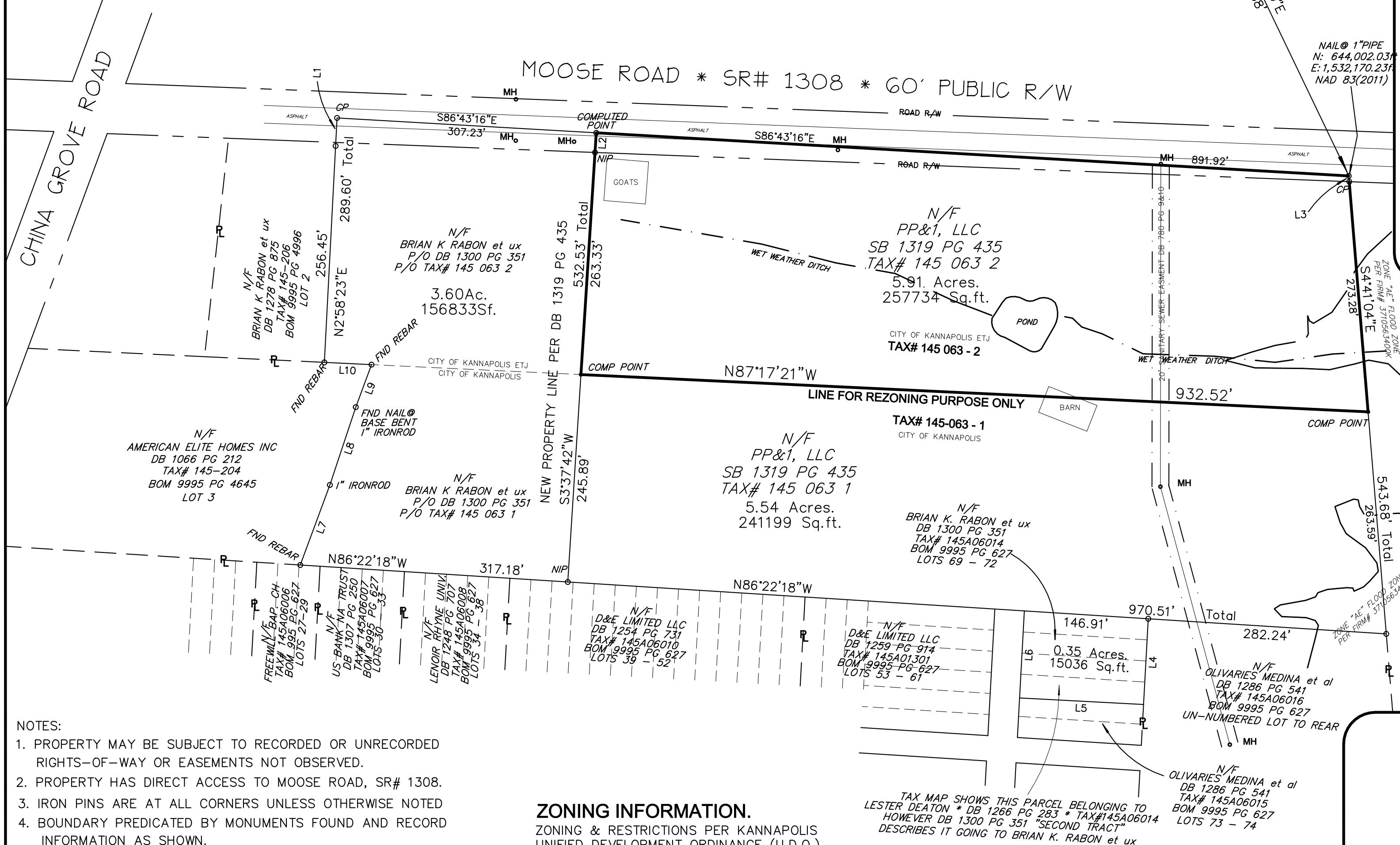


DATE: DECEMBER 2018
SCALE: 1" = 100'
CITY OF KANNAPOLIS
China Grove Twp
COUNTY: ROWAN
STATE: NORTH CAROLINA

DRAWN BY: SDG
COMP BY: JTW
REVISION:
DEUT. V: 27-17/PROV. V: 22-28
115 Plaza Dr Harrisburg, N.C.
(704)-455-9553 PHONE
http://www.harrisburgsurveying.com

MSCAD: 181003Rezone

N.C.G.S. GRID NORTH
N.C.G.S. SURVEY COORDINATE SYSTEM NAD 83
OBSERVED BY GPS SP80



- NOTES:
- PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.
 - PROPERTY HAS DIRECT ACCESS TO MOOSE ROAD, SR# 1308.
 - IRON PINS ARE AT ALL CORNERS UNLESS OTHERWISE NOTED
 - BOUNDARY PREDICATED BY MONUMENTS FOUND AND RECORD INFORMATION AS SHOWN.
 - AREAS DETERMINED BY THE COGO CALCULATION METHOD.
 - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT THEREFORE OTHER EASEMENTS OR ENCUMBRANCES MAY EXIST THAT WERE NOT OBSERVED BY THIS SURVEYOR.
 - THIS PROPERTY LIES IN THE "LAKE FISHER WS-IV-CRITICAL AREA" ANY DEVELOPMENT OF THIS LAND IS SUBJECT TO MAXIMUM OF 24% IMPERVIOUS BUILT UPON AREA PER KANNAPOLIS UDO.
 - THE BEARING AND DISTANCES SHOWN HEREON ARE GROUND, NAD 83 (2011 ADJUSTMENT) BASED UPON THE NORTH CAROLINA GEODETIC STATE PLANE COORDINATE SYSTEM. THIS INFORMATION WAS TAKEN FROM A GPS OBSERVATION ON OCTOBER 8, 2018 USING A SP 80 IN CONJUNCTION WITH THE N.C.G.S., V.R.S. AND BASED ON THE C.O.R.S.

ZONING INFORMATION.

ZONING & RESTRICTIONS PER KANNAPOLIS
UNIFIED DEVELOPMENT ORDINANCE (U.D.O.)
Zoning District: RM-2
Setbacks:
Front: 25'
Side: 10'
Rear: 25'
SEE LOT #1 FOR TYPICAL PLACEMENT
"LAKE FISHER WS-IV - CA"
U.D.O.-CHAPTER 4.16.B.3
FOR FURTHER INFORMATION CONTACT
THE CITY OF KANNAPOLIS
PLANNING & ZONING AT 704-920 0000

A PORTION OF THIS PROPERTY IS LOCATED IN A ZONE"AE"
SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE RATE
MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION:
F.I.R.MAP: 3701563400K / EFFECTIVE DATED: 6/16/2009
F.I.R.MAP: 3701563400L / PRELIMINARY DATE: 8/30/2016

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE AN INTENT
TO ANNEX UNDER Chapter 160A ARTICLE 4A**

WHEREAS, the City Council may initiate annexation of contiguous property owned by the petitioners by adopting a resolution stating its intent to annex the property of the area described herein; and

WHEREAS, N.C.G.S Chapter 160A, Article 4A, Part 1 provide that the sufficiency of the petition shall be investigated by the City Clerk of the City of Kannapolis, North Carolina before further annexation proceedings consistent within the intent to annex can take place; and

WHEREAS, the City Council of the City of Kannapolis, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the intent to annex;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described intent to annex under N.C.G.S. Chapter 160A, Article 4, Part 1 and to certify as soon as possible to the City Council the result of the investigation.

ADOPTED this the 28th day of January 2019.


Milton D. Hinnant, Mayor

ATTEST:


Bridgette Bell, MMC, NCCMC
City Clerk

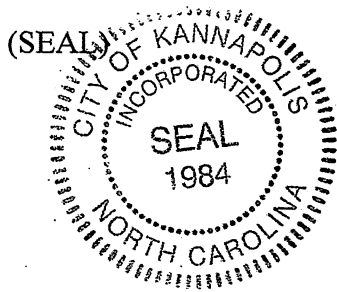
CERTIFICATE OF SUFFICIENCY


To the City Council of the City of Kannapolis, North Carolina.

I, Bridgette Bell, Kannapolis City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a) The petition contains an adequate property description of the area proposed for annexation.
- b) The area described in petition is contiguous to the City of Kannapolis primary corporate limits, as defined by G.S. 160A-31.
- c) The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, this 28th day of January 2019.




Bridgette Bell, MMC, NCCMC
City Clerk)

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO
CHAPTER 160A ARTICLE 4A (Part 1) SECTION 160A-31(a)

WHEREAS, pursuant to NCGS 160A-31 the City Council may initiate annexation of real property contiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kannapolis, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 11th day of February, 2019.

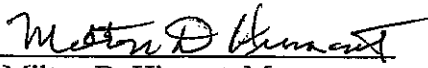
Section 2. The area proposed for annexation is described as follows:

Lying and being in the City of Kannapolis. China Grove Township, Rowan County. North Carolina and being on the south side of Moose Road, state route number 1308 (having a 60' public right of way) also being 5.91ac portion of Deed Book (DB) 1319 page (PG) 435 and Rowan County tax identification number (tax id) 145 063 2 more fully described as follows:

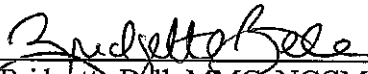
Point of Orientation is a North Carolina geodetic monument named "Glenn" with grid coordinates of N: 647,487.97ft, E:1,530,497.58ft; thence from said monument **S 25-37-50 E - 3,866.38'** to a nail at a 1" pipe having grid coordinates of n 644,002.03ft E: 1,532,170.23ft and being **the point of beginning**: said 1" pipe being within the southern edge of the aforementioned 60' right of way (R/W) for Moose Road and being a point in the line of the Board of Light & Water Commissions of the City of Concord "Lake Fisher property"; thence with said Lake Fisher property lines **4-41-04 E - 280.09'** (crossing the southern edge of said R/W at 6.81') to a point being the tax line between tax id# 145 063 2 and 145 063 1; thence with said tax line N 87-17-21 W - 932.52' to a point in the line of Brian Rabon DB1300 PG 351; thence with said Rabon line N 3-37-42 E - 286.64' (crossing a new iron set on said R/W for Moose Road at 263.33') to a computed point in the asphalt of said Moose Road; thence running in a southeasterly direction within the said R/W for Moose Road **S86-43-16 e- 891.92'** to **the point of beginning**, containing 5.91 ac and being shown on a rezoning map by Harrisburg Surveying, dated December 10, 2018; job# 181003 Rezone

Section 3. Notice of public hearing shall be published in the Independent Tribune on February 1 and February 8, 2019

ADOPTED this the 28th day of January, 2019.


Milton D. Hinnant, Mayor

ATTEST:


Bridgette Bell, MMC, NCCMC
City Clerk



Order Confirmation

Order# 0000549882

PO Box 27283
Richmond, VA 23261-7283

Client: KANNAPOLIS, CITY OF
Phone: 7049204300

Payer: KANNAPOLIS, CITY OF
Phone: 7049204300

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEET
KANNAPOLIS NC 28081

Sales Rep aboan
Accnt Rep aboan
Ordered By Pam Scaggs

Fax: 7049337463
Email: byow@kannapoliscnc.gov

Total Amount \$709.18
Payment Amount \$709.18

Amount Due \$0.00

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

PO Number:

Affidavits

Proofs

Tear Sheets

1

0

0

0.00

Ad Number
0000549882-01

Ad Type
CLS Liner

Ad Size
2 X 56 li

Color
\$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone
CON Independent Trib

Placement
C-Announcements

Position
General-Spec Notice

Inserts
2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Kannapolis City Hall

Run Dates 3/15/2019, 3/22/2019

TagLine: NOTICE OF PUBLIC HEARING KANNAPOLIS CITY HALL LAUREATE CENTER 401 LAUREATE WAY KANNAPOLIS NC 28081 CITY COUNCIL MEETING MONDAY MARCH 25 2019 AT 600 PM



NOTICE OF PUBLIC HEARING

Kannapolis City Hall
Laureate Center

401 Laureate Way, Kannapolis, NC 28081

City Council Meeting

Monday, March 25, 2019 at 6:00 pm

Public Hearing Notice

Public Hearing Notice - Moose Road Annexation - A-2019-01
- Public Hearing to consider the voluntary annexation of approximately 5.91 +/- acres located at an unaddressed parcel on Moose Road further identified as Rowan County PIN #145 063 2.

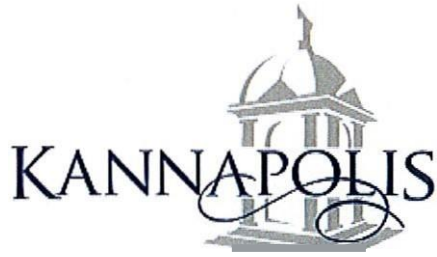
Public Hearing Notice - Text Amendment - TA-2019-01
- Public Hearing to consider a text amendment to Articles 3, 4, 6, 8, 9, 10 and 11, and Appendices A, B, C and D of the Unified Development Ordinance amending the required land development standards for all development projects within the City of Kannapolis.

Public Hearing Notice - Text Amendment - TA-2019-02
- Public Hearing to consider a text amendment to Article 6 of the Unified Development Ordinance amending the time limit for processing the different classification of applications related to subdivisions and construction plans.

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or email tcline@kannapoliscnc.gov.

Publish: Friday, March 15, 2019; Friday, March 22, 2019.+



January 22, 2019

Mount Mitchell Fire
Department

Attn: Chief Robert Earnhardt

1706 Brantley Road
Kannapolis, NC 28083

(Sent by Electronic Mail & USPS)
rre790@yahoo.com

Re: Annexation Petition(Case # A-2019-01)-Request for Information

Dear Chief Earnhardt:


The City of Kannapolis is considering an annexation of a portion of property (approximately 5.91 acres) located on the south side of Moose Road, east of China Grove Road which, according to our records, is located within the fire service area of the Mount Mitchell Fire Department. The property is further identified as Rowan County PIN: 145 063 2 and is designated as Annexation Case # A-2019-01 by the City of Kannapolis (see enclosed Vicinity Map). North Carolina law requires the City to pay annually a proportionate share of any payments due on any debt, including principal and interest, relating to facilities or equipment of a rural fire department subject to the following:

1. The area where service is provided is in an insurance district designated under G.S. 153A-233, a rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or a fire service district under Article 16 of Chapter 153A of the General Statutes;
2. The debt was existing at the time of submission of a voluntary petition for annexation; and
3. The amount of debt payments calculated for all voluntary annexations exceeds one hundred dollars (\$100.00) in any calendar year.

In order to determine the City's proportionate share of your department's debt and whether any payment by the City is required, the appropriate employees of the City of Kannapolis will require access to certain information concerning your debt. You are hereby requested to make this information available to the City Finance Director, Eric Davis (edavis@kannapolisnc.gov) (704) 920-4307, not later than thirty (30) days following receipt of this letter. **Pursuant to G.S 160A-58.2A. Assumption of debt, failure to respond within forty-five (45) days following receipt of this letter will result in the forfeiture of your department's right to receive any payment on this debt.**

Please feel free to contact me at (704) 920-4325 with any questions. Your assistance with this matter is greatly appreciated.

Sincerely,



Zachary D. Gordon, AICP
Planning Director

Attachment (1)

Cc: Walter M. Safrit, II, City Attorney
Mike Legg, City Manager
Eric Davis, Finance Director Ernie Hiers, Fire Chief
Bridgette Bell, City Clerk
Gretchen Coperine, Senior Planner
Travis Furr, Police Sgt.



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE Presentation - Kannapolis Development Ordinance (KDO) Rewrite UDO Assessment

A. Action Requested by City Council

Presentation only - no action required

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

Clarion Associates has been hired by the City to update the Kannapolis Unified Development Ordinance (UDO), which was adopted in November of 2000. Planning staff has been working closely with Clarion on this update since the Fall of 2018. The updated document will be referred to as the **Kannapolis Development Ordinance (KDO)**. Clarion has recently completed a comprehensive assessment of the existing UDO and will be presenting its summary of that assessment to City Council, along with an overview of the proposed outline for the KDO. A similar presentation was made to the Planning and Zoning Commission at its March 6th meeting.

D. Fiscal Considerations

None.

E. Policy Issues

Click on this link to view the Kannapolis Development Ordinance - Rewrite UDO Assessment - **Kannapolis Development Ordinance - Rewrite UDO Assessment - Public Review Draft**

F. Legal Issues

None.

G. Alternative Courses of Action and Recommendation
--

Presentation only - no action required.

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, Director of Public Works
TITLE City of Kannapolis Comments regarding STIP
#R-5706 HWY 73 Widening

A. Action Requested by City Council

Motion to approve the City of Kannapolis' comments regarding the STIP #R-5706 NC 73 Widening Project.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

NCDOT is in the process of planning and designing the widening of NC 73 from the Mecklenburg County line to Highway 29 from a two-lane facility to a multi-lane facility which will include accomodation for pedestrians as well as cyclists along the corridor.

D. Fiscal Considerations

At this time, we are simply providing comments, but the City of Kannapolis will be responsible for our portion of the sidewalk costs as well as any betterments that we may want included as part of the Project.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve the recommended comments from the City of Kannapolis regarding STIP #R-5706 NC 73 Widening Project (Recommended)**
2. Take no action
3. Table to a future meeting.

ATTACHMENTS:

File Name

▣ 2019_03-25_R-5706_NC_73_Widening_Comments.pdf

March 25, 2019

Stuart Basham
NCDOT Division 10 Planning Engineer
12033 East Independence Boulevard – Suite F
Matthews, NC 28105

Subject: STIP Project No. R-5706 NC 73 Widening

Dear Mr. Basham,

Listed below are the City of Kannapolis' comments regarding the R-5706 Project:

1. The City supports the installation of a multi-use path along the HWY 73 Widening Project R-5706 from the Mecklenburg County Line to I-85 and requests NCDOT exercise flexibility in median and planting strip widths in order to minimize property impacts along the corridor.
2. There is currently ongoing development planned for the southeast and southwest corner at the intersection of HWY 73 and Kannapolis Parkway. We request that NCDOT consider design alternatives that would not significantly impact these parcels rendering them undevelopable.
3. The City requests to have input on creating a decorative pattern applied to the retaining walls used for the bridge approaches.
4. Kannapolis is proud to have the Amazon Distribution Center as part of our business community. The City is concerned that Amazon's distribution efforts will be impacted and requests that their signalized access to HWY 73 is not removed or impacted by the proposed improvements during or after construction.
5. The City of Kannapolis requests that the structures located over Afton Run and Rocky River be designed to accommodate a 10-ft wide, paved, multi-use trail under HWY 73 at these locations.
6. At the two aforementioned locations please accommodate in your design for access from the multi-use path on either side of HWY 73 to access the greenway at these locations.

7. The City of Kannapolis supports the Water & Sewer Authority's concerns relative to impact to Lake Howell listed below:

- a. The general comments relate to any of the alternatives that may be selected. They are as follows with no order of importance:
 - The reservoir is one of the larger sources of water for all the communities in Cabarrus County. We are sure that all care will be taken to protect the water source during construction but would like to review and discuss plans for that protection.
 - Some alternatives could result in a net loss of storage capacity for the reservoir. WSACC requests a study of alternatives to balance that loss such as excavation and/or dredging.
 - There are currently at least 3 access points to the dam and surrounding area. WSACC will need to retain that access for maintenance and monitoring. A more detailed map can be provided.
 - There is fencing located near the main dam access. It is difficult to determine if that will be affected. In addition, the road section below the dam is planned as controlled access. If that includes the addition of more fencing, WSACC would like to discuss gate access points, the type of fencing and have the opportunity to pay the difference in cost for more secure fencing to match what is currently in place.
 - Parts of each of the alternatives fall within the reservoir watershed. WSACC requests that safety impoundments and drainage improvements be constructed to capture pollutants that may result from regular use and accidental spills along the roadway.
 - Where remainder parcels must be purchased during right-of-way acquisition and those remainders are adjacent to property owned by WSACC and/or the County, both entities would like to discuss the ultimate disposition of those properties with representatives of NCDOT. It may be useful to have that discussion as part of the acquisition process of right-of-way from WSACC and County owned property.
 - WSACC, Cabarrus County, Concord and Kannapolis would like the opportunity to review detailed construction plans for the reservoir section after an alternative is chosen and those plans prepared.
- b) The group reviewed all four alternatives. Each one has some effect on the reservoir. Alternatives 3 and 4, however, also have the largest impact on the communities and school near the reservoir. The group felt that with the proper planning and protections that Alternatives 1 and 2 are the most appropriate and that alternatives 3 and 4 should be rejected. The specific comments and questions that follow relate to alternatives 1 and 2 only.

Alternative 1:

- How would containment areas for storm water and accidental spills be constructed?
- How would storm water from the bridge structure be handled?

- The planned turnaround bulb just to the west of the reservoir is located at or near a private drive constructed, improved and partially maintained by WSACC. That private drive provides access for the Cabarrus County Deputy who patrols the reservoir, access to the WSACC boat dock for the reservoir and access to two private homes.
- As stated in the general comments, WSACC must retain access to the dam and the area below the dam for maintenance and monitoring.
- Will the pipes under NC 73 need to be extended under this bridge span alternative? If so, will that include a need for a coffer dam or lowering of the reservoir water level?
- Will there be any fill added around the existing causeway and will that result in the loss of reservoir storage capacity?
- Concord has raw water intake pipes in this area and will be constructing additional infrastructure for that purpose.
- There is concern about increased illegal activity and mischief from a bridge structure. WSACC would like to be involved in construction planning to mitigate that activity.

Alternative 2:

- How would containment areas for storm water and accidental spills be constructed?
- The planned turnaround bulb just to the west of the reservoir is located at or near a private drive constructed, improved and partially maintained by WSACC. That private drive provides access for the Cabarrus County Deputy who patrols the reservoir, access to the WSACC boat dock for the reservoir and access to two private homes.
- This alternative will require the pipes under NC 73 to be extended. How will that construction take place and will the water level be affected.
- This alternative will result in the loss of storage capacity for the reservoir. WSACC would like to discuss ways in which that loss can be balanced.
- WSACC maintains much of the area around the current causeway. This construction will result in additional areas to be maintained and WSACC would like to be involved in the planning and design for those areas to address maintenance needs and concerns.

If you have any questions related to these comments or need any further information, please contact me at (704) 920-4200.

Sincerely,

Wilmer Melton, III
Director of Public Works



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III, Director of Public Works
TITLE Municipal Agreement for the Little Texas Road
Sidewalk

A. Action Requested by City Council

1. Motion to approve the Municipal Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project EB-5844 and authorize the City Manager to execute the Agreement.
2. Motion to approve an Ordinance amending the Capital Project Ordinance for the Little Texas Road Sidewalk Project, Phases 1 & 2
3. Motion to approve a Reimbursement Resolution

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

At the request of the City of Kannapolis, The North Carolina Department of Transportation (NCDOT) has prepared a Municipal Agreement for TIP Project EB-5844 for the construction of approximately 8,800 linear feet of sidewalk along Little Texas Road and Ruth Avenue from Dale Earnhardt Boulevard to Lane Street.

By execution of this Agreement, the City agrees to the requirements set forth by NCDOT as stated in the Agreement. The City will be responsible for completing the Project within five (5) years of authorization of Federal funds for the project.

D. Fiscal Considerations

The total estimated cost of the sidewalk is \$2,564,000 and the City's portion will be funded with debt proceeds. The federal participation in this Project is 80% of the Project cost up to a total Federal amount of \$2,051,200. The City is responsible for the remaining costs estimated at \$512,800. In addition, the City is responsible for any overruns as the maximum Federal participation is limited to \$2,051,200. The City will submit requests to NCDOT for reimbursement of expenses on the Project.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Motion to approve the Municipal Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project EB-5844 and authorize the City Manager to execute the Agreement. (Recommended)**
2. **Motion to approve an Ordinance amending the Little Texas Road Sidewalk (Phases 1 & 2) Capital Project Ordinance (Recommended)**
3. **Motion to approve a Reimbursement Resolution (Recommended)**
4. Take no action.
5. Table to future meeting.

ATTACHMENTS:

File Name

- ☐ 2019_02-28_EB-5844_NCDOT_Agreement_-_Little_Texas_Rd_Sidewalk.pdf
- ☐ Little_Texas_Rd_Sidewalk_Map.pdf
- ☐ Little_Texas_Road_Budget_Ordinance_#19-18.pdf
- ☐ Reimbursement_Resolution_Little_Texas_Road_Sidewalk.pdf



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 28, 2019

Mr. Wilmer Melton
Director of Public Works
401 Laureate Way
Kannapolis, NC 28081

via EBS Portal

SUBJECT: Locally Administered Project Agreement
City of Kannapolis, Cabarrus County
Project EB-5844; WBS Element: 47301.1.1, 47301.2.1, 47301.3.1
Federal-Aid No: TAP-2154(003)
Project Name: Little Texas Road Sidewalk

Dear Mr. Melton:

Please find enclosed duplicate originals of the above-referenced Project Agreement for the Little Texas Road Sidewalk, Cabarrus County.

The Project Agreement reflects the scope of work, funding and schedule that has been programmed into the State Transportation Improvement Program (STIP) by the Cabarrus-Rowan MPO. If you have any questions concerning the content of the agreement, please contact me (or the funding program).

After the City has reviewed and executed both originals, please return them to my attention, within ninety (90) days. The Department of Transportation will execute the agreements and send one fully executed agreement back to the City of Kannapolis.

If you have any questions, please contact me at (919) 707-6630 or by e-mail at mrawley@ncdot.com, Thank you.

Sincerely,

Program Consultant
Local Programs Management Office

Enclosure

ebs: Ms. Kellie Crump, PE, Division Project Manager
Mr. Tim Kirk, PE, Division Staff Engineer
Mr. David Wasserman, PE, STIP Representative

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PROGRAM MGMT
1595 MAIL SERVICE CENTER
RALEIGH, NC 27699-1595

Telephone: (919) 707-6600
Fax: (919) 212-5711
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1020 BIRCH RIDGE DRIVE
RALEIGH, NC 27610

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

CABARRUS COUNTY

DATE: 2/26/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

CITY OF KANNAPOLIS

TIP #: EB-5844

WBS Elements: PE 47301.1.1

ROW 47301.2.1

CON 47301.3.1

OTHER FUNDING:

FEDERAL-AID NUMBER: TAP-2154(003)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$2,051,200

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Kannapolis, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of Transportation Alternatives Program funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Little Texas Road Sidewalk, hereinafter referred to as the Project, in Cabarrus County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$2,051,200 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has re-programmed CMAQ funds from Project C-5502 to this Project, and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of construction of approximately 8800 linear feet of sidewalk along Little Texas Road and Ruth Avenue from Dale Earnhardt Boulevard to Lane Street.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation
- ROW Acquisition
- Utility Relocation
- Construction

as further set forth in this Agreement.

3. FUNDING

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse (80%) of eligible expenses incurred by the Municipality up to a maximum amount of \$1,920,000 in TA funds and 80% of eligible construction expenses up to a maximum amount of \$131,200 in CMAQ funds for a maximum reimbursement of \$2,051,200, as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Phase	Federal Funds Amount	Rate	Non-Federal Match \$	Non-Federal Match Rate
TA		\$1,920,000	80%	\$480,000	20%
CMAQ	CON	\$131,200	80%	\$32,800	20%
<i>Sub-total Fed</i>		\$2,051,200			
Total Estimated Cost		\$2,564,000			

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or \$256,400, to use towards the costs related to review

and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascritps/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain

or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at

www.fhwa.dot.gov/legregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

<https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for

documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference

www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Little Texas Road Sidewalk, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Environmental Documentation
- ROW Acquisition
- Utility Relocation
- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

▪ WORK PERFORMED BEFORE NOTIFICATION

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

▪ NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

▪ UNSUBSTANTIATED COSTS

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

▪ WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$2,051,200 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial

Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims; which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Transportation Alternatives Program funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late

payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military

and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF KANNAPOLIS

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the City of Kannapolis as attested to by the
signature of _____ Clerk of the _____ on
_____ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

City of Kannapolis

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- EXISTING GREENWAY



DISCLAIMER: This map is prepared from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data from various federal, state, and local agencies. Maps and associated information must be accepted and used by the recipient with the understanding that the primary information sources should be consulted for verification of the information contained on these maps. As such, the City of Kannapolis provides no warranties, expressed or implied, concerning the accuracy, completeness or reliability, or suitability of this data. Furthermore, the City of Kannapolis assumes no liability whatsoever associated with the use or misuse of such data.

CITY OF KANNAPOLIS, NORTH CAROLINA
ORDINANCE AMENDING THE LITTLE TEXAS ROAD SIDEWALK (PHASES 1 & 2)
CAPITAL PROJECT ORDINANCE
Amendment #19-18

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of March, 2019, that the following amendment to the Little Texas Road Sidewalk Capital Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

FUND 235: OAKWOOD AVENUE SIDEWALK

SECTION I: Increase Fund Revenue Estimate as follows:

Increase Debt Proceeds (24090-39200)	\$ 461,800
Increase funds from NCDOT (24000-34000)	\$ 1,898,200

SECTION II: Increase Fund Expenditures as follows:

Capital Outlay (24000-59600)	\$2,360,000
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This Ordinance is approved and adopted this 25th day of March, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KANNAPOLIS
DECLARING THE INTENT OF THE CITY OF KANNAPOLIS TO REIMBURSE
ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH
THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE ISSUED.**

WHEREAS, the City Council of the City of Kannapolis (the "*City*") has determined that it is in the best interest of the City to construct a Sidewalk along Little Texas Road (the "*Project*");

WHEREAS, the City presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with the proceeds of tax-exempt obligations (the "*Bonds*") to finance, or to reimburse the City for, all or a portion of the costs of the Project; and

WHEREAS, the City desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of issuance of the Bonds (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Bonds, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Bonds to be issued at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis as follows:

Section 1. ***Official Declaration of Intent.*** The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Bonds. The City reasonably expects to issue the Bonds to finance all or a portion of the costs of the Project and the maximum principal amount of Bonds expected to be issued by the City to pay for all or a portion of the costs of the Project is \$513,000.

Section 2. ***Compliance with Regulations.*** The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse the City for the Original Expenditures from proceeds of the Bonds.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the City, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of issuance of the Bonds.

Section 4. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

Adopted this 25th day of March, 2019.

Milton D. Hinnant, Mayor

Attest:

Bridgette Bell, MMC, NCCMC



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Eric Davis, Finance Director
TITLE Budget Ordinance Amendment 19-16; Jim
Johnson Road Waterline

A. Action Requested by City Council

Motion to approve an Ordinance amending the Budget for FY18-19 related to the Jim Johnson Road Waterline.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The attached budget ordinance amendment is appropriating \$650,000 from water and sewer cash reserves (fund balance) for the Jim Johnson Road waterline.

The construction of this waterline is crucial in the efforts to improve water quality in this area of the City. The residents in this area have logged several complaints about the water quality in the recent past.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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1. **Approve Budget Ordinance Amendment 19-16; Jim Johnson Road Waterline (Recommended)**
2. Do not approve Budget Ordinance Amendment 19-16; Jim Johnson Road Waterline. The waterline would not be constructed.
3. Table action to a future meeting

ATTACHMENTS:

File Name

📎 Jim_Johnson_Road_Waterline_3-25-19.doc

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2018
AND ENDING JUNE 30, 2019
Amendment # 19-16**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of March 2019, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 is hereby adopted:

SECTION I - Water & Sewer Fund

Expenditures:

Increase Water Distribution Capital Outlay	
Expenditure: 36100-59600	\$650,000

Revenues:

Increase Appropriated Fund Balance	
Revenue: 39900-39900	\$650,000

This ordinance is approved and adopted this 25th day of March 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Eric Davis, Finance Director
TITLE Budget Ordinance Amendment 19-17; Coventry
Road Storm Drain installation

A. Action Requested by City Council

Motion to approve an Ordinance amending the Budget for FY18-19 related to the Coventry Road Storm Drain installation

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

This budget ordinance amendment is for \$400,000 and it will cover the installation of a storm drain pipe on Coventry Road. This pipe installation is needed to handle additional runoff that was created due to construction activity upstream from this area. Funds will come from the Stormwater fund cash reserves (fund balance).

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve Budget Ordinance Amendment 19-17; Coventry Road Storm Drain installation (Recommended)**
2. Do not approve Budget Ordinance Amendment 19-17; Coventry Road Storm Drain installation.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

▣ Coventry_Road_Storm_Drain_3-25-19.doc

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2018
AND ENDING JUNE 30, 2019
Amendment # 19-17**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of March 2019, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 is hereby adopted:

SECTION I - Storm Water Fund

Expenditures:

Increase Storm water Capital Outlay Expenditure: 40000-59600	\$400,000
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Revenues:

Increase Appropriated Fund Balance Revenue: 49900-39900	\$400,000
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This ordinance is approved and adopted this 25th day of March 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE Employee Compensation Study Update

A. Action Requested by City Council

None. For information only.

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

Below is an update on the Employee Compensation Study.

History and Goals

- With adoption of the FY 2019 budget, City Council expressed concern about salaries being paid to employees at the lower ends of the salary ranges and directed staff to conduct additional research.
- City Council was specific in their direction to staff to conduct a compensation study and bring back to Council recommendations that ensure employees who are being paid at the lower end of the pay ranges are being paid a rate of pay that is competitive with the market.

Action Plan

- To accomplish this, staff engaged the services of an independent consultant to conduct a salary survey of the salaries being paid and salary ranges (pay grades) of 24 agencies in the greater Charlotte region.
- The consultant was directed to conduct a study to meet the following four objectives:
 - Ensure the City's salary ranges are competitive with the market to facilitate recruitment and retention;
 - Pay employees competitively with their salary ranges based on their qualifications as an effort to improve retention;
 - Address pay compression at the lower end of the salary ranges (that is, make sure new hires and existing employees in those ranges have a reasonable spread in pay between them), and

- Update the City's Classification & Pay Plan to ensure equity and market competitive compensation.

Summary of Market Data Analysis

- Of the 24 agencies, 22 (92%) completed the survey.
- The survey included 69 benchmark classifications.
- Salary data collected by the NC League of Municipalities was used to supplement the survey where there was insufficient data to draw any conclusions.
- Findings:
 - 26 job classes were below market;
 - 34 job classes were competitive with the market;
 - 11 job classes were slightly above market;
 - Several job classes were competitive at the midpoint but had low minimum salaries.

Final Results and Recommendations

- The consultant presented her findings and implementation cost projections to City Council and department heads during their mini-retreat/budget workshop on February 25, 2019.
- Staff received feedback and direction from City Council to proceed with development of implementation plan and have had ongoing discussions with department heads regarding their questions and concerns after having also heard the consultant's reported findings.
- Implementation Recommendations. Numbers 1-4 were presented at the February 25, City Council. **The budget impact for implementation of these 4 actions would be \$304,965, impacting 125 employees.**

1. If an employee's current salary is less than the midpoint of the new range and greater than the minimum, move to the new pay grade and receive 4% INCREASE not to exceed the midpoint of the range.
2. If current salary and the calculated salary are less than the minimum of the range, move to the minimum of the range.
3. 5% incentive for officers assigned to the detective division.
4. Adjust hiring rate for Construction Maintenance Workers - 4% based on current salary or 5% HR, whichever is greater.
5. New recommendation since the 2/25 City Council meeting: Ensure that all entry level hiring rates (bottom of the range) are competitive with the average hiring range of the comparison jurisdictions. Previously, only those hiring ranges in difficult to fill positions were included in the recommendations. This change would generally impact employees in the Fire Department and at the Water Treatment Plant. Staff believes this is a reasonable change in the interest of fairness and is recommending its inclusion. **The budget impact for this additional action would be an additional \$61,109 impacting 46 additional employees.**
6. New consideration since the 2/25 City Council meeting: Ensure that all employees not effected by the originally recommended changes receive some level of market adjustment. The concern expressed from some Department Heads was a morale issue of internal compression created by increases between the minimum and midpoint for certain employees when compared to those employees already at or above the midpoint not receiving market adjustments. Those employees receiving market adjustments would now be closer to those above the midpoint. The solution to this concern would be to provide a market adjustment of 2% to all of the remaining employees not impacted by numbers 1-5 above. Staff needs additional feedback

from City Council on this issue as it may have potential impacts to the FY 20 budget, likely related to the decision regarding establishing new positions. **The budget impact for this additional action would be an additional \$240,135 impacting 169 additional employees.**

- Implementation is now recommended for the new budget year starting July 1, 2019 to allow for the discussion and debate on the larger budget issues.

D. Fiscal Considerations

Total implementation of all actions above would result in a budget impact (salaries and benefits) of \$606,119.

E. Policy Issues

Described above.

F. Legal Issues

None.

G. Alternative Courses of Action and Recommendation

None. For discussion only. Implementation will be part of the FY 20 Budget.

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
March 25, 2019
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE Closed Session

A. Action Requested by City Council

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters (Mayor Pro tem Haas)

MOTION TO ADJOURN MEETING

B. Required Votes to Pass Required Action

C. Background

D. Fiscal Considerations

E. Policy Issues

F. Legal Issues

G. Alternative Courses of Action and Recommendation

ATTACHMENTS:

File Name

No Attachments Available