



KANNAPOLIS CITY COUNCIL

MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
June 24, 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. Text Amendment – TA-2019-03 Article 4, Zoning Districts and Dimensional Regulation, Table 4.6-1, Principal Uses Permitted in Zoning Districts to allow Medical Waste Facilities in the I-1 (Light Industrial) District as a Conditional Use Permit (CUP) with specific standards; and Appendix A, Definitions to add definitions for “Medical Waste” and “Medical Waste (Disposal) Facility.” (Zachary D. Gordon, AICP, Planning Director)
2. Text Amendment – TA-2019-05 Various Articles related to Land Development Standards – Public Hearing to consider a text amendment to various sections of the Unified Development Ordinance (UDO) to amend the requirements for land development standards for any development project within the City. The standards have been incorporated into Appendix D to the UDO, titled Land Development Standards (Zachary D. Gordon, AICP, Planning Director)

RECOGNITIONS

1. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting - Eric Davis, Finance Director

APPROVAL/CORRECTION OF MINUTES

1. May 07, 2019 Continued Meeting
2. May 13, 2019 Regular Meeting
3. May 22, 2019 Continued Meeting
4. June 10, 2019 Regular Meeting
5. Closed Session May 07, 2019 Continued Meeting
6. Closed Session Minutes June 10, 2019

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. Budget Amendment for NC Biotech Center Grant (Irene Sacks, Director of Business and Community Development)
2. Request to declare 25 MPH Speed Limit on Westlake Drive and Townsgate Court (Wilmer Melton, III - Director of Public Works)
3. Resolution acceptance of Streets for Powell Bill Allocations Fiscal Year 2019-2020 (Wilmer Melton, III - Director of Public Works)
4. Solid Waste Collection Services Contract (Wilmer Melton, III - Director of Public Works)
5. Solid Waste Ordinance, Chapter 7, Article II, Division 1 (Wilmer Melton, III - Director of Public Works and Walter M. Safrit II - City Attorney)
6. Resolution opposing the replacement of the East 1st Street Bridge at US 29 (Cannon Boulevard) with an at-grade signalized intersection (Wilmer Melton, III - Director of Public Works)
7. The City of Kannapolis and the North Carolina Department of Transportation 2nd Supplemental Agreement – Transportation Improvement Project C-5161 (Wilmer Melton, III - Director of Public Works)
8. The City of Kannapolis and the North Carolina Department of Transportation Supplemental Agreement – Transportation Improvement Project C-5603F (Wilmer Melton, III - Director of Public Works)
9. Budget Amendments 19-21, 19-22, 19-23, & 19-24; Closing out Completed Capital Projects (Eric Davis, Finance Director)

BUSINESS AGENDA

- A. Resolution to approve an Action Plan for Phase II of the Revitalization of Downtown Kannapolis (Mike Legg, City Manager)
- B. Adoption of Budget Ordinance for FY 2019-2020 (Eric Davis, Finance Director)
- C. Approval of Fiscal Year 2019 - 2020 Fee Schedule (Jason May, Assistant to the City Manager)
- D. Downtown Signage and Wayfinding Package (Wilmer Melton, III - Director of Public Works)
- E. CPA-2019-01 Move Kannapolis Forward 2030 Future Land Use and Character Map Amendment – Addition of approximately 334 acres north of Old Beatty Ford Rd., on the east and west side of Interstate 85, and assignment of “Primary Activity Center – Interchange” Character Area (Zachary D. Gordon, AICP, Planning Director)
- F. Community Improvement Commission Appointments (Sherry Gordon, Community Development Program Administrator)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

UPCOMING SCHEDULE

July 08, 2019

July 22, 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
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE TA-2019-03 - Text Amendment to Allow Medical
Waste Facilities in the I-1 Zoning District

A. Action Requested by City Council

First Reading of TA-2019-03 (No action required).

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

Staff is proposing to amend Article 4, Table 4.6-1, to include Medical Waste Facilities as a use permitted with a conditional use permit with specific standards in the I-1 (light Industrial) zoning designation. Currently, Solid Waste Collection and/or Disposal (Hazardous) uses are permitted with a Conditional Use Permit in the I-2 zone. This text amendment proposes to 1) add Medical Waste Facilities to the Solid Waste Collection and/or Disposal use category and 2) permit the use within the I-1 district as a Conditional Use Permit, subject to the Hazardous Waste Facilities standards in Article 5.11 of the UDO (see attached for reference). By requiring that these uses be allowed only by a Conditional Use Permit, staff and the Board of Adjustment will be able to evaluate the location and site adequacy for any proposed medical waste facility on a case by case basis.

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

D. Fiscal Considerations

None

E. Policy Issues

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

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

At its June 5, 2019 meeting, the Planning and Zoning Commission voted unanimously to recommend TA-2019-03 to the City Council for adoption.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

This is the first reading of proposed TA-2019-03. A public hearing will be held at the July 8, 2019 City Council meeting.

ATTACHMENTS:

File Name

- ▢ UDO_Text_Amendment_Application.pdf
- ▢ Proposed_UDO_Changes.pdf
- ▢ Section_5.11_of_UDO.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] 5/22/2019 _____
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:

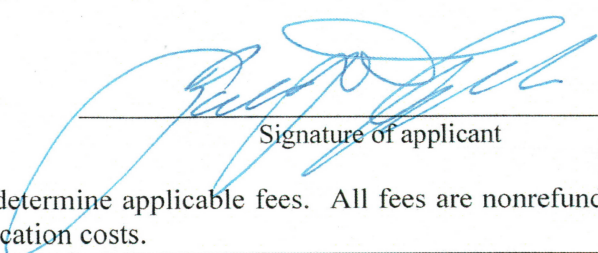
Article 4, Table 4.6-1 and Appendix A

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

See attached Staff Report

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 4.6-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS

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

P - Permitted Use

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

C - Conditional Use

(-) Prohibited Use

ZONING DISTRICTS

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

APPENDIX A – DEFINITIONS

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

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

5.11. HAZARDOUS WASTE FACILITIES

5.11.1. PURPOSE AND INTENT.

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

5.11.2. ZONING DISTRICTS.

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

5.11.3. CRITERIA.

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



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE TA-2019-05 - Text Amendment - Land
Development Standards

A. Action Requested by City Council

First Reading of TA-2019-05. No action required.

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

At its June 5, 2019 meeting, the Planning and Zoning Commission considered Text Amendment TA-2019-05 which would consolidate all technical development standards into an appendix to the UDO. The Planning and Zoning Commission voted to recommend TA-2019-05 for City Council approval.

Staff had initially presented to the City Council at their May 13, 2019 a Planning and Zoning Commission recommended amendment to the UDO, which would have placed these technical development standards in a separate manual. Council directed Staff to include the land development standards as an addendum to the UDO as opposed to providing a separate manual. This Text Amendment satisfies that directive, and as such proposes to add the consolidate land development standards as Appendix D to the UDO.

The land development standards will provide the necessary land development requirements in an easy-to-read format for 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.

D. Fiscal Considerations

None

E. Policy Issues

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

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. A recommendation to approve is then forwarded to City Council who shall, either approve or deny the text amendment by a majority vote.

At its June 5, 2019 meeting, the Planning and Zoning Commission voted to recommend TA-2019-03 to the City Council for adoption.

The text changes for TA-2019-05 are attached and shown as **additions and deletions**

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

This is the first reading of proposed TA-2019-05. A public hearing will be held at the July 8, 2019 City Council meeting.

ATTACHMENTS:

File Name

- ❏ Text_Amendment_Application.pdf
- ❏ Attachment__2A_UDO_Proposed_Changes.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:

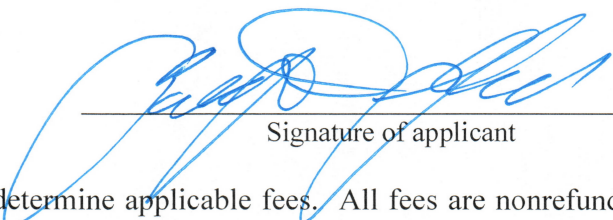
Articles 3, 4, 6, 8, 9, 10, and 11, and Appendices A, B, C and D

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.

3.2. ADMINISTRATIVE PERMITS.

3.2.1. PURPOSE.

The purpose of this Section is to prescribe procedures for permits which do not require quasi-judicial or legislative notice or a public hearing. A public hearing is not required for permits set forth in this Section for one or more of the following reasons:

- If required, public hearings have already been conducted relating to the permit application. The permit application procedure was designed to ensure that the proposed use complies with a previously approved subdivision plat, site plan, specific plan, comprehensive plan amendment, or conditional rezoning (e.g., zoning clearing, certificate of occupancy).
- The proposed use is permitted by right in the applicable zoning district (e.g., zoning clearance, certificate of occupancy).

3.2.2. APPLICABILITY.

The provisions of this Section shall apply to any site plan or final site plan or required administrative permit as set forth in § 3.6 of this Ordinance. Administrative permits include:

- a zoning clearance permit (see below)
- certificate of compliance (see below)
- temporary certificate of compliance (see below)
- grading permit (see below)
- stormwater management permit (see below)
- temporary use permit (see Art. 5)
- home occupation permit (see Art. 5)
- sign permit (see Art. 12)
- special flood hazard area development permit (see Art. 4)
- erosion and sedimentation control permits (see Art. 9)

3.2.3. PROCEDURES.

All development permits applicable to a proposed development must be issued in accordance with the provisions of this Ordinance, prior to any development activity. Permits are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws and to ensure consistency with the Comprehensive Plan and policies of the City.

3.2.4. ZONING CLEARANCE PERMIT.

3.2.4.1. Application. Upon adoption of this Ordinance, buildings or structures shall be erected or constructed, and uses shall be established, only on parcels of land that have been created in conformance with this Ordinance, except as provided for in §3.2.4.3. To construct any structure, use any land, or change the use of any structure, or land, a zoning clearance permit must be obtained from the Planning Department and a building permit may be required from the Cabarrus or Rowan County Building Inspections Department.

3.2.4.2. Grading. A Grading Permit shall be required in accordance with § 3.2.7.

3.2.4.3. Stormwater. A Stormwater Management Permit shall be required in accordance with § 3.2.8.

3.2.4.4. Exceptions. The provisions of this section shall not apply to any legal nonconforming use or lot of record established in accordance with the provisions of Article 13 of this Ordinance.

3.2.4.5. Procedures. (See Figure 3.2-1)

A. The Applicant shall file a complete application on a prescribed form for a Zoning Clearance Permit with the Administrator. If Site Plan review is required in accordance with § 3.6 of this Ordinance, the approved site plan must be submitted with the application for a zoning clearance. If the proposed development or development activity is not subject to site plan review pursuant to § 3.6, a plot plan must be filed for review as illustrated in Figure 3.2-1. The requirements for a plot plan are set forth in Appendix B.

B. Following review, the Administrator shall approve, approve with conditions, or deny the application for a zoning clearance permit. Applications that are denied shall have the reasons for denial, in writing, attached to the application. An appeal of the decision of the Administrator is allowed as provided for in § 3.7.

3.2.4.6. Approval Criteria. The zoning clearance permit shall be issued by the Administrator only if the application complies with

all pertinent provisions of this Ordinance, and any approved conditional use permit, conditional rezoning, or site plan.

3.2.4.7. Validity. The zoning clearance permit shall be valid for its established use if:

- The use is in compliance with applicable codes;
- A building permit has been obtained by the applicant within (6) months of issuance of the zoning clearance permit

If six (6) months elapse without the issuance of a building permit, the zoning clearance permit shall expire. Resubmission of plans and materials and an application for a new zoning clearance permit, including applicable fee(s), shall be required for any approved project that did not commence construction within that six (6) month period.

3.2.5. CERTIFICATE OF COMPLIANCE.

3.2.5.1. Application. Upon the effective date of this Ordinance, it shall be unlawful to use, occupy or permit the use or occupancy of, connect or provide utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Administrator.

3.2.5.2. Procedures.

A. The Applicant shall file a complete application for a certificate of compliance with the Administrator. For new construction projects, an approved site plan as submitted for application for a Zoning Clearance Permit shall be used. If the application for a certificate of compliance does not involve new exterior construction, a plot plan showing all exterior improvements, as required by this Ordinance, shall be filed for review. The Administrator shall assist the applicant in determining which materials are required for a submittal.

B. Individual tenants desiring to occupy lease space within an existing commercial development with multiple tenants shall be required to obtain a certificate of compliance. However, individual tenants shall not be required to upgrade any existing nonconforming site improvements to conform to the standards of this Ordinance. New construction is not exempted from meeting the design standards of this

Ordinance.

C. Following review, the Administrator shall approve, approve with conditions, or deny the application for a certificate of compliance. Denied applications shall have the reasons for denial, in writing, attached to the application. An appeal of the decision of the Administrator is allowed as provided for in § 3.7.

D. Approval Criteria. The Administrator shall issue the certificate of compliance only if the application complies with all pertinent provisions of this Ordinance and any approved conditional use permit, conditional rezoning or site plan.

E. Validity. The certificate of compliance shall be valid for its granted use as long as 1.) the use is in compliance with applicable codes and 2.) the property or structure is used, erected, changed, converted, altered, or enlarged in the stated manner.

F. Performance Guarantee. The applicant may submit a performance guarantee to the Administrator when an application for a certificate of compliance cannot be approved because certain improvements cannot be completed or installed due to adverse weather conditions or other reasonable factors. The applicant shall submit to the Administrator the following information: (1) a specific description of the factor(s) hindering completion or installation of the improvement(s); and (2) a written estimate from a licensed contractor of the cost of materials and labor for completing the work. The administrator shall then determine if the submission of a performance guarantee is appropriate and if the estimate is acceptable. The performance guarantee may be submitted in the form of a certified check, cashier's check, bond, or letter of credit on approved forms and shall be in the amount of 150% of the estimate. The performance guarantee shall be released after the improvements, as guaranteed, inspected by the Administrator and determined to be in full compliance with the approved plan.

3.2.6. TEMPORARY CERTIFICATE OF COMPLIANCE.

3.2.6.1. A temporary certificate of compliance may be issued by the Administrator for a period not to exceed six (6) months to allow for partial occupancy of a structure or land in order to complete

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 Sedimentation and 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 Appendix D (Land Development Standards).

Land disturbance of over one (1) acre is subject to the requirements set forth in Appendix D (Land Development Standards) 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 Sedimentation and 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 and Appendix D 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~~ and Appendix D (Land Development Standards), 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.

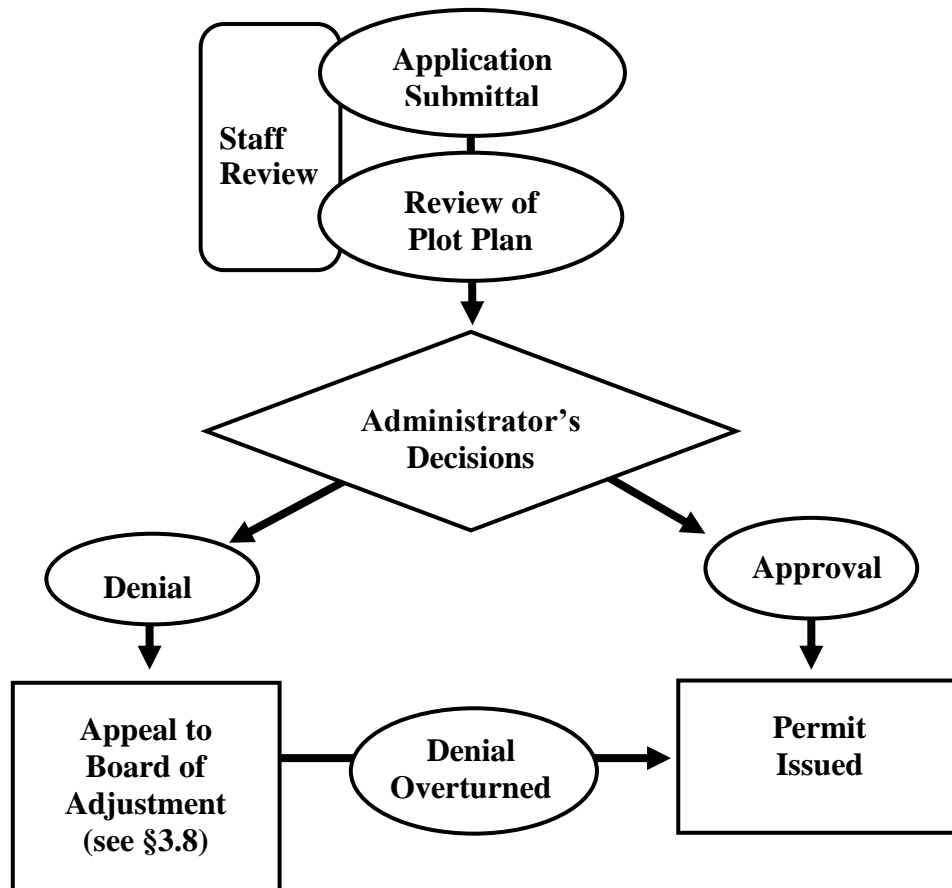
3.2.8.4. Exemption. A Stormwater Management Permit shall not be required for the following:

- 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.

Figure 3.2-1 – ADMINISTRATIVE PERMIT REVIEW PROCESS*

***Includes only administrative permits applications that are not required to obtain site plan approval as set forth in § 3.7 of this Ordinance.**



4.3. ZONING DISTRICT PURPOSE STATEMENTS

4.3.1. PURPOSE STATEMENT.

The purpose of this Article is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS § 160-A-383, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the City Council, if any, as adopted under NCGS Article 19 of Chapter 160A. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in tabular form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of § 4.7 et seq. of this Ordinance, the provisions of § 4.7 et seq. shall prevail.

4.3.2. PURPOSE STATEMENTS FOR BASE ZONING DISTRICTS.

4.3.3. AG AGRICULTURAL DISTRICT.

The AG (Agricultural) district is established to provide areas for low intensity agricultural operations and very-low density single-family residential home construction. AG zoning is intended to provide short-term protection and preservation of open space, farmland and rural areas from premature land subdivision and land development prior to the installation of municipal utilities. Furthermore, the AG district is intended to be a “holding zone” designed to facilitate orderly growth and development in areas expected to experience increased urbanization over time.

4.3.4. RE RURAL ESTATE.

The RE district is established to provide areas for low density single family uses, with a maximum of one (1) dwelling unit per acre. Property zoned RE should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RE an appropriate transition district between rural, agricultural, and suburban uses.

4.3.5. RL RESIDENTIAL LOW DENSITY DISTRICT.

The RL district is established to provide areas for low density single family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and RE classifications and the higher density areas of the City. It includes flexible density and minimum lot size requirements in order to

allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

4.3.6. RM-1 RESIDENTIAL MEDIUM DENSITY DISTRICT.

The RM-1 district is established to provide areas for medium density, single-family residential uses, with a maximum of three (3) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

4.3.7. RM-2 RESIDENTIAL MEDIUM DENSITY DISTRICT.

The RM-2 district is established to provide areas for medium density, single-family residential uses, with a maximum of four (4) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

4.3.8. RV RESIDENTIAL VILLAGE DISTRICT.

The RV district is established to provide areas for detached and attached single family homes, with a maximum of eight (8) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. RV supports the principles of concentrating urban growth and reinforcing existing community centers. Design controls are required for single-family attached projects as set forth in Article 11.

4.3.9. RC RESIDENTIAL COMPACT DISTRICT.

The RC district is established to provide a high density residential district allowing compact development consisting of the full spectrum of residential unit types

where adequate public facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of fifteen (15) dwelling units per acre except as otherwise provided in this Ordinance. RC may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. Design controls are required for multi-family and/or single-family attached projects as set forth in Article 11.

4.3.10. B-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

The B-1 district is established to provide small areas for office and professional services combined with shopfront retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of B-1 districts should include: (a) Lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector, except where an existing building or structure used as permitted in the B-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts

4.3.11. CC CITY CENTER DISTRICT.

The CC district is established to provide concentrated downtown retail, service, office, industrial and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but urban design standards as set forth in Article 11 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC district promotes the long-term vitality of the central business districts. No rezoning to a CC or a CC-CU District shall be approved unless the lot, parcel or tract subject to the application adjoins an existing CC, or CC-CU zoning district.

4.3.12. O-I OFFICE AND INSTITUTIONAL DISTRICT.

4.3.12.1. The Office and Institutional District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. To protect the low intensity character of this district, retail and wholesale trade are prohibited as permitted principal uses.

4.3.13. C-1 LIGHT COMMERCIAL DISTRICT.

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.14. C-2 GENERAL COMMERCIAL DISTRICT.

The C-2 district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. Rezoning to the C-2 zone should be avoided adjacent to any Single Family Residential Zoning District (RE, RL, RM-1 or RM-2). C-2 zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.15. CD CAMPUS DEVELOPMENT DISTRICT.

The CD district is established to provide for a high-quality mixture of employment and/or institutional uses of varying types in a single coordinated development. The district may include light manufacturing, office, warehousing, distribution, institutional and limited retail and service uses in an attractive campus or corporate park setting with architectural design standards, landscaping, screening and buffering. It is not intended that this district be used to accommodate single-use, single building developments which can be located in other zoning classifications. Development within the district shall conform to specific supplemental design standards of Article 11. Further, the district provides significant flexibility in internal arrangement of uses while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. The district is intended for application in select areas of the City primarily for new development on previously undeveloped land. However, the district may also be applied to areas which are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.

4.3.16. ⁽¹⁾CD-R CAMPUS DEVELOPMENT – RESIDENTIAL DISTRICT.

The CD-R District is established to provide small areas within existing CD Developments for high density residential. The district allows compact residential development consisting of condos, townhouses, and apartments, with a maximum of twenty-two (22) dwelling units per acre where adequate public facilities and services are available, except as otherwise provided in this Ordinance. Development within the district shall conform to the specific design controls required for multi-family and/or single-family attached projects set forth in Article 11.2. The CD-R District shall not be approved unless the lot, parcel, or tract subject to the application adjoins an existing CD Campus Development zoning district and is coordinated with the adjacent CD project.

4.3.17. I-1 LIGHT INDUSTRIAL DISTRICT.

The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible

with adjoining uses. I-1 districts should include areas which continue the orderly development and concentration of light industrial uses. I-1 zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.18. I-2 GENERAL INDUSTRIAL DISTRICT.

The I-2 district is established to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-1 district. I-2 districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. I-2 zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

4.3.19. STANDARDS FOR BASE DISTRICTS.

4.3.19.1. Permitted Uses are listed in Table 4.6-1. Uses permitted by right, uses permitted as conditional uses and uses for which there are supplemental use regulations in Article 5 are indicated in the table. Accessory Uses shall be regulated in accordance with § 5.2 of this Ordinance.

4.3.19.2. Dimensional and density regulations, including setbacks, are listed in Table 4.7-1 and described in detail in § 4.7.

4.3.19.3. Standards for landscaping, screening and

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 Appendix D (Land Development Standards).

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 Appendix D (Land Development Standards).

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).

4.10. The TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND).

4.10.1 PURPOSE AND INTENT.

4.10.1.1 The TND option is designed to permit the development of land in a manner consistent with traditional neighborhoods. Its provisions adapt the urban conventions which were normal in the United States from colonial times until the 1940's. The TND ordinance prescribes the following physical conventions:

- The neighborhood is spatially understood and limited in size.
- Residences, shops, workplaces, civic buildings and parks are interwoven within the neighborhood, all in close proximity and connected by a system of sidewalks.
- The hierarchy, design and detailing of streets, serves equitably the needs of pedestrians, bicycles and automobiles.
- Carefully placed civic buildings and squares reinforce the identity of the neighborhood.
- Spatially defined squares and parks are distributed and designed as specialized places for social activity and recreation.
- Civic buildings provide places of assembly for social, cultural and religious activities, becoming symbols of community identity through their architectural clarity.
- Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
- Architecture and landscape respond to the unique character of the region and traditional design principles with attention toward a classic sense of timelessness. Designs shall preserve the charm and unity of the neighborhood as a whole.
- By providing a full range of housing types and workplaces, residents of all ages are blended together, forming the bonds of an authentic community.
- The provision of comfortable public spaces such as streets and squares, residents may come to know each other to watch over their collective security.
- By bringing within walking distance most of the activities of daily living, including dwelling, shopping and working, the elderly

and the young gain independence of movement.

- The compact layout of TND reduces the requirements for infrastructure, automobile use and traffic congestion. By organizing appropriate building densities, public transit becomes a viable alternative mode for local travel.

4.10.1.2 For further guidance on the principles set forth herein, the following documents may be useful to the applicant: Reid Ewing, *Best Development Practices: Doing the Right Thing and Making Money at the Same Time* (American Planning Association, 1996 & Florida Department of Community Affairs, 3d. Printing 1997); C. Alexander, et al., *A Pattern Language* (New York: Oxford University Press, 1977); R. Arendt, et al., *Rural by Design* (Chicago: American Planning Association, 1994); P. Calthorpe, *The Next American Metropolis: Ecology, Community, and the American Dream* (New York: Princeton Architectural Press, 1993); Duany, A. & Plater-Zyberk, E., eds., *Towns and Town-Making Principles* (1991); Duany, A. & Plater-Zyberk, E., "Zoning for Traditional Neighborhoods," *Land Development* (a publication of the National Association of Home Builders), vol. 5, no. 2 (Fall 1992), at 20-26; and A. Nelessen, *Visions for a New American Dream: Process, Principles, and Ordinance to Plan and Design Small Communities* (Jan. 1994); Michael Leccese and Kathleen McCormick, *Charter of the New Urbanism* (New York: McGraw-Hill, 1999); Werner Hegemann and Elbert Peets, *Civic Art 1922* (New York, Princeton Architectural Press, reprinted 1988).

4.10.1.3 A set of Restrictive Covenants and Design Codes shall be established for each TND by the Developer and shall be binding on all property owners.

4.10.1.4 A Property Owners Association, shall be formed to guide the growth, enforce the Restrictive Covenants, and govern the citizens of the TND.

4.10.1.5 No parcel shall be removed from an approved and platted TND.

4.10.1.6 This Section contains procedures and standards for the processing of TND's both in new subdivisions and site plan applications on large, undeveloped parcels (referred to as "Greenfield" sites), and on existing parcels surrounded by developed areas (referred to as "Infill" sites).

4.10.2. TND DISTRICT DEFINED.

4.10.2.1. ⁽¹⁾The TND district is hereby established as a floating zone and shall be processed as a zoning map amendment pursuant to § 3.3 and is eligible to be reviewed under the procedures for expedited rezoning pursuant to § 3.3 of this Ordinance.

4.10.2.2. ⁽¹⁾Applications for a TND district shall be classified as either (a) TND GREENFIELD (b) TND INFILL.

4.10.3. APPLICATION PROCEDURES.

4.10.3.1. The approval process for a TND is two steps:

4.10.3.1.1. First, the applicant shall seek a zoning map amendment to a TND district pursuant to § 3.3, with site design and architectural guidelines which supplement this Section.

4.10.3.1.2. Second, the applicant shall seek approval of a TND subdivision in accordance with the guidelines set forth in this Section. Such applications shall be labeled "TND Subdivision" and may be processed and approved in accordance with the subdivision plat approval procedures set forth in Article 6 of this Ordinance.

4.10.4. ⁽²⁾TND GREENFIELD.

All applications for a TND Greenfield site shall comply with the following development parameters.

4.10.4.1. Size and Location of Site.

4.10.4.1.1. The minimum size of the site shall be forty (40) acres and the maximum size shall not exceed six-hundred forty (640) acres excluding areas devoted to greenways. Larger parcels shall be developed as multiple TNDs, each individually subject to all the provisions of this subsection. A TND may be located adjacent to, but shall not be bisected by, a thoroughfare.

4.10.4.1.2. The Site shall be divided into the following subareas:

- A Town Center consisting of civic, retail, office, and multi-family uses. The size of the Town Center is based on the size of the entire site (see § 4.10.7.8.1, below).
- A Neighborhood or series of neighborhoods consisting of blended multi-family and single-family uses, small-scale Retail and workshop uses, and public outdoor gathering places. It is the intent of this Ordinance that all areas within a Neighborhood are within a five-minute walking distance from edge to center (radius of 1320 feet).
- Greenway areas which provide a greenway system for the community, open space for community residents, and natural areas for stormwater management. Greenways may border and/or traverse the TND site.

4.10.4.2. Land Use.

4.10.4.2.1. 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 4.10.7.2.2, below). Open space, such as parks, squares, greens and plazas shall be considered similar land uses with all TND use categories.

4.10.4.2.2. 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.

(1) City Council approved 9/27/2004
(2) TA-2010-10 – City Council approved 8/23/2010

- Civic may about institutional, multi-family, office or retail.
- Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are more restricted in their location.

4.10.4.2.3. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from Multi-family or Single-Family land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.

4.10.4.2.4. Land use for corner lots which front on streets of dissimilar use shall be designated within the more intensive use category.

4.10.4.2.5. Prohibited Uses anywhere within a TND:

- ⁽¹⁾Automatic food and drink machines visible from adjacent public streets;
- ⁽¹⁾Drive-through services other than banking, automated teller machines, laundry services, pharmacies and full service gasoline stations located within an out-parcel directly abutting a major thoroughfare;
- Chemical manufacturing, storage or distribution as a primary use;
- Enameling, painting or plating, except artist's studios;
- Outdoor advertising or billboard as a principal use;
- Carting, moving or hauling terminal are yard, except delivery goods to businesses within a TND;
- Prisons, detention centers or halfway house;
- Manufacture, storage, or disposal of hazardous waste materials;
- Scrap yards;
- Manufactured homes;
- Sand, gravel, or other mineral extraction;
- Kennels;
- Any use or business controlled under the

Adult Entertainment use category;

- Any use which produces any of the adverse impacts defined as prohibited under the definition of Light Industrial Use.

4.10.4.3. Lots and Buildings.

4.10.4.3.1. All lots shall include frontage abutting a street, square or common open space.

4.10.4.3.2. The main entrance of all buildings (excluding outbuildings) shall open to a street, square or common open space of at least 20 feet.

4.10.4.3.3. All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.

4.10.4.3.4. Building architecture shall be governed by a strict set of Architectural Guidelines, which will encourage home design with a strong orientation to the streetscape. Front or sideyard porches of at least 96 square feet shall be provided on not less than 70% of all dwelling units within the Single-family land use allocation.

4.10.4.3.5. The height of the eave or parapet wall of buildings facing across streets shall be sufficient to achieve an Enclosure Ratio for buildings, excluding buildings which face a Park, Square or common open space (of at least 20' in width), shall conform to the following ratios (the first number is the building height, the second number is the measurement from building face to building face. The ground floor use shall designate the ratio:

- Civic, Retail, Office Uses - 1:3.5
- Multi-family, 1:4
- Single Family Uses shall have their building front elevation set according to a single family "Build-To" line along the frontage established on the approved TND plan. Adjacent houses shall vary their setback slightly (no more than 2 feet) so as not to perfectly align with the adjacent dwelling.

4.10.4.4. Town Center Uses

4.10.4.4.1. At a minimum, the Town Center shall consist of a mix of retail and office uses. Additional uses may include institutional, civic, and multi-family as allowed in Table 4.6-1.

4.10.4.4.2. All structures utilized for non-

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 Appendix D (Land Development Standards). ~~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 Parking Standards of this Ordinance, and Appendix D (Land Development Standards)

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 Appendix D (Land Development Standards).**

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) <u>TND Land Use Category</u>	(B) <u>Zoning Category</u>
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,

office or retail. (Civic uses include governmentally owned or funded uses that include public schools, libraries, post offices, municipal offices and meeting halls. EMS, fire and police stations are also civic uses, but due to noise considerations are more restricted in their location.).

4.10.5.3.4. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from Multi-family or Single-Family land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design measures are ineffective.

4.10.5.3.5. Land use for corner lots which front on streets of dissimilar use shall be designated within the more intensive use category.

4.10.5.3.6. Prohibited Uses. Prohibited uses anywhere within a TND include:

- ⁽¹⁾Automatic food and drink machines visible from adjacent public streets;
- ⁽¹⁾Drive-through services other than banking, automated teller machines, laundry services, pharmacies and full service gasoline stations located within an out-parcel directly abutting a major thoroughfare;
- Chemical manufacturing, storage or distribution as a primary use;
- Enameling, painting or plating, except artist's studios;
- Outdoor advertising or billboard as a principal use;
- Carting, moving or hauling terminal are yard, except delivery goods to businesses within a TND;
- Prisons, detention centers or halfway house;
- Manufacture, storage, or disposal of hazardous waste materials;
- Scrap yards;
- Manufactured homes;
- Sand, gravel, or other mineral extraction;
- Kennels;
- Any use or business controlled under the Adult Entertainment use category;
- Any use which produces any of the adverse

impacts defined as prohibited under the definition of Light Industrial Use.

4.10.5.4. Lots and Buildings.

4.10.5.4.1. All lots shall include frontage abutting a street, square or common open space.

4.10.5.4.2. The main entrance of all buildings (excluding outbuildings) shall open to a street, square or common open space of at least 20 feet.

4.10.5.4.3. All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.

4.10.5.4.4. Building architecture shall be governed by a strict set of Architectural Guidelines, which will encourage home design with a strong orientation to the streetscape. Front or side yard porches of at least 96 square feet shall be provided on not less than 70% of all dwelling units within the Single-family land use allocation.

4.10.5.4.5. The height of the eave or parapet wall of buildings facing across streets shall be sufficient to achieve an Enclosure Ratio for buildings, excluding buildings which face a Park, Square or common open space (of at least 20' in width), shall conform to the following ratios (the first number is the building height, the second number is the measurement from building face to building face. The ground floor use shall designate the ratio:

- Civic, Retail, Office Uses – 1:3.5
- Multi-family, 1:4
- Single Family Uses shall have their building front elevation set according to a single family "Build-To" line along the frontage established on the approved TND plan. Adjacent houses shall vary their setback slightly (no more than 2 feet) so as not to perfectly align with the adjacent dwelling.

4.10.5.5. Retail and Office Uses.

4.10.5.5.1. Due to the limited scale of the infill TND, Retail and Office uses should be located at the edges of the TND development, but spatially well connected to the TND residential areas.

4.10.5.5.2. Retail and Office use buildings within the TND shall conform to §§ 11.5.2.4 and 11.5.2.7 of the CC District supplemental design

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 Appendix D (Land Development Standards). ~~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 — 20 mph~~
~~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 — 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 Appendix D (Land Development Standards).

Table 4.10-1 Design Standards for a TND

(A) <i>OPEN SPACE USES</i>	(B) Min. Land Alloc.	(C) Max. Land Alloc.	(D) Min. Floor Area Ratio (FAR)	(E) Max. FAR	(F) Design Standards
<i>Open Space</i>	Greater of 5% Gross Land Area (GLA) or 5 acres	40% GLA	n/a	n/a	Open space should be bounded by streets on at least 25% of their perimeter.
<i>Square</i>	15,000 sf	70,000 sf.	n/a	n/a	<p>Square shall count toward required open space</p> <p>A minimum ½ acre square should front or be located within the Town Center.</p> <p>Squares should adjoin streets on at least two sides.</p> <p>Squares should be distributed throughout the TND so as all dwelling units are located within 1,000 feet (walking distance) of a square.</p>
<i>Greenbelts</i>	may be provided at the perimeter of a TND if adjacent land is incompatible	n/a	n/a	n/a	<p>Greenbelts differ from other types of open space in that existing natural vegetation and wildlife is undisturbed except for bikeways and walking trails.</p> <p>Greenbelts should average at least 100 feet in width and not less than 25 feet at any point.</p>
<i>Civic Uses:</i> <ul style="list-style-type: none"> • <i>clubhouses</i> • <i>meeting halls</i> • <i>libraries</i> • <i>schools</i> • <i>child care centers</i> • <i>police & fire stations</i> • <i>museums</i> • <i>post office</i> • <i>religious uses</i> • <i>cultural societies</i> • <i>visual or performance arts uses</i> • <i>government buildings</i> 	2% GLA	40% GLA	0.4	1.0	<p>Civic uses should be located in prominent or central locations (most often the Town Center).</p> <p>Civic uses should be located within 500 feet of a square.</p> <p>For the purposes of this TND section, FAR shall include:</p> <ul style="list-style-type: none"> • all the land for the building, landscaping and parking • all the uses in a mixed use building <p>Civic uses should be designed to spatially reinforce the streetscape standards found elsewhere in this TND Article.</p> <p>Civic buildings should also functionally support the pedestrian-friendly character of a TND.</p>

Table 4.10-1 Design Standards for a TND (continued)

NON-RESIDENTIAL USES	Min. Land Alloc.	Max. Land Alloc.	Min. Floor Area Ratio (FAR)	Max. FAR	Design Standards
Retail Uses <i>includes lodging and commercial uses as permitted for the C-1 district in Table 4.6-1</i>	2% GLA	40% GLA	0.4	1.0	<p>Not less than ½ of retail buildings should have residential uses above.</p> <p>Retail uses should be designed to spatially reinforce the streetscape standards found elsewhere in this TND Article.</p> <p>Retail buildings should also functionally support the pedestrian-friendly character of a TND.</p>
Office Uses <i>includes office uses as permitted for the B-1 district in Table 4.6-1</i>	2% GLA	40% GLA	0.4	1.0	<p>Office uses should be designed to spatially reinforce the streetscape standards found elsewhere in this TND Article.</p> <p>Office buildings should also functionally support the pedestrian-friendly character of a TND.</p>
RESIDENTIAL USES	Min. Land Alloc.	Max. Land Alloc.	Min. Density (Number of Dwelling units)	Max. Density	Design Standards
Multi-family Uses <i>(also includes limited office uses up to 1,000 sq. ft. and congregate living facilities)</i>	10% GLA	40% GLA	8.0	30.0	Multi-family uses should be designed to spatially reinforce the streetscape standards found elsewhere in this TND Article. Balconies overlooking the streetscape are encouraged.
Single-family Uses <i>(also includes home occupations and accessory dwellings/structures)</i>	n/a	60% GLA	5.0	11.0	<p>One carriage house or guest house is permitted per lot.</p> <p>Single family dwellings should be designed in such a manner that is pedestrian-friendly with a strong orientation to the streetscape, especially the sidewalk. Porches overlooking the streetscape are encouraged.</p>

4.13. AIRPORT OVERLAY (AOD) DISTRICT.

4.13.1. PURPOSE.

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Concord Regional Airport, the property and occupants of land in the vicinity and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards.

4.13.2. DEFINITIONS.

The words, terms and phrases set forth herein shall have the meanings prescribed below provided, however, that any words, terms or phrases not included below shall have the meanings prescribed by Appendix A to this Ordinance.

Airport - The Concord Regional Airport.

Airport Elevation - The highest point of an airport's usable landing area measured in feet from mean sea level, or for the purpose of these regulations, 690 feet above mean sea level for the Concord Regional Airport.

Airport Hazard - Any structure or object of natural growth located on or in the vicinity of a public airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Approach, Transitional, Horizontal and Conical Zones - These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77.

Critical Zone - A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred feet (200') from the end of the pavement, which is critical to aircraft operations in that it is more apt to have accidents within it because of the take-off and landing mode of aircraft in that particular area.

Height - For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation, unless otherwise specified.

Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of these regulations, or any amendment thereto.

Nonprecision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Person - An individual firm partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military layout plan; any other FAA planning document, or military service's military airport planning document.

Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

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 4.13-1

(A) ZONE	(B) DESCRIPTION	(C) HEIGHT RESTRICTION
PRECISION INSTRUMENT RUNWAY APPROACH ZONE	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its center line being the continuation of the center line of the runway.	Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line, then at a slope of 40:1 for an additional 40,000 feet.
LOCAL BUFFER APPROACH ZONE	The extent of this zone coincides with the PRECISION INSTRUMENT RUNWAY APPROACH ZONE as described above.	Uses shall not exceed the maximum height specified for the PRECISION INSTRUMENT RUNWAY APPROACH ZONE less ten (10) feet on southern approach only. Uses encroaching into this zone shall be allowed only as conditional uses, and shall not be constructed, erected, or otherwise established unless and until a conditional use permit has been issued.
TRANSITIONAL ZONES	These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway center line and the runway center line extended a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway center line.	Slopes upward and outward seven feet horizontally for each foot vertically beginning at all the sides of and at the same elevation as the primary surface and the approach zones and extending to a height of 150 feet above the airport elevation, or 840 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument run approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet from the edge of the approach surface measured at 90-degree angles to the extended runway center line.
HORIZONTAL ZONE	The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs.	One hundred fifty feet about the airport elevation or a height of 840 feet above mean sea level.
CONICAL ZONE	The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.	Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or 1,040 feet above mean sea level.

4.13.8. NONCONFORMING USES.

4.13.8.1. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted.

4.13.8.2. No zoning clearance permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.

4.13.8.3. Whenever the Concord Regional Airport Aviation Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no zoning clearance permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4.13.8.4. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Concord Regional airport Aviation Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City of Concord.

4.13.9. PERMITS.

4.13.9.1. No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a zoning clearance permit therefore shall have been applied for and granted.

4.13.9.2. Each application for a zoning clearance permit shall indicate the purpose of which the permit

is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

4.13.9.3. No zoning clearance permit shall be granted that would allow the establishment or creation of an airport hazard when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4.13.9.4. Any zoning clearance permit granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Concord, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.10. VARIANCES.

4.13.10.1. Any persons desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Aviation Director for advice as to the aeronautical effects of the variance. If the Aviation Director does not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

4.13.10.2. Any variance granted may, if such action is deemed advisable to effectuate the purpose of

these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Concord, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.11. ENFORCEMENT.

4.13.11.1. It shall be the duty of the Concord Regional Aviation Director to administer and enforce the regulations prescribed herein. Applications for approval shall be made to the Aviation Director upon a form furnished by the Director. Applications required by these regulations to be submitted to the Aviation Director shall be promptly considered and granted or denied by him. In instances where zoning clearance permits are required, approval shall be secured from the Aviation Director prior to issuance of a zoning clearance permits. Applications for variances shall be filed with the Administrator in accordance with Section 3.7 of this Ordinance.

4.13.12. APPEALS.

4.13.12.1. Any person aggrieved or any taxpayer affected by any decision of the aviation Director made in his administration of these regulations may appeal to the Board of Adjustment in accordance with § 3.7 of this Ordinance and NCGS § 63-33(4).

4.13.13. PENALTIES.

4.13.13.1. The Administrator is hereby authorized to commence and proceed to prevent, restrain, correct or abate any violation of this § 4.13 pursuant to § 1.6 of this Ordinance.

6.4. MAJOR SUBDIVISIONS.

6.4.1. MAJOR SUBDIVISIONS DEFINED.

6.4.1.1. All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

6.4.2. GENERAL SUBMISSION REQUIREMENTS.

Applications for sketch plat and final plat approval shall be submitted to the Administrator for completeness review. Appendix B outlines the information that is to be submitted with an application for any type of subdivision plat. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.

6.4.3. SKETCH PLAT SUBMISSION PROCEDURES FOR MAJOR PLATS.

6.4.3.1. The applicant shall schedule an appointment and meet with the Administrator to discuss a sketch plan. The Administrator shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

6.4.3.2. The Administrator shall issue a Notice to Proceed only if the sketch plat complies with all applicable laws governing the subdivision of land and upon recommendation from the Public Works Director. The approval shall include, as appropriate, recommended changes in the sketch plat to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning and Zoning Commission. If the Administrator determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Administrator shall issue a Notice of Noncompliance. The Administrator shall issue either the Notice to Proceed or a Notice of Noncompliance not later than fifteen (15) days

after the date on which the sketch plat was submitted to the Administrator. After receipt of a notice of approval, the applicant shall be eligible to file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

6.4.4. PRELIMINARY PLAT SUBMISSION PROCEDURES FOR MAJOR PLATS.

6.4.4.1. If the Administrator has issued a Notice to Proceed for a sketch plat for a major subdivision, then the subdivider may proceed with a "Neighborhood Meeting" to be held at any location convenient to the property being developed or at City of Kannapolis meeting facilities. An invitation/announcement of the "Neighborhood Meeting" must be sent out by first class mail, no less than 10 days prior to the meeting to (1) the Planning and Zoning Administrator, (2) P&Z Commission Members, and (3) all property owners of record within ⁽¹⁾200 feet of the property lines of the subject development site. The invitation announcement must clearly indicate the time, place, and purpose of the meeting. After the "Neighborhood Meeting," the subdivider may proceed with the preparation of a preliminary plat.

6.4.4.2. Approval of a Preliminary Plat shall be required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a Preliminary Plat for the property has been approved.

6.4.4.3. Appendix B establishes the information that is to be submitted with an application for approval of a Preliminary Plat.

6.4.4.4. Upon final approval, a Preliminary Plat shall be made a matter of record as follows:

6.4.4.4.1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Administrator.

6.4.4.4.2. The approved plat shall be indexed and filed by the Administrator.

6.4.5. SCOPE OF PRELIMINARY PLAT APPROVAL.

6.4.5.1. Approval of the preliminary plat by the Planning and Zoning Commission ⁽¹⁾or the Technical Review Committee (TRC) shall allow a subdivider to proceed with:

- the preparation of the final plat;
- site preparation/grading (subject to obtaining Grading Permit and/or Erosion Control Permit as required in Art. 3 and Art. 9, respectively); and
- the installation of required improvements (subject to approval of construction drawings as described in § 6.4.11, below).

6.4.5.2. Approval of the preliminary plat by the Planning and Zoning Commission ⁽¹⁾or the Technical Review Committee (TRC) without approved construction plans as set forth in § 6.4.11 shall not constitute the necessary approval for submittal of the final plat.

6.4.5.3. Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Administrator with all corrections within 60 days of the Commission's approval. Failure to return a corrected plat within this time period shall constitute a violation and shall be remedied in accordance with Section 1.6 of this Ordinance. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Administrator.

6.4.5.4. The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this chapter.

6.4.5.5. The preliminary plat shall be valid for the period prescribed by Table 6.4-1 herein. A preliminary plat shall become void if a final plat is not approved within the specified time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the date for measuring the time period of a preliminary plat approval.

6.4.5.6. The Planning and Zoning Commission ⁽²⁾or Technical Review Committee (TRC) may approve a staging plan extending the effective period of the preliminary plat approval up to ⁽¹⁾an

agreed time period or date where it is the intent of the landowners to proceed to final plats covering only a portion of the tract at any one time. Beyond two (2) years, the applicant shall resubmit the preliminary plat to the Administrator for review by the Planning and Zoning Commission.

**Table 6.4-1 Time Limits
for Major Subdivision Plat Approvals**

Type of Approval	Time Limit of Approval
Preliminary Plat	Agreed Time Period
for Final Plat approval	
Final Plat	30 days to record

6.4.5.7. ⁽¹⁾The Technical Review Committee (TRC) may grant an extension, with just cause, of the time limit for the expiration of an approved subdivision upon receipt of a request from the landowner in writing prior to the expiration of the original approval. Notification of an extension shall be in writing to the landowner and specify the time period of the extension. After expiration of the extension the approved preliminary plat shall become void.

6.4.6. REVISING APPROVED PRELIMINARY PLATS.**6.4.6.1. Minor Amendments.**

The Administrator shall have the authority to approve the following deviations from an approved preliminary plat and subject to the conditions below and as listed in § 6.4.6.2:

- A change in the location of not more than ten percent (10%) of the number of lots;
- A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage; or
- A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- changes are restricted to within internal parcel boundaries and shall not affect external property lines.

(1) City Council approved 2/27/2006
(2) City Council approved 7/24/2006

6.4.6.2. All other changes to an approved Preliminary Plat that do not meet the standards of this § 6.4.6 shall require the filing and approval of a new Preliminary Plat.

6.4.7. ⁽¹⁾PUBLIC MEETING REQUIREMENTS

- a) **Meeting Location;** to be at a facility close to the development site or, if none available, at the Kannapolis City Council chambers at the Train Station, 201 South Main Street, Kannapolis.
- b) **Public Notification;** Invitations to be sent 15 days prior to the meeting to all property owners of records within 650 feet of the boundary of the proposed subdivision parcel and to members of the Planning and Zoning Commission by First Class Mail at the developers expense,
- c) **Certification of Mailing;** Developer shall deliver stamped or metered letters and a list of the adjacent property owners to the Kannapolis Planning Department for delivery to the United States Post Office.
- d) **Invitations;** Invitation text to be reviewed by Kannapolis Planning Department for accuracy. Note: A copy of the proposed major subdivision information must always be provided to the Planning and Zoning Commission regardless of whether or not they conduct the final review of the project.

6.4.8. FINAL PLAT SUBMISSION PROCEDURES FOR MAJOR PLATS.

6.4.8.1. There shall be a final plat for each subdivision which receives preliminary plat approval. No final subdivision plat shall be recorded until a final plat has been approved as provided in this Section.

6.4.8.2. The materials required by Appendix B shall be submitted to the Administrator for a determination as to whether it complies with the approved preliminary plat. The subdivider may submit final plat copies for only that portion of the approved preliminary plat which is proposed for recordation and development at that time, if such portion conforms to all requirements of this Article. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat which does not constitute a Minor Amendment as set forth in § 6.4.6.1, shall require additional review and approval by the Planning and Zoning Commission.

6.4.8.3. The Administrator may find the application incomplete if 1) any of the information required for Final Plats in Appendix B is not provided; 2) the final plat does not conform to the conditions attached to approval of the preliminary plat; or 3) the plat is in conflict with the provisions of this Ordinance and no variance been approved.

6.4.8.4. Upon submittal of the copies of the final plat and other required materials, the Administrator shall review the application for completeness and shall initiate and coordinate review by affected city and state agencies in order to determine substantial compliance with the approved preliminary plat and general compliance with the provisions of this ordinance and other applicable laws and regulations.

6.4.8.5. The final plat and related materials shall be approved or disapproved by the Administrator within the time period set forth in Table 4-1 of this Article. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on application) advising that the final plat meets all city and state requirements and that the original of the final plat may be submitted to the Administrator.

6.4.8.6. The Administrator shall sign the plat. The action of the Administrator shall be noted on all copies of the final plat to be retained as required for records or further action of the department or other affected agencies of the city or state. Following execution of the final plat, the applicant shall record it with the Register of Deeds.

6.4.8.7. Except as provided in § 6.4.15 Subdivision Improvement Agreements, all applicants shall be required to complete, to the satisfaction of the Administrator and Public Works Director, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the final plat is recorded.

6.4.8.8. As a condition of Final Plat approval, the Administrator may require the applicant to:

6.4.8.8.1. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery of the deed and guarantees in order to complete the improvements as required.

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 [Appendix D \(Land Development Standards\)](#) 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 Appendix D (Land Development Standards) 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

- Concrete curb and gutter installation
- Bituminous binder placing
- Final surfacing prior to seal coat

6.4.13.5. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

6.4.14. ACCEPTANCE OF IMPROVEMENTS.

6.4.14.1. Approval of the installation of improvements by the Public Works Director shall not constitute acceptance by the City of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the City to accept such improvements for maintenance, repair or operation thereof. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

6.4.14.2. Easements. The specific standards for acceptance of easements shall be subject to the technical design standards of this Ordinance and any other adopted policy or manual of the City. All easements shall be in full compliance with this Ordinance prior to acceptance.

6.4.14.3. The City shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted.

6.4.14.4. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Article, and the applicant has submitted as-built drawings to the Public Works Director, the City Council shall accept the improvements for maintenance by the City, except that this shall not apply to improvements maintained by another entity.

6.4.14.5. These provisions shall not be construed to relieve the subdivider or the subdivider's agent or contractor of any responsibility in notifying any agency for the City of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed

work prior to the release of any applied performance sureties.

6.4.15. SITE CLEANUP.

6.4.15.1. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the City is prohibited.

6.4.16. SUBDIVISION IMPROVEMENT AGREEMENTS.

6.4.16.1. The Administrator shall delegate the authority to review and approve all residential subdivision improvement agreements to the Public Works Director (or his/her designee).

6.4.16.2. The Public Works Director may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six (6) months upon its expiration at the discretion of the Public Works Director. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The City Attorney shall approve any Subdivision Improvement Agreement as to form.

6.4.16.3. In order to provide for emergency access, no ⁽¹⁾Zoning Clearance Permit is to be issued until the Base Course for the streets within the applicable phase for which a final plat is proposed has been installed.

6.4.16.4. At the discretion of the of the Public Works Director, the City may enter into a subdivision improvement agreement with the applicant for a residential development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the subdivision improvement agreement shall determine the time when the required improvement or dedication for

multiple final plat developments shall occur.

6.4.16.5. Performance Security. Whenever the Public Works Director permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of an irrevocable letter of credit, ⁽¹⁾performance bond (subject to approval by the City Attorney and the Public Works Director) or cash escrow.

6.4.16.6. The letter of credit, ⁽²⁾performance bond or cash escrow shall be in an amount approved by the Public Works Director as reflecting ⁽¹⁾150 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement. The applicant shall submit an executed contract from N.C. licensed contractors, made assignable to the applicant and the City. The Public Works Director shall have the opportunity to review the estimates of work to be completed prior to approval.

6.4.16.7. In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.

6.4.16.8. The issuer of any surety bond shall be subject to the approval of the City Attorney and the Public Works Director.

6.4.16.9. If security is provided in the form of a cash escrow, the applicant shall deposit with the City Attorney a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Public Works Director.

6.4.16.10. The cash escrow account shall accrue to the City for administering the construction, operation and maintenance of the improvements.

6.4.16.11. Where oversized facilities are required, the Public Works Director and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

6.4.16.12. Release of Performance Security. Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Public

Works Director (or his/her designee) shall inspect the work. If the Public Works Director determines that the work is satisfactory and complete, the letter of credit, ⁽²⁾performance bond or cash escrow shall be released. The Public Works Director shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security. ⁽¹⁾Upon approval, the Public Works Director shall permit ⁽²⁾either a one time release or incremental release of the letter of credit, cash escrow, or surety bond.

6.4.16.13. Failure to Complete Improvements.

If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Public Works Director may:

6.4.16.13.1. Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

6.4.16.13.2. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;

6.4.16.13.3. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or

6.4.16.13.4. Exercise any other rights available under the law.

6.4.17. MAINTENANCE GUARANTEE.

6.4.17.1. The Administrator shall delegate the authority to review and approve all maintenance bonds to the Public Works Director.

6.4.17.2. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of acceptance of such improvements. In exceptional situations, where undue hardship would otherwise

result and the shorter term would not be inconsistent with the purposes of this Ordinance, the Public Works Director may approve a shorter-term maintenance guarantee. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting five (5) percent of the cost of the completed improvements.

6.4.17.3. The applicant shall construct and pay for all costs of temporary improvements required by the Public Works Director and shall maintain said temporary improvements for the period specified by the Public Works Director.

6.4.17.4. Thirty (30) days prior to the expiration of the maintenance guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the Public Works Director, the subdivider shall be required to make all necessary repairs immediately.

6.4.18. SUBDIVISION EXCEPTIONS.
(Applies Only to Preliminary Plats for Major Subdivisions).

6.4.18.1. Where the Planning and Zoning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Planning and Zoning Commission shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

6.4.18.1.1. The granting of the subdivision exception will not be detrimental to the public safety, health, or welfare or injurious to other property;

6.4.18.1.2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

6.4.18.1.3. Because of the particular physical surroundings, shape or topographical conditions

of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

6.4.18.1.4. The relief sought will not in any manner vary the provisions of the Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

6.4.18.2. In approving a subdivision exception, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in § 6.2 of this Ordinance.

6.4.18.3. Application Procedure for Subdivision Exception. A petition for a subdivision exception shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

6.4.18.4. The Planning and Zoning Commission shall consider the application at a public hearing and shall approve, approve with conditions, or deny the Subdivision Exception. Said hearings before the Planning and Zoning Commission shall be considered a quasi-judicial proceeding and shall be subject to § 3.1.7 of this Ordinance.

6.4.18.5. The applicant may appeal the decision of the Planning and Zoning Commission to the City Council by filing a Notice of Appeal with the Administrator. If the applicant submits a Notice of Appeal, the Administrator shall schedule the application for a hearing before the City Council. The City Council shall consider the appeal of the decision of the Planning and Zoning Commission at a public hearing and shall approve, approve with conditions or deny the application for an exception. Said hearings before the City Council shall be considered a quasi-judicial proceeding and shall be subject to § 3.1.7 of this Ordinance.

6.4.19. CLUSTER SUBDIVISIONS.

6.4.19.1. PURPOSE. The Cluster Development provisions provide an alternative to standard residential development practices. This land development technique involves locating clusters of home sites on smaller lots than those permitted

under conventional development regulations with the remaining “saved” land being retained as common open space. The permanent, common open space, legally dedicated through subdivision plat recordation and deed restriction, can be used for natural conservation and/or recreational facilities for community benefit. A perimeter buffer defines the edges of a Cluster Development to provide visual screening and separation from adjoining properties and streets.

6.4.19.2. CLUSTERING PERMITTED. In any residential zoning district where clustering is permitted, a developer may create lots that are smaller and arranged differently than those required by the standard zoning district regulations if the developer complies with the provisions of this Section. Cluster developments are permitted only as a conditional use or conditional zoning in the following zoning districts and only in accordance with the standards and criteria set forth in this Ordinance: [\(U\)](#)

AG Agricultural District
RE Rural Estate District
RL Residential Low Density
RM-1 Residential Medium Density
RM-2 Residential Medium Density

6.4.19.3. GENERAL STANDARDS.

6.4.19.3.1. The lots intended to be open space dedications shall be designated on the subdivision plat as “Open Space Lots.” Residential structures shall not be permitted to be constructed on such lots.

6.4.19.3.2. Cluster lots shall be located in one or more contiguous groupings. Provided, however, that no more than twenty (20) lots may be in a single contiguous group without a minimum 50-foot separation. Streets shall be considered acceptable for constituting the minimum separation, except that contiguous lots that extend or “wrap” around a block shall be required to provide the minimum 50-foot separation.

6.4.19.3.3. Cluster lots may adjoin a local street (including a Cul-de-sac) and active or passive Open Space.

6.4.19.3.4. PUBLIC WATER & SEWER.

The development shall be served by a public water system and a public sewer system.

6.4.19.3.5. LOT DIMENSIONS.

[\(U\)](#) TA-2014-01 – City Council approved 3/24/2014

6.4.19.3.5.1. [\(U\)](#) At least thirty (30) percent of the total project area shall be set aside as common open space, which shall allow a twenty (20) percent reduction in the standard minimum lot size, minimum lot width, and the minimum structure setbacks of the zoning district.

6.4.19.3.5.2. In any zoning district, a Cluster Development shall not exceed the permissible density and the maximum impervious surface area per lot of the zoning district described in Table 4.7-1.

6.4.19.3.6. OPEN SPACE STANDARDS.

6.4.19.3.6.1. Dedicated open space shall comply with the requirements of the Section 6.5 of this Ordinance in addition to the standards set forth herein. Notwithstanding, the fee-in-lieu of open space dedications described in § 6.5.5 shall not be applied to any cluster development. Where there are conflicts, the more restrictive standard shall apply.

6.4.19.3.6.2. Such active open space shall be located a minimum of fifty (50) feet from any residential lot, which may be in a publicly dedicated street right-of-way, or alternatively, must be screened by a screening device that meets the requirements of §7.4.2.2 of this Ordinance.

6.4.19.3.6.3. The required open space shall be limited to maximum of 25% percent of inaccessible land. Inaccessible land is defined in Table 6.5-1 of this Ordinance. Additional open space as volunteered by an applicant under § 4.8.3.5.1 shall also be subject to a 25% limit on percent of inaccessible land.

6.4.19.3.7. LANDSCAPING AND BUFFERING REQUIREMENTS.

6.4.19.3.7.1. A Class “C” Buffer yard pursuant to the Article 7 of this Ordinance shall be established around the entire perimeter of a Cluster Development and designated as either

undisturbed, conservation easements or common open space on a subdivision plat. The following additional provisions shall apply to any buffer yard:

- Buffer yards designated as common open space on a subdivision plat may be used in calculating the required common open space.
- The use of existing vegetation to meet the requirements will be judged on field observation by the Administrator.
- Except in active recreation areas, existing healthy trees over twelve (12) inches in diameter in the common open space shall be preserved. The use of temporary fencing shall be employed to protect such trees during site development.

⁽¹⁾Table 6.4.19-1. - Recommended Design Elements for a Cluster Development

As indicated in § 6.4.19.1, the cluster development option is intended to permit flexibility in the design, construction and processing of residential developments of a quality that could not be achieved under conventional subdivision design. Therefore, the following elements are recommended for consideration in the design of a cluster development and shall be considered as criteria for approval. This is not to state that all of the following elements shall be included in a cluster development, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

Architectural elements

- Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.
- Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.
- Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor plan should be provided. Homes facing one another (across the street) shall not have the same facade. No adjacent home should contain the same elevation.
- Residential design guidelines are provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.
- Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house.

Figure 6.4-1. Major Plat review process – Includes Step (1) Preliminary Plat and Step (2) Construction Drawings. Figure 6.4-2 includes process for Step (3) Final Plat.

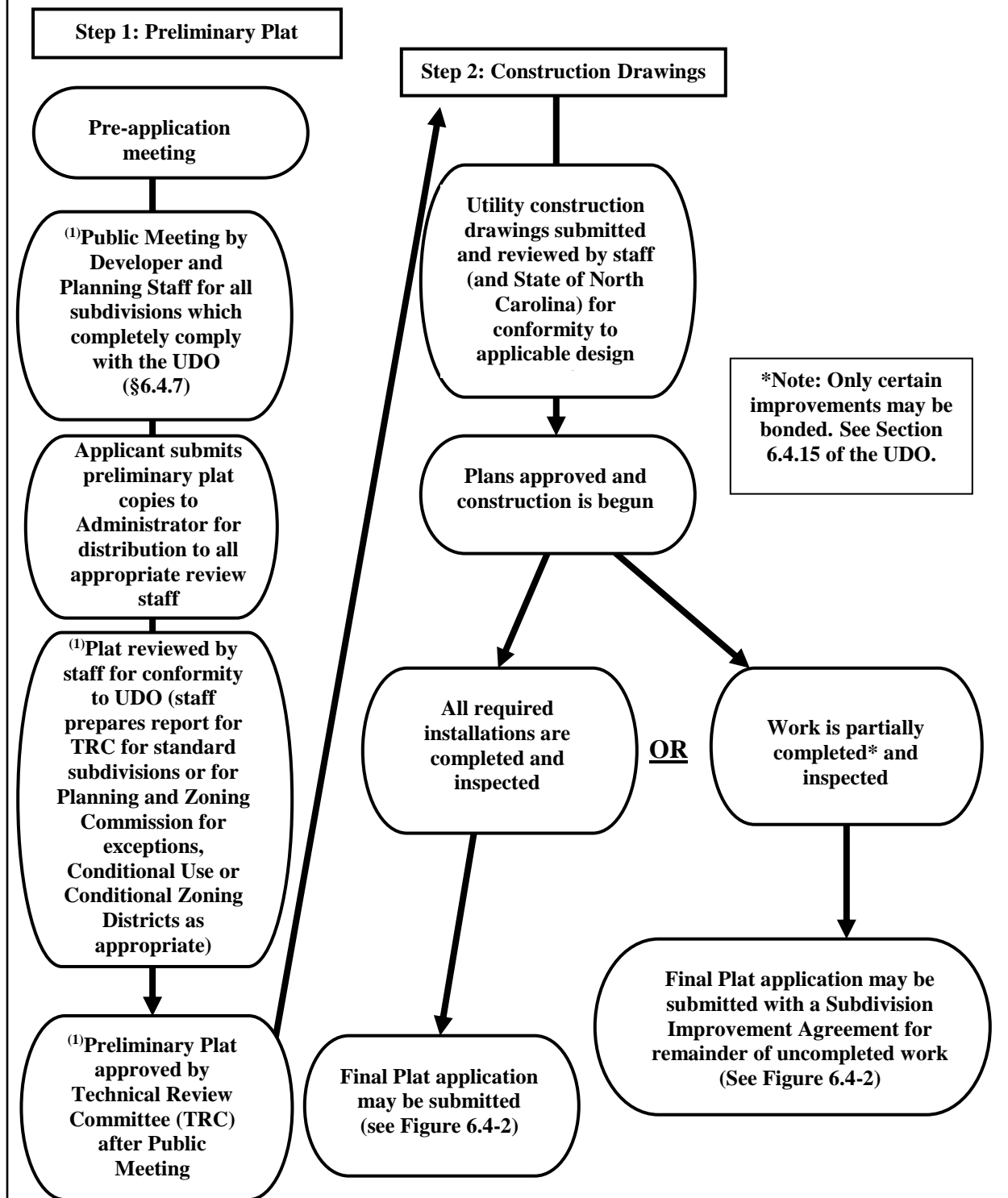
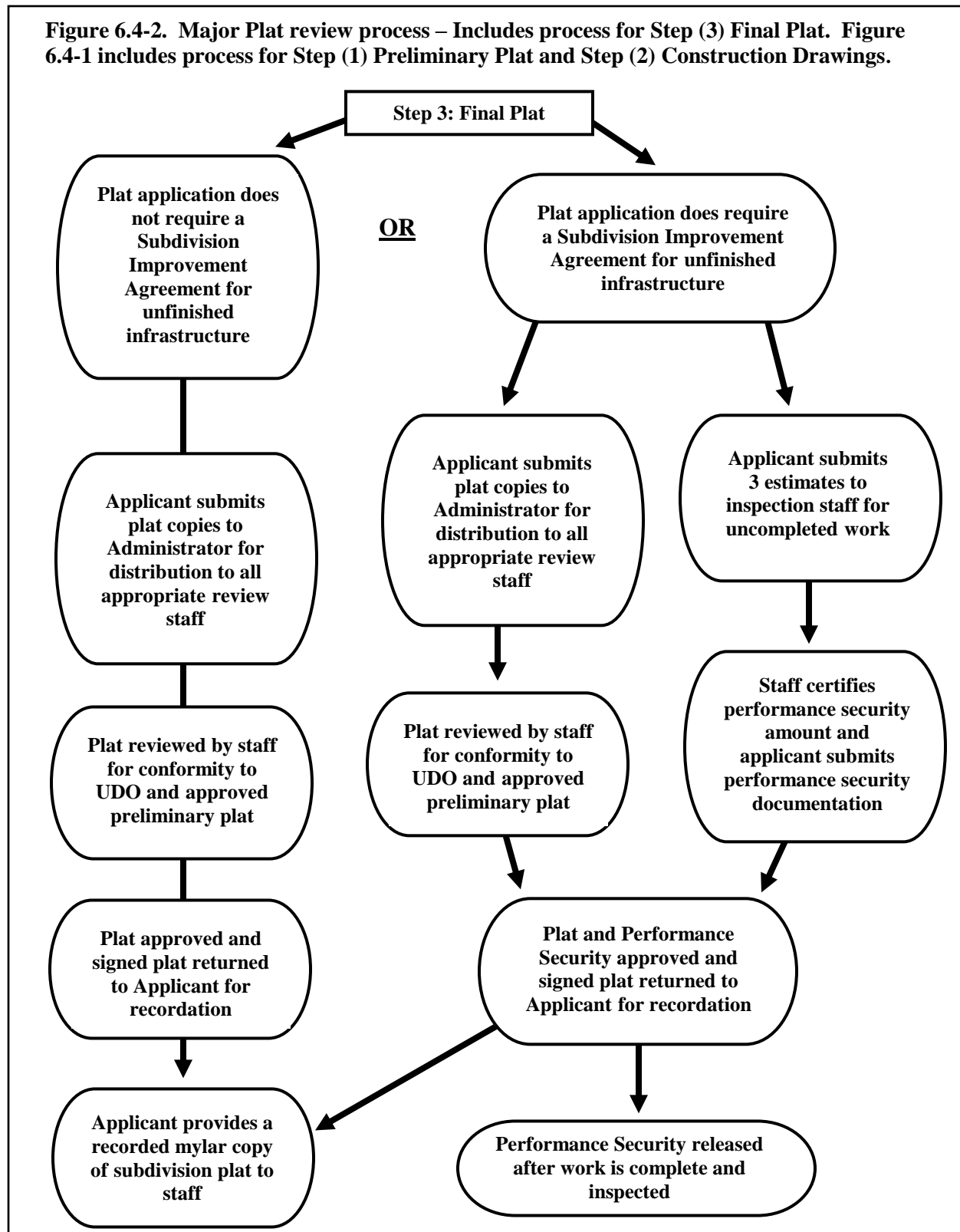


Figure 6.4-2. Major Plat review process – Includes process for Step (3) Final Plat. Figure 6.4-1 includes process for Step (1) Preliminary Plat and Step (2) Construction Drawings.



6.6. LOT DESIGN STANDARDS.

6.6.1. PURPOSE OF SITE DESIGN STANDARDS.

This Section establishes standards to guide the design and review of proposed developments involving the layout or development of lots and relationship to streets and other public facilities.

6.6.2. MINIMUM LOT STANDARDS.

6.6.2.1. The provisions of this § 6.6 shall apply to any newly created or proposed Lot or Parcel resulting from a subdivision of land as provided for in Article 6 of this Ordinance.

6.6.2.2. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 4.7) and buffer yards (see Article 7) will exist on the lot.

6.6.3. BLOCKS.

6.6.3.1. The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum ⁽²⁾length of any blocks within a subdivision shall not exceed that as shown in Table 6.6-1, ⁽³⁾except where topographic conditions and / or unique lot configurations offer no practical alternatives; non-conforming blocks require approval by the Technical Review Committee (TRC) prior to preliminary plat approval. (a dash [-] indicates that the requirement is not applicable). Block length shall be measured from the end of the right-of-way (ROW) on one side of the block to the beginning of the right-of-way (ROW) on the other side of the block.

⁽³⁾Table 6.6-1 Block Length Requirements

Zoning District	Maximum Length (in feet)
AG, RE	—
RL, RM-1, RM-2, RV, RC, B-1, CC, TC, C-1, C-2	600
CD, I-1, I-2	—
PUD, TND	500

6.6.4. CORNER LOTS.

Side lot lines of lots abutting a public or private right-of-way shall, to the extent practicable:

6.6.4.1. run at right angles to the right-of-way line, or

6.6.4.2. in the case of cul-de-sacs or curvilinear street right-of-ways, radial to the curve.

6.6.5. LOT FRONTAGE REQUIREMENTS.

6.6.5.1. Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in Article 6 of this Ordinance shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section.

6.6.5.2. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five (5) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.

6.6.5.3. Frontage on a public street shall not be required in the following situations; provided, however, that an easement ⁽¹⁾or other right-of-way arising out of operation of law providing access to the public street shall be recorded and ⁽¹⁾submitted with the application for development approval:

6.6.5.3.1. Parcels within nonresidential subdivisions;

6.6.5.3.2. Town home lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots;

6.6.5.3.3. Lots fronting on approved private streets;

6.6.5.3.4. ⁽¹⁾A lot of record existing on January 8, 2001 without public street frontage may be subdivided once provided that the created lot meets all other zoning district lot standards. The created lot may only be developed for one single-family residence and may not be subdivided.

(1) City Council approved 1/22/2001

(2) City Council approved 4/23/2001 (part has been negated by (2) in same article

(3) City Council approved 4/24/2006

When a private easement serving the lot, parcel or tract is acquired from intervening property owners, such easement shall be in compliance with the following requirements:

- The easement must have a minimum continues width of 18 feet.
- The recorded documents creating the easement shall specify that public service, utility, and emergency personnel and vehicles shall have freedom of ingress and egress from the property.
- The recorded documents creating the easement shall also specify that utilities (i.e., natural gas, electricity, telephone, cable) may be installed within the easement.
- The recorded documents creating the easement shall also include a statement specifying the party responsible for maintaining the easement and its traveled surface.
- The easement must have an all weather surface of gravel, concrete, or asphalt with a minimum continuous width of ten (10) feet and a minimum overhead clearance of twelve (12) feet to ensure access of public service, utility, and emergency personnel and vehicles.
- The grantor and grantee of the easement will agree to continuously keep the easement free and clear of any and all obstructions that would in any way impede vehicular traffic.

6.6.5.4. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.

6.6.6. FLAG LOTS.

6.6.6.1. Flag lots may be developed on a limited basis in subdivisions where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations, or to eliminate or reduce access to a thoroughfare or collector street. Flag lots shall not be permitted in any proposed Subdivision except as provided for in this section.

6.6.6.1.1. The maximum number of flag lots

shall be set forth in Table 6.6-2, where the Administrator finds that the flag lot(s): (1) allow for the more efficient use of irregularly shaped parcels of land, or (2) where the integrated nature of multiple buildings on a site dictates the need for such lots.

6.6.6.1.2. The minimum width of the “pole” portion of a flag lot shall be the minimum public street frontage requirement set forth in Table 4.7-1.

6.6.7. CUL-DE-SAC LOTS.

6.6.7.1. A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:

6.6.7.1.1. lot frontage of at least 50 percent of the minimum required, but in no case less than 25 feet; and

6.6.7.1.2. lot area equal to or greater than the minimum lot area (if one is specified); and

6.6.7.1.3. the minimum required lot width at the building line.

6.6.8. PERIMETER BUFFER YARD FOR MAJOR RESIDENTIAL SUBDIVISIONS.

6.6.8.1. A buffer yard shall be required along the perimeter of a ⁽¹⁾major residential subdivision in order to separate residential lots from abutting thoroughfares and abutting non-residential uses.

6.6.8.2. The buffer yard for abutting non-residential uses shall be designed and landscaped per ⁽¹⁾Section 7.4 of this Ordinance. ⁽¹⁾The buffer yard for abutting a thoroughfare shall be a Type D buffer as set forth in Table 7.4-2 of this Ordinance.

6.6.8.3. All required buffer yards shall be platted as common areas and may be included as “open space” subject to the standards and criteria as set forth in § 6.5 of this Ordinance.

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 Appendix D (Land Development Standards Manual).

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 Appendix D (Land Development Standards Manual).

8.1. ⁽²⁾GENERAL STANDARDS.

8.1.1. APPLICABILITY

A. The provisions of this Section shall apply to any application for Zoning Clearance or Site Plan approval.

1. New Development – Unless otherwise expressly stated in this section, the ⁽³⁾standards of this Article shall apply to all new development, as defined in Appendix A of this Ordinance.
2. Additions and Expansions – Unless otherwise expressly stated in this section, the ⁽³⁾standards of this Article shall apply to any addition or expansion of an existing structure, except that the requirements of Section 8.1.2.K. shall not apply when the addition of heated floor area is less than or equal to 20% of existing heated floor area or for an expansion of parking or loading areas less than or equal to 40% of the existing parking or loading area square footage. Additional off-street parking and loading spaces shall be required only to serve the addition or expansion area.
3. Change ⁽³⁾in Use – Unless otherwise expressly stated in this section, the standards of this Article shall apply to any change in use, as defined by Appendix A of this Ordinance, except that a change in use resulting in an increase of less than or equal to 40% in required off-street parking and/or loading area shall not require compliance with Section 8.1.2.K. Additional off-street parking or loading spaces shall be required only in proportion to the extent of the change in use.

B. Exemption.

The standards of this Article 8 shall not apply to:

1. Detached single-family, duplex, or triplex dwellings on individual lots of record (except that such dwellings shall conform to the requirements of § 8.1.3);

C. Parking areas which constitute the Principal Use of a Site shall comply with the provisions of § 8.1.2(A) – 8.1.2(F) hereto, but not the minimum number of spaces as required in § 8.3.1.

8.1.2. ⁽¹⁾GENERAL DESIGN STANDARDS.

A. Location - Required off-street parking area(s) shall be provided on the same parcel as the principal structure or use, unless shared parking is provided as set forth in § 8.3.1(I) of this Ordinance.

1. No parking spaces shall be allowed in a required street yard or buffer yard as required in Article 7.

B. Landscaping – Landscaping shall be required in accordance with Article 7 Landscaping and Buffering Standards.

C. Exterior Lighting - Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.

D. Paving Required - All required parking and vehicular traffic surfaces shall be graded for drainage in accordance with § 9.2 Stormwater Control and shall be surfaced with concrete or bituminous asphalt pavement except as allowed by § 8.1.2(E) and 8.1.2(F), below. Alternative materials may be approved by the Administrator. Alternative materials shall only be considered if such material(s) exhibits equivalent load bearing and wear characteristics as concrete or bituminous asphalt. In making such a determination, the Administrator may consult the Public Works Director or other persons with knowledge of paving materials. All surfaces shall be maintained in sound condition free of weeds, dust, trash and debris.

E. Overflow Parking - Overflow parking areas, event parking areas and/or low-traffic storage yards shall use turf. Overflow parking shall be defined as off-street parking in excess of the minimum required by this Ordinance which is designed not to be used more than ten (10) times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).

F. Paving Exemption for Assembly Uses Paving of parking areas and access ways for assembly uses (churches, sports facilities, fairgrounds, etc.) may be waived if evidence is

(1) TA-2009-06 – City Council approved 7/27/2009
(2) TA-2010-08 – City Council approved 8/23/2010
(3) TA-2016-02 – City Council approved 11/28/2016

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.~~ Appendix D (Land Development Standards)

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

constructed and maintained. The driveway and garage/carport can serve as these spaces. The requirements of Appendix D shall also apply to the construction of driveways connecting to public streets.

B. Parking is permitted in the front yards of single family, duplex, or triplex dwellings in any zoning district other than agricultural. Front yard parking areas are subject to the following requirements:

1. No person shall park or store any motor vehicle in the front yard (between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street) other than completely upon an improved driveway or improved parking pad.
2. Improved drive and parking areas shall be limited in size to eighteen (18) feet by eighteen (18) feet and shall not exceed thirty percent (30%) of the structure's front yard. Access to the improved front yard area shall be limited to properly approved curb cuts or other approved access points. Proposed improved parking areas shall be designed and installed so as to avoid creating standing water conditions, diverting runoff onto neighboring properties, or adversely impacting stormwater water quality.
3. Improved parking or vehicular use areas shall be surfaced with asphalt, concrete, brick, or other pavers as approved by the Planning Director. Gravel or crushed stone may be used if the gravel is at least two (2) inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape timbers, vegetation such as low shrubs or decorative grasses, or similar technique to distinguish the vehicular use area from the front or corner side yard area.

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 Appendix D (Land Development Standards). 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~~ Appendix D (Land Development Standards), 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.

~~*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~~ Appendix D (Land Development Standards).
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~~ Appendix D (Land Development Standards).
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.

Table 8.2.1 — Driveway Width

Type	Min.	Max.
One way	*	20 feet
Two way	*	36 feet

8.3. ⁽²⁾OFF-STREET PARKING STANDARDS.

8.3.1. REQUIRED AMOUNT OF OFF-STREET PARKING.

A. Off-street parking spaces shall be provided in accordance with the requirements of Table 8.3-1.

B. Uses With Variable Parking Demand Characteristics – Uses that reference this subsection in Table 8.3-1 have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Planning Director shall apply the off-street parking and loading standard specified or listed use that is deemed most similar to the proposed use, or establish minimum off-street parking standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Planning Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

C. Alternative Parking Plans – An Alternative Parking Plans represents a proposal to meet vehicle parking and transportation demands by means other than providing parking in accordance with the requirements of Table 8.3-1. Alternative Parking Plans may not be used to reduce required setbacks, landscaping, or screening of off-street parking areas.

1. Applicability – Applicants who wish to provide fewer off-street parking spaces than required pursuant to Table 8.3-1 shall be required to secure approval of an Alternative Parking Plan in accordance with the standards of this Section.

2. Review and Approval

a. The Planning Director shall be
(1) City Council approved 9/23/2002 (Negated by TA-2010-08) 1
(2) TA-2010-08 – City Council approved 8/23/2010 ;
1

provide at least seventy-five percent (75%) of the required number of off-street parking spaces.

b. All other Alternative Parking Plans shall require review and approval by the Planning & Zoning Commission. In order to approve an Alternative Parking Plan, the Planning & Zoning Commission must determine that the proposed plan will do at least as good a job protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design as would strict compliance with otherwise applicable off-street parking standards.

3. Contents – Alternative Parking Plans shall, at a minimum, address the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses.

4. Recording – Approved Alternate Parking Plans shall be recorded in the office of the County Register of Deeds. No certificates of compliance shall be issued until proof of recordation of the agreement has been provided to the Planning Director.

D. Parking Structures Exempted. The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

E. ⁽¹⁾Exemption from Required Number of Spaces - The minimum requirement for the

number of vehicle parking spaces shall not apply within the following zoning districts:

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 area shall be as set forth in **Table 8.3-2-Appendix D (Land**

Development Standards).**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 Appendix D (Land Development Standards) 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~~ **Appendix D (Land Development Standards).** 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.

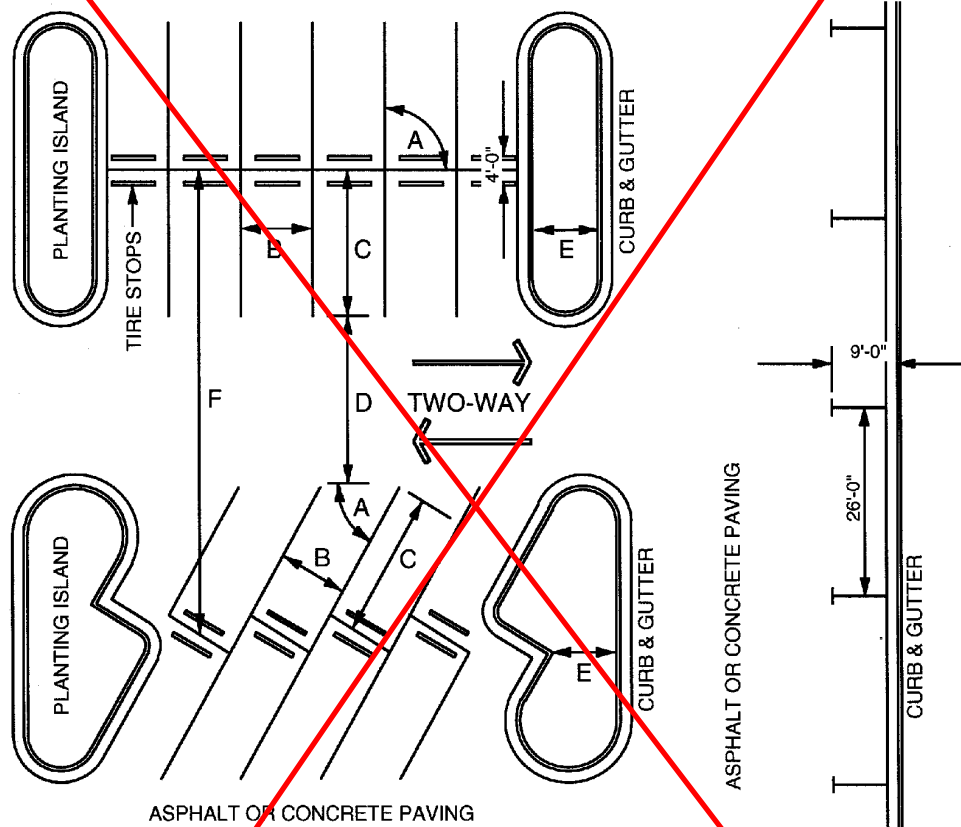
Table 8.3-1 Off-street Vehicular Parking Space Requirements		
Land Use	Min. Vehicle Space	Max Vehicle Space
<i>Residential</i>		
Accessory Dwellings	1 per unit	n/a
Duplex/Triplex	2 per unit	n/a
Family Care or Group (Social Assistance) Home	1 per employee + 1 per every 5 children or 1 per every 3 adults	n/a
Multi-Family (4 or more units) and attached Single-Family	1.5 per 1-2 bedroom unit + 2 per 3+ bedroom unit	2.5 per unit
⁽¹⁾ Elderly or Age Restricted Multi-Family (4 or more units)	1 per dwelling unit + 1 per employee	n/a
Single Family, detached (includes manufactured and modular homes)	2 per parcel (excluding garage spaces)	n/a
Nursing Home	1.5 per employee + 0.33 per bed	n/a
<i>Institutional and Civic</i>		
Auditorium/Public Assembly	Use with Variable Parking Demand Characteristics	n/a
Botanical Garden and Nature Preserves	Use with Variable Parking Demand Characteristics	n/a
Campground	1 per 6 camp sites + 4 per laundry & shower facility	n/a
Child Care Center	1.5 per classroom + 1 per 300 sf office/administration space + sufficient stacking area for drop-off / pick-up	2.5 per classroom + 1 per 150 sf office/administration space + sufficient stacking area for drop-off / pick-up
Civic, Social and Fraternal Organizations	1 per 250 sf GFA	1 per 200 sf GFA
Emergency Service Facilities	1 per employee + 1 per 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	n/a
Golf Course	4 per hole + 1 per employee at peak shift	1 per tee + per employee at peak shift
Golf Driving Range	1 per 2 tees + 1 per employee at peak shift	1 per tee + 1 per employee at peak shift
Government Buildings	1 per 300 sf GFA	1 per 125 sf GFA
Hospital	1 per 400 sf GFA	1 per 100 sf GFA
Museums and Art Galleries	1 per 1,000 sf GFA + 1 employee at peak shift	1.5 per 1,000 sf GFA + 1 employee at peak shift
Park, public	Use with Variable Parking Demand Characteristics	n/a
Religious Institutions	1 per 8 seats	1 per 1.5 seats
Schools – Business, Technical, Trade and/or other Vocational	1 per 2 students + 1 per 300 sf office/administration space	1 per student + 1 per 300 sf office/administration space
Schools – Elementary and Middle	1 per classroom + 1 per 300 sf office/administration space + sufficient stacking area for drop-off / pick-up	2 per classroom + 1 per 300 sf office/administration space + sufficient stacking area for drop-off / pick-up
Schools – Fine Arts	1 per 150 sf GFA + sufficient stacking area for drop-off / pick-up	1 per 50 sf GFA + sufficient stacking area for drop-off / pick-up
Schools – Senior High	1 per classroom + 1 per 300 sf	2 per classroom + 1 per 300 sf

	office/administration space +1 per every 6 students + sufficient stacking area for drop-off / pick-up	office/administration space + 1 per every 4 students + sufficient stacking for drop-off / pick-up
Schools – University or College	Use with Variable Parking Demand Characteristics	n/a
Zoo	Use with Variable Parking Demand Characteristics	n/a
All other Institutional Uses	1 per 300 sf GFA of bldg..	1 per 125 sf of bldg..
Professional Office / Business Services		
Automobile Repair/Body Shop	1 per 500 sf GFA including all service areas + 1 per employee	1 per 375 sf GFA including all service areas + 1 per employee
Banks (with drive-through)	1 per 200 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)	1 per 150 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)
Banks (without drive through)	1 per 250 sf GFA	1 per 140 sf GFA
Contractor's Office	1 per 600 sf GFA	n/a
Funeral Home and Services	1 per fixed seats or 1 per 75 sf of parlor or chapel area, whichever is greater	1 per 2 seats or 1 per 50 sf parlor or chapel area, whichever is greater
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA	1 per 215 sf GFA
Personal Care Services (Hair, skin, etc.)	1 per 500 GFA	1 per 215 sf GFA
All other Professional Office / Business Service Uses	1 per 300 sf GFA	1 per 150 sf GFA
Retail Trade		
Amusement Arcade (Indoor Only)	1 per game table, video game or other amusement device	n/a
Amusement Park	Use with Variable Parking Demand Characteristics	n/a
Automobile Rental and Leasing	1 per 300 sf GFA + 1 per employee + 1 per vehicle stored on site	1 per 150 sf GFA + 1 per employee + 1 per vehicle stored on site
Automobile Sales, New and Used (see § 5.6)	1 per 375 sf GFA of sales area +1 per employee + 1 per vehicle stored on site	1.5 per 375 sf GFA of sales area + 1 per employee + 1 per vehicle stored on site
Bar/Nightclub or Micro-brewery	1 per 4 seats	1 per 2 seats
Bed and Breakfast Inns (see § 5.7)	1 per guest bedroom + 2 for owner/operator	n/a
Bowling Centers	2 per lane + 1 per employee at peak shift	4 per lane + 1 per employee at peak shift
Building Material Supply / Greenhouses / Nurseries / Lawn & Garden Supply	1 per 375 sf of sales or service building area	1.5 per 375 sf of GFA of sales or service building area
Car Wash (as a principal use), Truck Stops, and/or Travel Plaza	1 per 500 sf GFA including wash bays/tunnels and retail area	1 per 375 sf GFA including wash bays/tunnels and retail areas
Convenience Store	6 per 1,000 GFA + sufficient stacking area to accommodate 2 vehicles per each side of pump island	10 per 1,000 GFA sufficient stacking are to accommodate 2 vehicles per each side of pump island
General Merchandise Stores (less than 25,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA
Grocery / Food Stores	1 per 300 sf GFA	1 per 200 sf GFA
Health Clubs and Fitness Centers	1.5 per 1,000 sf GFA	10 per 1,000 GFA
Hotels, Motels and Extended Stay Facilities	1 per room + 1 per employee at peak shift + spaces to accommodate all accessory uses	2 per room + 1 per employee at peak shift + spaces to accommodate all accessory uses

Manufactured Home Sales	1 per 100 sf GFA of office area + 1 per every 2 employees	n/a
Miniature Golf	1 per hole + 1 per employee at peak shift	2 per hole + 1 per employee at peak shift
Mini-warehousing / Self-storage Leasing (see § 5.15)	1 for every 200 rental spaces (2 required)	n/a
Motion Picture Theater	1 per 6 seats	1 per 4 seats
Motion Picture Theater, drive-in	1 for each viewing space the facility is designed to accommodate + 1 per every 2 employees	1 for each viewing space the facility is designed to accommodate + 1 per every employee
⁽¹⁾ Pharmacies	1 per 300 sf GFA	n/a
Pool Halls / Billiard Parlors	2 per table + 1 per employee at peak shift	3 per table + 1 per employee at peak shift
Restaurants (with drive-through service and/or carry-out)	1 per every 3 seating accommodation + sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA + sufficient stacking area to accommodate any drive-through lane(s)
Shopping Centers/Superstores (25,000 – 400,000 sf GFA)	1 per 205 sf GFA	1 per 150 sf GFA
Shopping Centers / Superstores (400,001 – 600,000 sf GFA)	1 per 225 sf GFA	1 per 150 sf GFA
Shopping Centers / Superstores (over 600,000 sf GFA)	1 per 200 sf GFA	1 per 150 sf GFA
All other Retail uses	1 per 300 sf GFA	1 per 150 sf GFA
<i>Wholesale Trade uses, Manufacturing and Industrial Uses</i>		
Junk / Salvage Yard	1 per 2 employees at peak shift + 1 per 5,000 sf of land area devoted to material storage + 1 per company vehicle at peak shift	n/a
Manufacturing uses	2 per 3 employees at peak shift + 1 per each company vehicle at peak shift	n/a
Mining and Extractive Uses	1 per employee at max. shift + 1 per each company vehicle at peak shift	n/a
Wholesale sales and all other Industrial Uses	1 per 400 sf GFA of sales and office area + 1 per each company vehicle at peak shift OR 2 per 3 employees at peak shift + 1 per each company vehicle at peak shift (whichever is greater)	n/a
<i>Transportation, Warehousing and Utility Uses</i>		
Air, Rail or Bus Terminal	Use with Variable Parking Demand Characteristics	n/a
Communications Tower / Antenna	None (see § 5.21)	n/a
Truck Terminal	1 per employee at peak shift + 1 per each company vehicle at peak shift	n/a
Warehouse and Storage	1 per 400 sf GFA of sales and office area + 1 per each company vehicle at peak shift OR 2 per 3 employees at peak shift + 1 per each company vehicle at peak shift (whichever is greater)	n/a
Utility Uses	1 per employee at peak shift + 1 per each company vehicle at peak shift	n/a

**FIGURE 8.3-1
STANDARD PARKING DIMENSIONS**

Standard Parking Dimensions



Handicapped Parking Dimensions

See North Carolina Accessibility Code

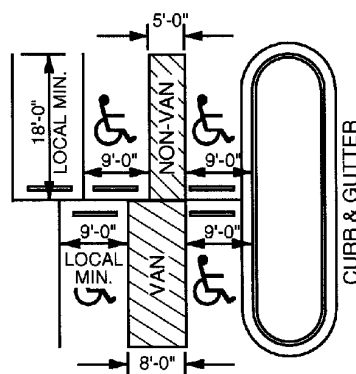


TABLE 8.3-2⁽¹⁾
PARKING AREA DIMENSIONAL STANDARDS

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.

**TABLE 8.3-5
VEHICLE STACKING SPACES REQUIRED**

ACTIVITY TYPE	MINIMUM NUMBER OF SPACES	SPACES MEASURED FROM
Automated Teller Machine	3	Teller Machine
Bank Teller Lane	4	Teller or Window
Restaurant Drive-Thru	4	Order Box
Restaurant Drive-Thru	4	Order Box to Pick-up Window
Quick Lube	3	Entrance
Daycare Facility	5	Drop-off Entrance
Schools	10	Drop-off Entrance
Hospital	5	Drop-off Entrance
Car Wash Stall (Self-service)	3	Entrance
Car Wash Stall (Automatic)	4	Entrance

8.4. OFF-STREET LOADING AND UNLOADING AREA STANDARDS.

8.4.1. SCOPE.

There shall be provided on the same lot with each nonresidential building or structure, adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

- be surfaced with pavement, concrete or equivalent,
- be properly drained,
- be designed with regard to pedestrian safety,
- have direct access to public streets, and
- shall be screened from adjacent residentially zoned or developed property as provided in Article 7 Landscaping Standards of this Ordinance.
- No loading docks shall be visible from a thoroughfare or collector street right-of-way.

8.4.2. REQUIRED AMOUNT.

A. The Uses required to provide off street loading/unloading space and, the quantity and size of said space required shall be:

1. Retail and service establishments - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.

2. Office buildings and lodging establishments - One (1) loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000.

3. Industrial/manufacturing and wholesale establishments shall provide the following loading spaces with a minimum dimension of 12 feet by 25 feet:

- Up to 50,000 sf 1 space
- 50,000 120,000 sf 2 spaces
- 120,000 220,000 sf 3 spaces
- 220,000 350,000 sf 4 spaces
- 350,000 550,000 sf. 5 spaces
- 550,000 850,000 sf. 6 spaces
- Each additional 400,000 sf 1 additional

space

B. Off street loading/unloading areas shall be located such that interference with traffic on Streets is minimized (subject to approval by the Administrator).

C. No off street loading/unloading space shall be sized such that any reasonably anticipated vehicle utilizing the space will protrude into any required Parking Space and/or Street right of way.

(1)ARTICLE 9 ENVIRONMENTAL CONTROL REGULATIONS

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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

pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

9.1.8. RELATIONSHIP TO OTHER LAWS, REGULATIONS AND PRIVATE AGREEMENTS

A. Conflict of Laws

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

B. Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance.

In no case shall the City of Kannapolis be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

9.1.9. SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

9.1.10. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

A. Effective Date

This Ordinance shall take effect on August 25, 2008.

B. Final Approvals, Complete Applications

All development and redevelopment projects for which complete and full applications were submitted and approved by the City of Kannapolis prior to the effective date of this ordinance shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions, including but not limited to illicit discharge provisions.

C. Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, development, construction, or other activity complies with the provisions of this ordinance.

9.2 ADMINISTRATION AND PROCEDURES.

9.2.1. REVIEW AND DECISION-MAKING ENTITIES

A. Director of Public Works

1. Designation

The Director of Public Works or his designee shall administer and enforce this ordinance.

2. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the Kannapolis Code of Ordinances and other laws, the Director of Public Works or his designee shall have the following powers and duties under this ordinance:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.
- b. To make determinations and render interpretations of this ordinance.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations on applications for development or redevelopment approvals.
- d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.
- e. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this ordinance.
- f. To designate appropriate other person(s) who shall carry out the powers and duties of the Director of Public Works.
- g. To take any other action necessary to administer the provisions of this ordinance.

9.2.2. REVIEW PROCEDURES

A. Permit Required; Must Apply for Permit

A stormwater permit is required for all development and redevelopment unless exempt pursuant to this ordinance. A permit may only be issued subsequent to a properly submitted and

reviewed permit application, pursuant to this section. See Article 3.2.8 Stormwater Management Permits for permit submittal requirements and review procedures.

9.2.3. APPLICATIONS FOR APPROVAL

A. Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Director of Public Works or his designee or developer may request a consultation on a concept plan for the post-construction stormwater management system and stormwater drainage plan to be utilized in the proposed development project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the natural areas as referenced within the Unified Development Ordinance, and other relevant resource protection plans may be consulted in the discussion of the concept plan.

See Appendix B.13 Stormwater Concept Plan for information that shall be included in the concept plan, which should be submitted in advance of the meeting. See Appendix C.5 Stormwater Management for requirements for Stormwater Drainage Plans.

B. Stormwater Management Permit Application

The stormwater management permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance, including section 9.3 Standards of this ordinance. All plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence, and shall verify that the design of

all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the Design Manual, and that the designs and plans ensure compliance with this ordinance. All plans submitted as part of the stormwater management permit application shall be approved by the Director of Public Works or his designee.

The submittal shall include all of the information required in the submittal checklist established by the Director of Public Works or his designee. Incomplete submittals shall be treated pursuant to [Article 3](#).

C. As-Built Plans and Final Approval

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Director of Public Works or his designee shall occur before the release of any performance securities.

D. Other Permits

No certificate of compliance or occupancy shall be issued without final as-built plans and a final inspection and approval by the Director of Public Works or his designee, except where multiple units are served by the stormwater practice or facilities, in which case the Public Works Director or his designee may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

9.2.4. APPROVALS

See [Article 3](#) for conditions of approval for stormwater permits.

9.2.5. ⁽¹⁾VARIANCES

The Board of Adjustment may authorize variances from the specific requirements of this Article, subject to the requirements below.

A. APPROVAL PROCEDURE.

1. The Board of Adjustment shall conduct a hearing on variance requests in accordance with the procedures set forth in § 3.7 of this Ordinance. No variance shall be authorized or carried out until the applicant has obtained approval by the Board of Adjustment.

2. Major site plan applications shall be filed concurrently with all variance applications. The City of Kannapolis Planning and Engineering Departments shall review the site plan to ensure the variance approval criteria have been satisfied and any potential negative impacts have been mitigated. The site plan and associated comments shall be provided to the Board of Adjustment during their deliberations.

B. APPROVAL CRITERIA.

1. Variances shall only be granted by the Board of Adjustment if the applicant demonstrates that:

- a. Unnecessary hardships would result from strict application of the Ordinance; and
- b. The hardships result from conditions that are peculiar to the property, such as location, size, or topography; and
- c. The hardships did not result from actions taken by the petitioner; and
- d. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance; will protect water quality; will secure public safety and welfare; and will preserve substantial justice. Merely proving the variance would permit a greater profit from the property shall not be considered adequate justification for a variance.

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.

9.3. STANDARDS.

9.3.1. GENERAL STANDARDS

All development and redevelopment to which this ordinance applies shall comply with the standards of this section.

9.3.2. DEVELOPMENT STANDARDS FOR LOW-DENSITY PROJECTS

Low-density projects shall comply with each of the following standards:

A. Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

B. Low-density projects shall be subject to all of the regulations set forth in Article 4.15 River/Stream Overlay (RSOD) District of this ordinance.

C. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

D. Meet all stormwater detention requirements in section 9.3.4 Development Standards For Detention Facilities.

9.3.3 DEVELOPMENT STANDARDS FOR HIGH-DENSITY PROJECTS

High-density projects shall implement stormwater control measures that comply with each of the following standards:

A. The measures shall control and treat the stormwater runoff volume leaving the project site generated by a one (1) inch rain event. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours. Volumes to be detained must comply with the methods listed in the NCDENR Stormwater Best Management Practices Manual.

B. All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

C. General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

D. High-density projects shall be subject to all the regulations set forth in Article 4.15 of this ordinance.

E. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans

F. Meet all stormwater detention requirements in section 9.3.4 Development Standards For Detention Facilities.

9.3.4 DEVELOPMENT STANDARDS FOR DETENTION FACILITIES

See Appendix C.5 Stormwater Management for development standards for detention facilities.

9.3.5 CAPACITY OF STORMWATER MANAGEMENT FACILITIES.

All proposed site plans that require sediment and erosion control plan approval or that will exceed 20,000 square feet of impervious coverage shall be required to construct a complete drainage system sufficient to mitigate the impacts of the design rainfall event.

Post development runoff shall not exceed pre-development runoff unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate.

If a maximum discharge rate has not been adopted for the applicable drainage basin, post development discharge may not exceed predevelopment discharge. Stormwater volumes resulting from the proposed development shall be detained within the development and released at a rate no greater than existed prior to the development.

Detention facilities shall be designed to maintain the predeveloped runoff rate from the 1-year and 10-year, 24 hour design storm events.

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

of the owner of the detention facility. No permanent structures or other impediments to access shall be constructed within the area of easement.

9.3.8. OBSTRUCTION OF DRAINAGE CHANNELS PROHIBITED.

No fences or structures shall be constructed across an open or closed drainage channel that will reduce or restrict the flow of water or adversely affect the public infrastructure.

The Director of Public Works or his designee may require any water course or stormwater management facility to be located within a dedicated drainage easement officially recorded by the Cabarrus or Rowan County Register of Deeds as a “permanent detention easement” that provides sufficient width for maintenance.

9.3.9. LOT GRADING AND LANDSCAPING STANDARDS.

The following standards shall be followed in establishing the grading plan for a development.

9.3.9.1. Positive Drainage Required.

Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the Stormwater Standards of this Ordinance.

9.3.9.2. Drainage Plans to Account for All Development.

In the design of site grading plans, all impervious surfaces in the proposed development (including off street parking) shall be considered.

9.3.9.3. Protection from Sedimentation.

Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.

9.3.9.4. Increased Runoff Prohibited

Site grading shall not increase the volume or velocity of runoff onto downstream properties unless specifically approved as part of a project’s drainage plan. Exceptions to this will be at the discretion of the Public Works Director or his designee.

9.3.9.5. Landscaping.

All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with vegetation. Street trees shall be planted or, where permitted trees already exist, consistent with the Landscaping Standards of this Article, maintained and protected between the paved areas and sidewalks. Where no sidewalks are required, street trees shall be planted or existing trees shall be maintained or protected between the paved areas and the edge of the right-of-way.

9.3.9.6. Designation as Open Space.

Stormwater facilities to be located in designated open space areas shall be regulated in accordance with § 6.5.3.5 of this Ordinance.

9.3.9.6 Permeable Pavement.

Certain provisions of this ordinance (See Parking Standards; Site Design & Standards) permit Permeable Pavement in some situations. Other Permeable Pavement is permitted if the location and design shall comply with the following:

9.3.9.6.1 Permeable Pavement shall not be located in soils with an apparent or perched high water table or a depth to bedrock of less than ten (10) feet, as set forth in Table 16 of the Soil Survey.

9.3.9.6.2 Permeable Pavement shall not be located on any slope exceeding ten percent (10%).

9.3.9.6.3 Permeable Pavement designs shall meet the requirements in the NCDENR Manual of Stormwater Best Management Practices.

9.3.9.6.4 The Permeable Pavement area shall be vacuum swept and washed with a high pressure hose not less than four (4) times per year.

9.3.10. VARIANCES

See Appendix C.1.7 Improvements Variance for information on variances.

9.3.11. ADDITIONAL STANDARDS FOR SPECIAL SITUATIONS

A. Nutrient Sensitive Waters

In addition to the standards for stormwater handling set out in the design manual,

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

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

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

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.

2. Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this ordinance continues and remains uncorrected, the Director of Public Works or his designee or other authorized agent may withhold, and the Planning Director may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the UDO for the land on which the violation occurs.

3. Injunction, Abatements, etc.

The Director of Public Works or his designee, with the written authorization of the City Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

4. Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Director of Public Works or his designee, with the written authorization of the City Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

5. Stop Work Order

The Director of Public Works or his designee may issue a stop work order to the person(s) violating this ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

6. Discontinuance of Water Service

Pursuant to the provisions of North Carolina G.S. § 160A-314 and this section, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of

continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Connection fees and deposits will be forfeited.

B. Civil Penalties

Any person, firm or corporation violating the mandatory provisions of this section shall be issued a civil citation pursuant to section 1-14 of the Kannapolis City Code having a penalty of one hundred dollars (\$100.00) for residential customer violations and three hundred dollars (\$300.00) for commercial or industrial customer violations. The penalty assessed against a stormwater customer shall be added to the water bill and shall be paid in the same manner as the water bill. The inability to pay the penalty fees is not relevant to a customers' liability for violating this section. Partial payments for city enterprise services shall be first applied in accordance with City policy. The provisions of this section may also be enforced by actions for abatement or injunction.

C. Criminal Penalties

Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

9.5.3 PROCEDURES**A. Initiation/Complaint**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Director of Public Works or his designee, who shall record the complaint. The complaint shall be investigated promptly by the Director of Public Works or his designee.

B. Inspection

The Director of Public Works or his designee shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

C. Notice of Violation and Order to Correct

When the Director of Public Works or his designee finds that any building, structure, or land is in violation of this ordinance, the Director of Public Works or his designee shall

notify, in writing, the property owner or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Director of Public Works or his designee may deliver the notice of violation and correction order personally, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Director of Public Works or his designee may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

D. Extension of Time

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Director of Public Works or his designee a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Director of Public Works or his designee may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 90 days. The Director of Public Works or his designee may grant 90 day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Director of Public Works or his designee may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to

the penalties described in the notice of violation and correction order.

E. Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Director of Public Works or his designee, the Director of Public Works or his designee shall determine if the violation is corrected. If the violation is not corrected, the Director of Public Works or his designee may act to impose one or more of the remedies and penalties authorized by this ordinance.

F. Emergency Enforcement

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Director of Public Works or his designee may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Director of Public Works or his designee may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

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) Environmental Quality (NCDEQ) 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 Appendix D (Land Development Standards), 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*.

⁽²⁾**Table 10.1-1 Street Classifications**

Freeway/Expressway
Major Thoroughfare
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 Appendix D (Land Development Standards), 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 Appendix D (Land Development Standards), 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.

10.1.4.1. Conformity to adopted Plans. The streets within the proposed subdivision shall conform in alignment to the adopted *Cabarrus-South Rowan Urban Area Transportation Plan* and the 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 Appendix D (Land Development Standards)**, 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.

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~~ and Appendix D (Land Development Standards); 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.

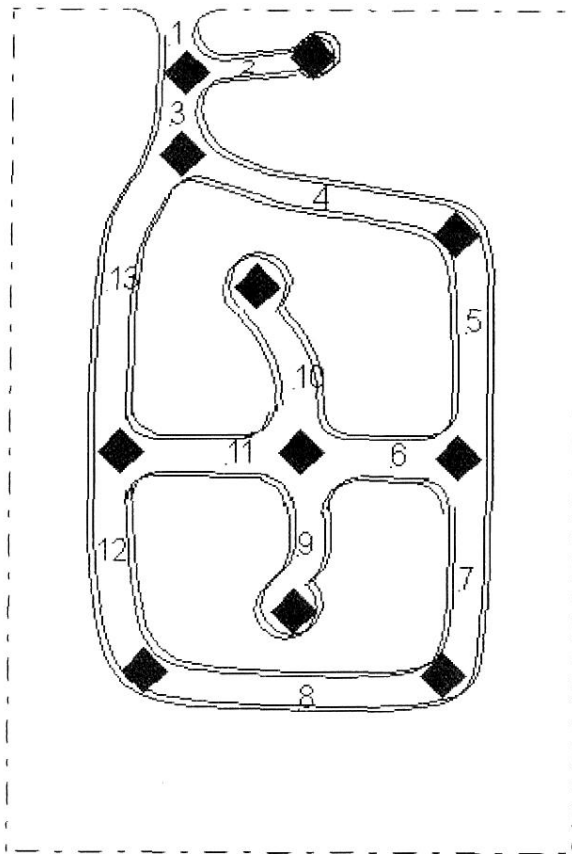
~~**10.1.5.10. Exemption.** New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:~~

- ~~• no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and~~

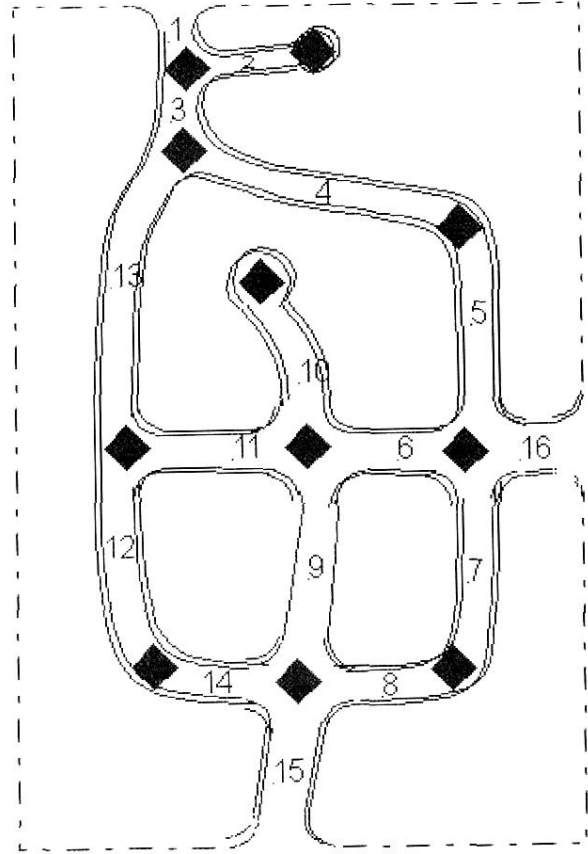
- ~~• interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.~~

Figure 10.1-1 Example of Street Connectivity Ratio as applied

Example 1: Subdivision that
does not meet the Ratio
(13 links/11 nodes = 1.18 ratio)



Example 2: Same development
modified to meet Ratio
(16 links/11 nodes = 1.45 ratio)



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 and Appendix D (Land Development Standards). 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, nonresidential collectors or higher level streets.

10.1.8.4. Secondary Access. Secondary access shall be provided for major subdivisions of 100 or more lots. Secondary access streets shall be routed to avoid hazard areas such as floodways. ^(a)The secondary access shall be constructed to City of Kannapolis Street cross-section standards and open to public traffic prior to the final platting of the 100th lot.

10.1.8.5. Substandard Access. Where access meeting the spacing guidelines of this Section cannot be provided, the Director of Transportation shall consider the following standards in determining whether a substandard access location may be permitted.

10.1.8.5.1. The Director of Transportation shall first determine whether alternate access is available. Alternate access includes:

- access to another street that meets the standards of the Ordinance; or
- access provided jointly with an adjacent property that will meet the standards of this Ordinance.

10.1.8.5.2. Where alternate access opportunities are determined not to exist, the Director of Transportation may grant a reduction in spacing standards of up to 20%.

10.1.8.5.2.1. If after considering alternatives above, the Director of Transportation determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the exception provisions of § 6.4.17.

10.1.9. EMERGENCY VEHICLE ACCESS.

The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

10.1.9.1. Emergency Access Required.

For developments which do not have frontage on a public street, access for fire vehicles and emergency apparatus from a public street shall be provided as follows:

10.1.9.1.1. Except as provided by this § 10.1.9, a fire lane shall be required to provide access to any portion of any structure which is more than:

- one hundred and fifty (150) feet from the nearest street right-of-way when the structure is thirty (30) feet or less in height; or
- fifty (50) feet from the nearest street right-of-way when the structure exceeds thirty (30) feet in height.

10.1.9.1.2. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in above, by means of either buffer yard area or adjoining property, the requirements of this § 10.1.9 may be waived by the Administrator, after consultation with the fire chief.

10.1.9.1.3. The City shall not be liable for damage to underground utilities beneath fire access lanes caused by firefighting equipment.

10.1.10. VARIANCES.

Requests for variances or relief from any provisions of Section 10.1 shall be covered under Section 6.4.17 of this Ordinance, except that which is allowed under Section 10.1.8.5.

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 Appendix D (Land Development Standards).

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 Appendix D (Land Development Standards) 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 and Appendix D (Land Development Standards).**

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,

parking, landscaping, open space, and driveway facilities shall be under common ownership.

11.2.14. ⁽¹⁾SIGNAGE.

Signage for multi-family dwellings and/or single-family attached dwellings shall be subject to the sign standards as set forth in Article 12 and, more specifically, Table 12.1-4 (regardless of what zoning district the development may be located within).

Table 11.2-1 Design Standards for Multi-family or Single-family Attached Dwelling Projects

Lot Size	Not applicable – see “Density”.
Density	see Table 4.7-1 (Article 4)*
Lot Width and Depth	see Table 4.7-1 (Article 4)*
Front Setback or Street Side Setback	Developments of less than 40 dwelling units: see Table 4.7-1 (Article 4)* Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet
Common Open Space	see Table 6.5-1 (Article 6). (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table 6.5-1.)
Maximum Building Length	200 feet

*Note: 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.

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 Appendix D (Land Development Standards), 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 Appendix D (Land Development Standards).**

11.5. SUPPLEMENTAL DESIGN STANDARDS FOR CENTER CITY (CC) DISTRICT.

11.5.1. SCOPE.

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the CC District are regulated in accordance with specific standards as listed below. The standards of this section shall not apply to any industrial use or residential single or two family structures.

11.5.1. DESIGN CRITERIA.

11.5.1.1. In order to promote pedestrian friendly development, Parcels within the CC District shall be exempt from the minimum off-street parking spaces as set forth in Article 8 of this Ordinance except that lots within the CC district that have frontage along Dale Earnhardt Blvd./Loop Road shall be subject to the minimum off-street parking standards of Article 8. For large lots with frontage that have a lot depth of 200 feet or greater, any development beyond the 200 feet shall be exempt from the off-street parking requirements of Article 8.

11.5.1.2. The following off-street parking design requirements shall apply except that lots within the CC district that have frontage along Dale Earnhardt Blvd./Loop Road are exempt from the provisions of this Section 11.5.2.2. However, for large lots with frontage along Dale Earnhardt Blvd./Loop Road that have a lot depth of 200 feet or greater, any development beyond the 200 feet shall be subject to the standards as set forth below.

- All buildings shall have their principal entrance opening to a public or private⁽¹⁾ street, square, plaza, or sidewalks. Where a principal building entrance opens to a private street, square, plaza, or sidewalks, it shall be accompanied by a public access easement. The principal entrance shall not open onto an off-street parking lot.
- No off-street surface parking shall be permitted in front of a Principal Structure.⁽¹⁾
- Loading/unloading areas shall be located only in the rear or side yard.

11.5.1.3. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an

improved surface.

11.5.1.4. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by use of windows and doors arranged in scale proportionate to the building elevations in which they occur. Not less than not fifty percent (50%) of the length of building façade having frontage on a public or private⁽²⁾ street shall be composed of windows and/or doors. Basic exterior building materials shall consist of horizontal wood siding and/or brick and shall as to the maximum extent as possible be consistent with architectural style of neighboring structures. Similarly, roof slopes, roofing materials and exterior colors shall be architecturally conforming with existing neighboring structures.

11.5.1.5. ⁽¹⁾No building setbacks are required for lots in the CC District, except that a minimum 10' building setback shall be maintained from the Dale Earnhardt Blvd./Loop Road

11.5.1.6. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:

- Such appurtenances shall be constructed of material designed to complement the streetscape.
- Any such appurtenance may extend from the building to up to eighty percent (80%) of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City.
- In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of street lights or street signs.
- A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

11.5.1.7. Use Regulations. All newly constructed buildings, except single-family detached dwellings, shall devote the first floor area to retail, office and/or service uses, as listed in Table

(1) City Council 9/23/2002

(2) TA-2015-05 – City Council 11/23/2015

4.6-1. Such buildings shall include said uses along not less than 50% of frontage where abutting the streets as designated below:⁽¹⁾

- West A Street, west/south side only, between Walnut Street and Oak Avenue
- West A Street, both sides, between Oak Avenue and Main Street (including the private street section)
- West B Street, both sides (including the private street section)
- West D Street, east/north side only
- West 1st Street, both sides
- Chestnut Avenue, both sides
- Juniper Street (private street), both sides
- North Main Street, east side only, between Southern Avenue and 1st Street
- South Main Street, both sides, between, 1st Street and D Street
- Oak Avenue, both sides, between 1st Street and D Street
- Oak Avenue Mall Drive (private street), both sides
- Pine Street, both sides
- Vance Street, both sides
- Walnut Street (private street), both sides
- West Avenue (public and private street sections), both sides
- Within an approved TND – Traditional Neighborhood Development

New buildings with frontages along streets other than those listed above shall not be subject to the design criteria as set forth in this Section 11.5.2.1.7. Residential dwellings shall be permitted as set forth in Table 4.6-1.

11.5.1.8. In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, no auto-oriented use(s) shall be located within four hundred (400) feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less. For purposes of this subsection, “auto-oriented uses” shall mean and refer to the following: drive-through window facilities including those for automated tellers, banks, cleaners, liquor stores; and restaurants; fuel sales; shopping centers; vehicle sales; auto mechanical repair; car wash; gasoline service station; and quick lubrication.

Exception. Lots within the CC district that have frontage along Dale Earnhardt Blvd./Loop Road are exempt from the provisions of this Section 11.5.2.8, except that large lots with frontage along Dale Earnhardt Blvd./Loop Road that have a lot depth of 200 feet or greater, any development beyond the 200 feet shall be subject to the standards as set forth in this Section 11.5.2.8.

(1) TA-2007-02 – City Council 10/22/2007

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.

LDS – Land Development Standards, 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 Appendix D (Land Development Standards)~~ 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 Appendix D (Land Development Standards)**.
- 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 Appendix D (Land Development Standards) ~~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.

~~• ⁽¹⁾All utility lines shall be underground.~~

C.1.2. Intent of specifications.

- The intent of the specifications set out in this Appendix C and Appendix D (Land Development Standards) 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:
- A written application for an improvements variance is submitted to the office of the city engineer on forms provided by that office demonstrating:
 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:

1. Where the topography on a numbered State highway or local City street does not allow for the reasonable or practical installation of sidewalks, curbs, and gutters; and/or
 2. In instances where the NCDOT or City has not yet determined the ultimate right-of-way width for numbered State highways and/or local streets; and/or
 3. Where the State highway and/or local street is identified in the *Kannapolis Sidewalk Plan* as a project to be built as part of a larger sidewalk/street improvement project included within the Capital Improvement Program (CIP). In such cases, an exception may be granted for the construction of the sidewalk; however, exceptions to curb and gutter would only be permitted if scenarios 1 and/or 2 above also exist.
 4. ⁽¹⁾Projects located along a State road that are either funded and/or under study with NCDOT.
 5. ⁽¹⁾Local streets or State roads that have not been identified by the State or City as an improvement or study project but that are deemed by the City Engineer and Public Works Director as possibly becoming a project or identified as being a street or road that may not warrant improvements to be installed at this time.
 6. ⁽¹⁾Curb and gutter is not required for limited access and partial access highways nor is a payment in lieu of construction of curb and gutter required for frontal areas along such highways. Sidewalks would remain as a requirement along these highways.
 7. ⁽¹⁾Curb and gutter is not required on projects located in watershed areas that allow additional density when these improvements are not installed. Sidewalks would remain as a requirement along these highways.
- Such an exception, if granted, would be subject to the following conditions:
 1. The developer would be required to pay a fee-in-lieu of the required installation.
 2. The fee would be calculated annually, based on actual costs for typical construction during the previous fiscal year at a rate of 110% to cover administrative costs and the cost of inflation, with the following exceptions:

On streets identified in the *Kannapolis Sidewalk Plan* as requiring sidewalk on only one side of the street, the fee shall be calculated annually based on actual costs for typical construction during the previous fiscal year at a rate of 55% to cover administrative costs and the cost of inflation.
 3. The fee would be put into a Sidewalk, Curb, and Gutter Reserve Account administered by the City of Kannapolis.
 4. The Reserve Account would only be used for the construction of sidewalks, curbs, and gutters at locations within the same Sidewalk Maintenance Routes/ Zones as the project where the exception was granted. Funds collected may be used for the construction of a greenway if 1) a greenway, as proposed in the *Livable Communities Blueprint*, abuts the property to be developed, and/or 2) it is determined that a proposed greenway will more adequately serve pedestrian traffic and better meet the intent of the sidewalk requirement.
 5. Reserve Account funds will be expended within seven (7) years of the date collected.
 6. Exceptions may be granted for sidewalks, and/or curb & gutter by the City Manager except in scenarios specified above.
 7. Paying into the Reserve Account does not release a developer from providing any required rights-of-way and/or easement dedications.
 - Should a developer not agree to all of the above conditions, all sidewalks, curbs and gutters associated with development must be installed per the current requirements of this Ordinance.
 - This exception may only be applied to existing public streets.
 - A written application for a sidewalk, curb, and gutter exception shall be submitted to the Planning Department demonstrating:
 1. That the project meets one or more of the above stated scenarios.
 2. That the developer agrees to all of the above stated conditions.
 - The Sidewalk, Curb, and Gutter Committee shall make findings as to whether the requirements of this section have been met and that the reasons set forth in the application justify the granting of the exception.
 - The Committee shall present such findings to the City Manager with seven (7) days of the receipt of the

written application.

- The City Manager shall make a decision regarding the matter within seven (7) days of the receipt of the Committee's recommendations.
- An appeal from the findings of the City Manager may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator an application for an Appeal from a Final Order, Decision, or Interpretation.
- An appeal must be submitted within seven (7) days after the date of the findings by the City Manager.
- The Board of Adjustment 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.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' 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:~~

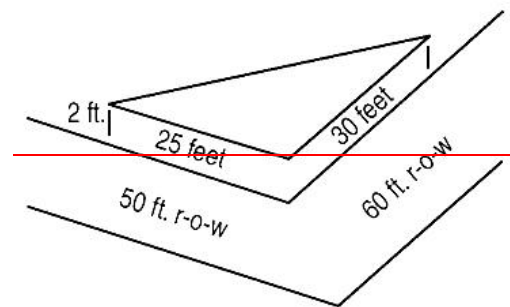
<u>District</u>	<u>Length (feet)</u>
AG, RE, RL	1,000 feet
RM 1, RM 2, RV	800 feet
RC	300 feet
B-1, O-1, C-1, C-2	500 feet
CD, I-1, I-2	1,500 feet
CC	300 feet
PUD	500 feet

- ~~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:~~

Right of Way width	Distance (feet)
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:

<u>Underlying Zoning District</u>	<u>Minimum Radius</u>	<u>Maximum Radius</u>
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. ⁽¹⁾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. ⁽¹⁾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.4.2.15. Street names.

- Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the city and Cabarrus or Rowan County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication.
- In addition to names to identify new streets, the following classifications shall apply:
 - North-south streets shall be designated as avenues;
 - East-west streets shall be designated as streets;
 - Streets changing direction shall be designated as drives, lanes or roads;
 - Streets changing direction which form a loop connected at both ends of the same street may also be designated as circles; and
- Cul-de-sacs or streets terminating in a similar dead-end shall be designated as courts if oriented east-west or places if oriented north-south.

~~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.~~

Land Development Standards

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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.~~

- ~~• 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 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 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 shall be issued by the Kannapolis Director of Traffic Engineering and/or his/her designee(s).~~

~~D.2. DRIVEWAY PERMIT APPLICATION PROCEDURE.~~

- ~~• The procedure for driveway permit application differs according to the type of use of a particular parcel, tract or development.~~
- ~~• Driveway permits for “new” detached, single family/⁽¹⁾duplex residential construction are ⁽¹⁾required, ⁽¹⁾and must meet the standards of this ordinance. For existing single family residential development, modifications to the driveways will require a driveway permit. The Public Works Department will attempt to accommodate these applicants on a walk-in basis.~~
- ~~• To apply for a driveway permit for a commercial, industrial or multi family residential development, two (2) copies of an adequate site plan showing all required information must be submitted to the Director of Transportation. A minimum of three (3) working days is required for the initial review of the site plans.~~
- ~~• In that the permit issued under this ordinance is actually a permit for use of public rights of way, the permitting process also applies to any and all work or activity performed in the public right of way other than normal daily vehicular and pedestrian traffic. Such uses include but are not limited to street and sidewalk cuts, and private street intersections with public streets. Please consult the Director of Transportation for information about permit requirements for any of these activities.~~
- ~~• The North Carolina Department of Transportation (NCDOT) is required to review all connections to state system streets. This includes both driveway and street connections, with the exception of single family residential drives, which are exempt from state review requirements. State system streets are those streets within the city for which the state retains the ultimate responsibility. However, the more restrictive Driveway Ordinance (NCDOT or City of Kannapolis) shall apply.~~
- ~~• Driveway permits on state system streets, within the City limits of Kannapolis, should be submitted to NCDOT for the initial review. Upon NCDOT’s approval, the driveway permit will be forwarded to the City of Kannapolis for its approval.~~
- ~~• Any questions concerning the application procedure or the requirements of this ordinance should be directed to the City of Kannapolis Public Works Department.~~

D.3. DEFINITIONS.

- For the purpose of this Appendix D, the following definitions shall apply:
 - ~~Access:~~ Ingress and egress to property bordering on public roadways.
 - ~~Apron:~~ The paved area between the gutter flow line of the roadway and the sidewalk section.
 - ~~Commercial driveway:~~ A driveway providing vehicular access to property used for purposes other than residential.
 - ~~Corner clearance:~~ The distance measured along the right of way line from the intersection of the projected right of way lines to the nearest edge of the driveway approach.
 - ~~Curbline:~~ The inside face of curb and gutter.
 - ~~Curb return:~~ That section of radius or flare on a driveway between the gutter flow line and the abutting property.
 - ~~Driveway:~~ An area on private property providing access for motor vehicles to a public right of way.
 - ~~Driveway angle:~~ The acute angle between the driveway centerline and the curbline.
 - ~~Driveway approach:~~ The improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well defined area on private property.
 - ~~Driveway width:~~ The width of the driveway measured at the right of way parallel with the roadway centerline.
 - ~~Frontage:~~ The length of property adjoining the street right of way of a single property, tract, or development area between the side property lines.
 - ~~Outside sidewalk line:~~ The line generally parallel to the right of way line and lying along the edge of the sidewalk section nearest the street right of way line.
 - ~~Residential driveway:~~ A driveway providing vehicular access to property used for residential purposes. This includes driveways for single family, duplex and triplex uses.
 - ~~Right of way:~~ The land within legally defined property boundaries whose title rests with the city or state and is designated or intended for use as a public street or road way.
 - ~~Side clearance:~~ The distance measured along the street right of way line from the nearest side property corner to the nearest edge of the driveway approach.
 - ~~Sidewalk:~~ An area on public or private property where pedestrians walk or stand, generally parallel to the edge of the street, roadway or face of curb.
 - ~~Sidewalk section:~~ That portion of a driveway between the outside sidewalk line and the driveway apron.
 - ~~Spacing:~~ The closest distance between two driveways, measured along the right of way line from edge of drive to edge of drive.
- ~~Conformance prerequisite to site plan approval.~~ Driveway approaches hereinafter constructed in the city on public streets and roadways shall be designed and constructed in conformance with this article. It shall be unlawful for any person to construct, cut, break out, or remove any curb along a street or alley except as authorized by the provisions of this article. Failure to construct any driveway approach(es) in conformance with the provisions of this article or failure to correct or remove any existing driveway approach(es) found to be nonconforming may result in the removal of the driveway approach(es) by the city, at the property owner's expense.

~~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 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 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:~~
 - ~~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.6. PERMIT FEE.~~

- ~~• Fees for permits shall be fixed from time to time by the City Council. A copy of the fee schedule is on file in the office of the Administrator, the office of the City Clerk and in the Public Works Department~~

~~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 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.~~
- ~~• 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.

Existing driveway approaches

- Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction and such driveway approaches shall be subject to the provisions of this article.
- When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, or when the driveway is nonconforming, the owner of the abutting property shall, at his expense, replace all necessary curbs, gutters, and sidewalks, or correct all nonconforming features within thirty (30) days after written notice from the Director of Transportation. Failure to do so may result in a penalty being imposed as described in Section titled Permit Required.

Turn lanes, tapers, deceleration lanes

- Turn lanes, tapers, and/or deceleration lanes may be required by the Director of Transportation where it is anticipated that the volume of traffic using the proposed driveway(s) or street(s) may significantly interfere with the flow of traffic on the abutting public street. Request for turn lanes, deceleration lanes and transition tapers shall be considered as part of the driveway permitting process and must be shown on the submitted site plans, in addition to the other required site plan elements.
- Dedication and construction of turning lanes to serve one or more entrances into a development shall be required in any conditional use, special use, or driveway permit or subdivision approval for a use or development which is adjacent to a two-lane public street with average daily traffic (ADT) exceeding five thousand (5000) vehicles per day, or a four-lane or larger public street with ADT exceeding ten thousand (10,000) vehicles per day, if any one of the following conditions are also present:
 - (a) The use of development requires Fifty (50) or more off-street parking spaces.
 - (b) The use of development will generate more than (100) trips during the peak hours of 7-9 AM, 11AM-1PM, and 4-6PM. Data shall be based on the Institute of Transportation Engineers Manual titled "Trip Generation" and based upon the highest land use permitted by the zoning classification as affected by any restrictions imposed by any conditional use permit, special use permit, or other legally enforceable restriction.
 - (c) The use of development, as it may be affected by such restrictions, is reasonably expected to generate more than twenty-five (25) truck (more than 13,000 G.V.W.) trips per day through a single driveway.
 - (d) The use or development, as it may be affected by such restrictions, creates special safety or traffic conditions due to limited sight distance and/or posted speeds in excess of thirty-five (35) miles per hour along the adjacent public street. Such conditions shall be determined in writing by the Director of Transportation.
 - (e) The use of development consists of at least fifty (50) attached or detached residential dwelling units.
- The Director of Transportation may require additional side clearance to accommodate the required turn lanes, deceleration lanes and/or tapers.
- The cost of all required turn lanes, deceleration lanes and transition tapers shall be paid for by the property owners. Property owners shall not be entitled to any claims or reimbursement for expenditures involved in construction on public rights-of-way. All construction improvements required herein shall be the property of the City of Kannapolis.

Standards for Directional Signs and Pavement Markings for Designated Entrance and Exit Driveways

- The driveway ordinance imposes strict limitations on the number, location, and spacing of driveways on designated major thoroughfares; however, it allows for two one-way driveway approaches to be considered as a single driveway approach provided that the approaches are clearly signed and marked using directional signs and pavement arrows. Other provisions of the ordinance require signs and markings where special pedestrian

~~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.9 ROADSIDE DRAINAGE REQUIREMENTS.~~

~~A well-functioning roadside drainage system is important to maintaining the structural integrity of the roadway and providing a safe driving surface during storm events. Roadside drainage is accomplished using either a ditch system including adequately sized and constructed driveway pipes, a curb and gutter system with well-designed curb inlets and drainpipe system, or some combination of both systems. Modifications to existing drainage systems must be evaluated and approved by the City of Kannapolis prior to construction, and are permitted as a part of the right-of-way construction permit system.~~

Piping Existing Ditches

~~The design and cost for piping existing roadside ditches is the responsibility of the property owner unless it is included as part of a neighborhood capital improvement project funded by the City of Kannapolis. Piping ditches will only be allowed if the following criteria are achieved:~~

- ~~• The hydraulic capacity of the existing ditch system will not be reduced or diminished.~~
- ~~• The culvert pipe shall be of size adequate to carry the anticipated flow in the ditch as determined by the City of Kannapolis and shall not be smaller than 15 inches inside diameter.~~
- ~~• The flow from and to adjacent properties will not be inhibited.~~
- ~~• All pipe materials and installation meet City of Kannapolis and NCDOT standards. No pipe with broken joints or other defects is allowed.~~
- ~~• A swale can be maintained over the pipe to prohibit sheet flow of water from the property onto the road surface, and adequate inlet grates are included in the design and installation. In no case shall the construction cause water to flow across the pavement, or to pond on the shoulders or in the ditch, or result in erosion within the right of way.~~
- ~~• A minimum cover of 8 inches can be maintained over the top of the pipe. If vehicular traffic will cross the pipe, a minimum cover of 24 inches must be maintained, or Class IV reinforced concrete pipe must be utilized.~~
- ~~• Pipe installation must be inspected by the City prior to back-filling the pipe and inlet boxes.~~
- ~~• All grates and frames shall meet NCDOT standards for traffic bearing, and must be pre-approved by the City of Kannapolis.~~
- ~~• Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the road drainage system unless expressly approved by the City of Kannapolis. The applicant may be required to submit a drainage study to the City justifying the drainage system proposed and the pipe or sewer sizes to be used. Natural drainage laws and practices must be observed.~~

Pipe Construction Options

~~All commercial or industrial sites are responsible for the design, construction and cost associated with all drainage improvements in accordance with these regulations. All residents have two options for construction of the ditch pipe, once a permit has been issued. The City will contract with a licensed contractor following payment of all estimated costs associated with the project to the City by the owner. The project will then be completed based upon the Contractor's schedule. The second option is for the resident to hire a licensed contractor who will complete the project according to the submitted plans. The contractor will be responsible to schedule inspection by the City prior to placing any backfill into the excavation, so that all pipe joints, bedding, and inlet construction can be inspected. Failure to obtain the proper permit and/or inspection may result in the pipe being removed at the owner's expense.~~

Acceptable Piping Materials

~~All pipe located within the street right of way must be reinforced concrete pipe or high density polyethylene plastic pipe, double walled corrugated pipe with a smooth interior, meeting ASHTO M294 Type S (smooth interior—corrugated interior) that has been approved by the NCDOT for use in secondary and subdivision road systems. No corrugated metal pipe is allowed. Approved HDPE pipe includes the following, but documentation on other manufactures will be reviewed for consideration.~~

- ~~1. Advanced Drainage System (ADS) N-12 HDPE pipe~~
- ~~2. Hancor Hi-Q HDPE pipe~~

Acceptable Grates and Frames

~~All grates and frames must be cast iron and must meet City of Kannapolis and NCDOT standards. Each casting shall be permanently imprinted with the image of a fish and the following statement: "Dump No Waste! Drains to Rivers."~~

~~D.10 STREET AND UTILITY REPAIRS.~~

~~Operations requiring the cutting and removal of roadway and sidewalk surfaces or operations interfering with the normal flow of vehicular or pedestrian traffic shall be subject to the guidelines set forth in Part VI of the Manual of Uniform Traffic Control Devices Handbook.~~

~~Prior to cutting of the street, sidewalk or curb and gutter, a street cut permit is required to be obtained from the Director of Transportation or designee. The Public Works Department will be responsible for installing the final layer of asphalt or concrete for each cut. No street cut permits will be issued for streets that have been resurfaced within the last two years, unless there is an emergency situation or other physical constraints and approved by the Director of Transportation.~~

~~Cost of replacing the asphalt, concrete or other materials and other related costs such as street cleaning, sidewalk cleaning, etc. as a result of the above described work will be paid by the grantee of the permit. A copy of the permit must be kept at the job location.~~

~~Street cuts and sidewalks should be completely repaired in an expedient manner. Cuts must be filled with stable material (asphalt, concrete or approved equal) to within 1 ½ inches of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 30 days of initial work.~~

~~If circumstances justify, the Director of Transportation may grant an extension of these time requirements.~~

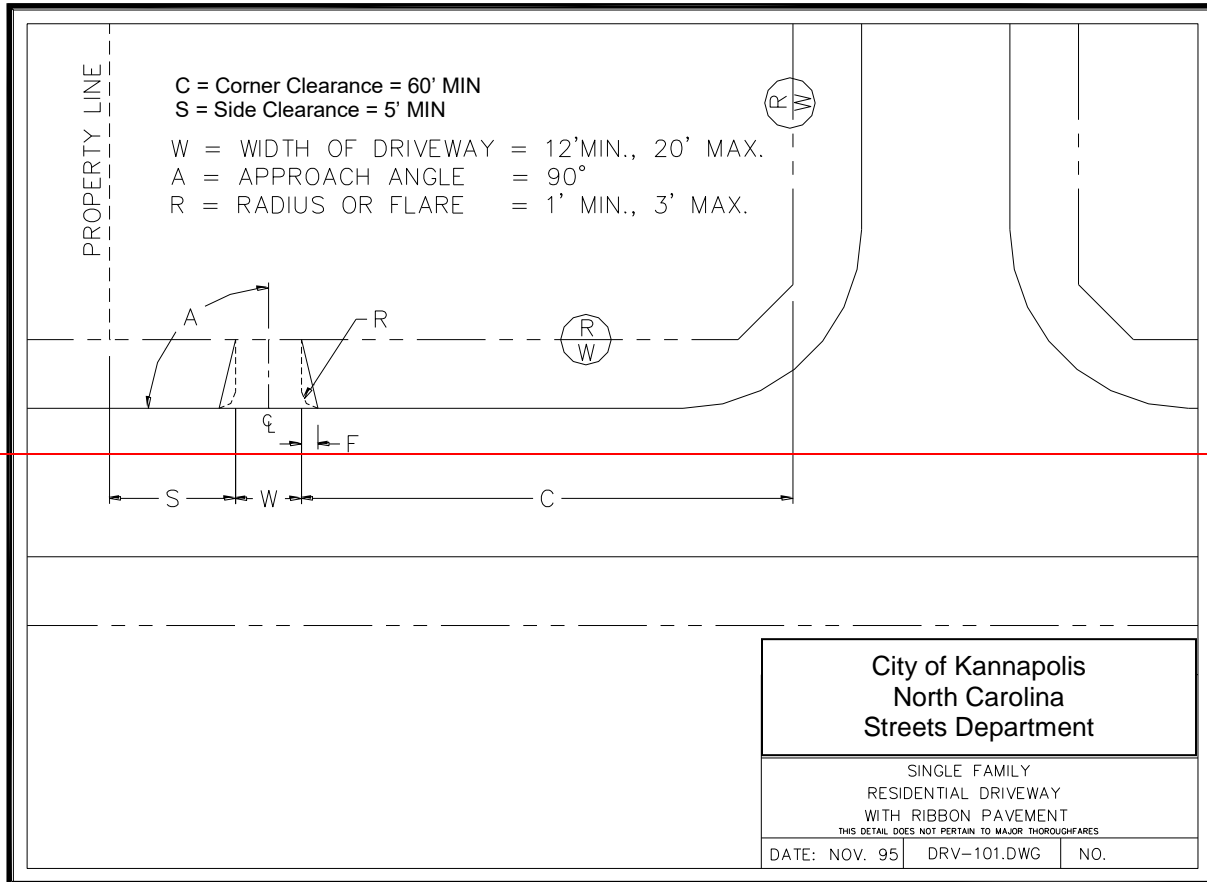
~~D.11 USE AND PROTECTION OF PROPERTY.~~

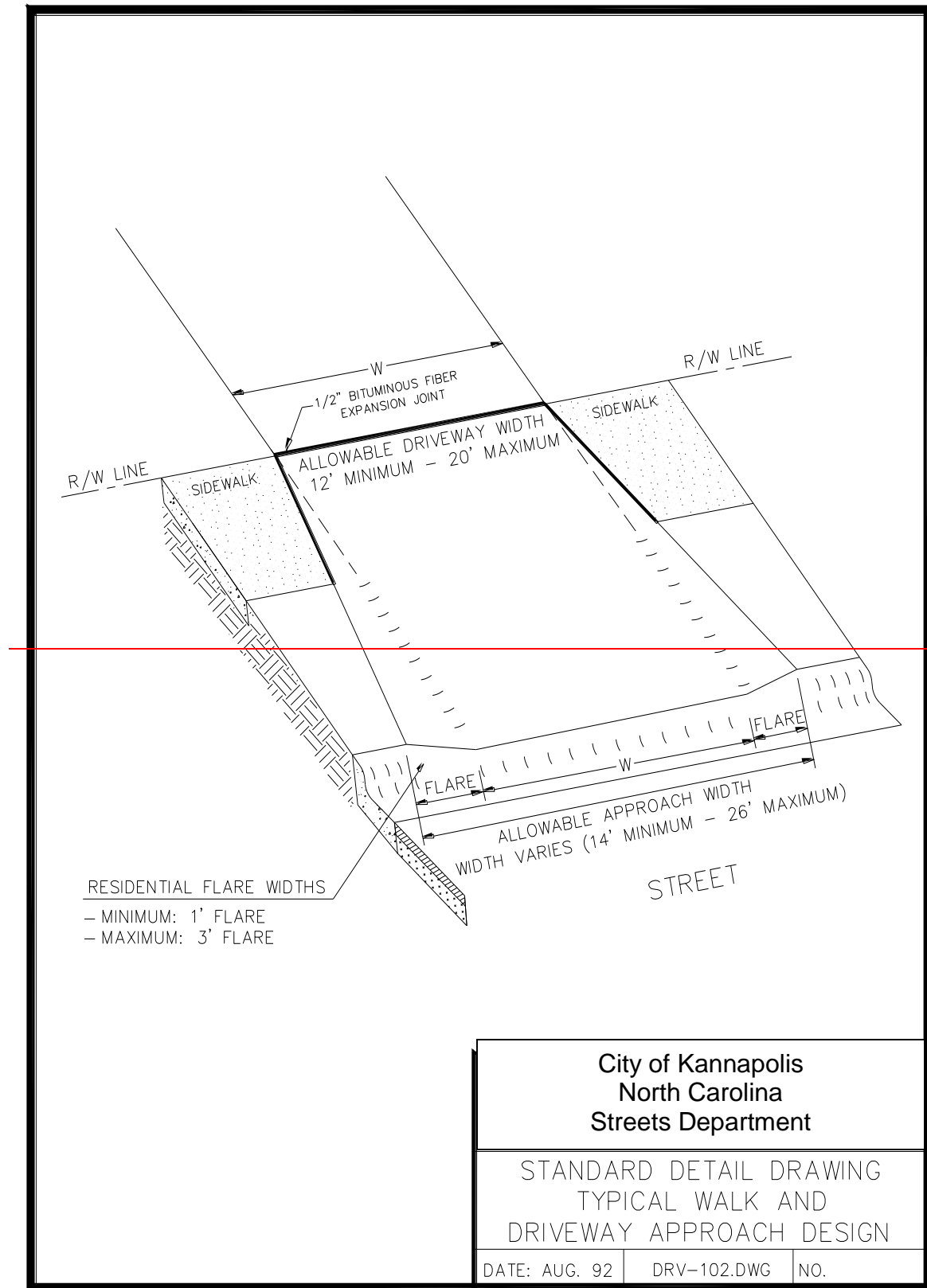
Use and protection of property

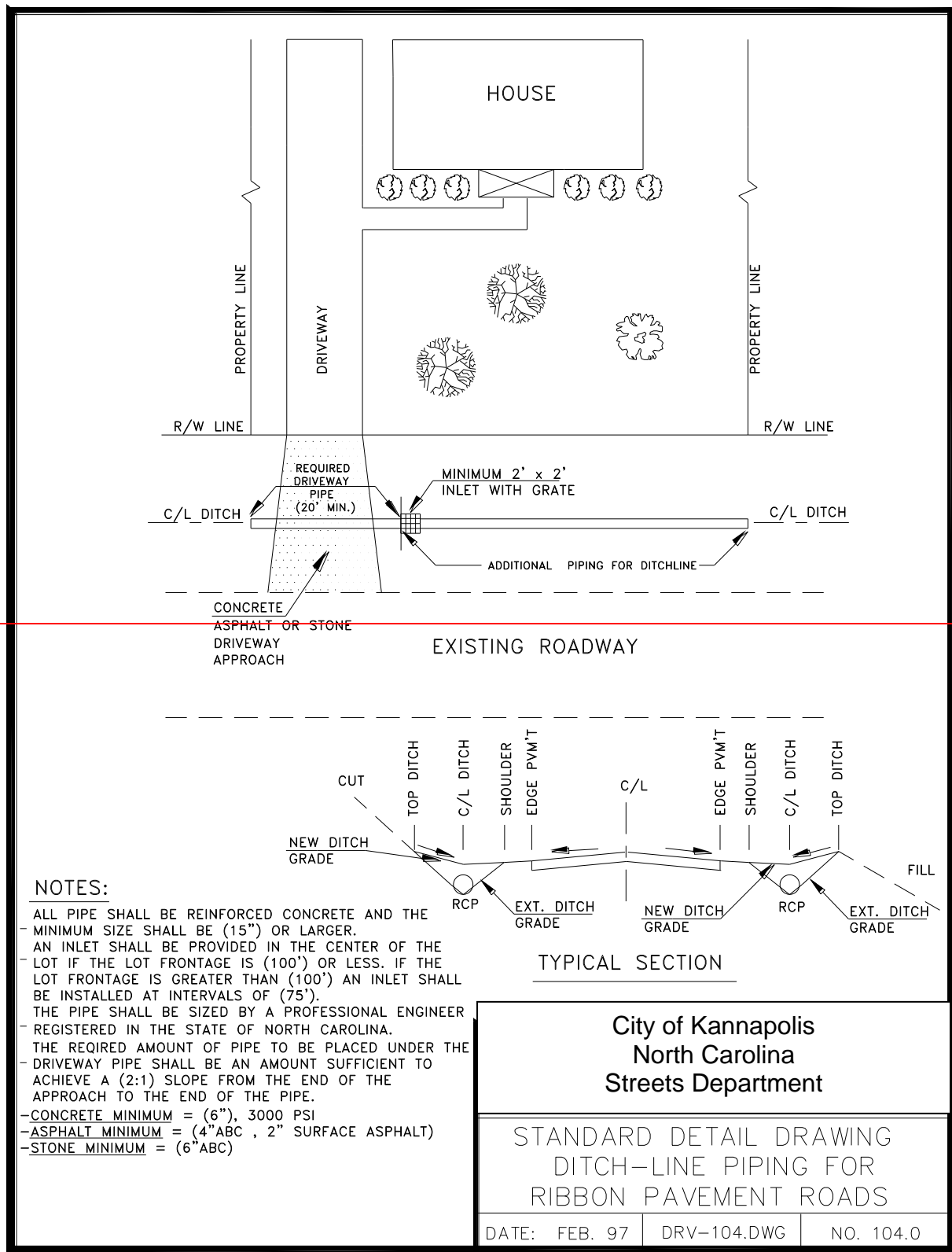
- ~~Rights of way of streets may not be used for private or commercial purposes. The area to which the driveway provides access shall be sufficiently large to store any vehicles using the driveway completely off the right of way and must be of sufficient size to allow the necessary function to be carried out completely on private property.~~
- ~~Except for driveway approaches to residences, a six (6) inch raised curb shall be constructed a minimum distance of three (3) feet behind the street right of way line in the vicinity of street corners, sidewalk safety zones, entrance driveways and other points in such a manner as to prevent vehicles from crossing sidewalks other than by means of a driveway as herein prescribed, to prevent vehicular overhang on the right of way and to provide for proper drainage and control of water on private property.~~
- ~~Parking areas and loading areas shall be constructed and properly curbed so that all movements to park and un-park, and load and unload will take place back of or within property lines. In the central business area, the Director of Transportation is hereby granted the authority to waive requirements set forth in this subsection after all engineering investigation and provided the following conditions are present:
 - (a) The area is within the parking exempt area of the city;
 - (b) The waiver requested arises from peculiar physical conditions not ordinarily existing in other areas of the city;
 - (c) Due to the nature or operation of the business on the applicant's property the requirements of the above causes unnecessary hardship;
 - (d) The waiver requested is not against the public interest, safety, convenience, and general welfare; and
 - (e) The granting of the waiver will not adversely affect the rights of adjacent property owners.~~
- ~~Except as may be provided for under the Kannapolis City Code, no part of the right of way or the area between the curb or edge of pavement and the property line shall be used to place private signs, fences, wall post lights, or any other item. All such items shall be placed on private property in such a manner as not to interfere with vehicular or pedestrian traffic or visibility.~~

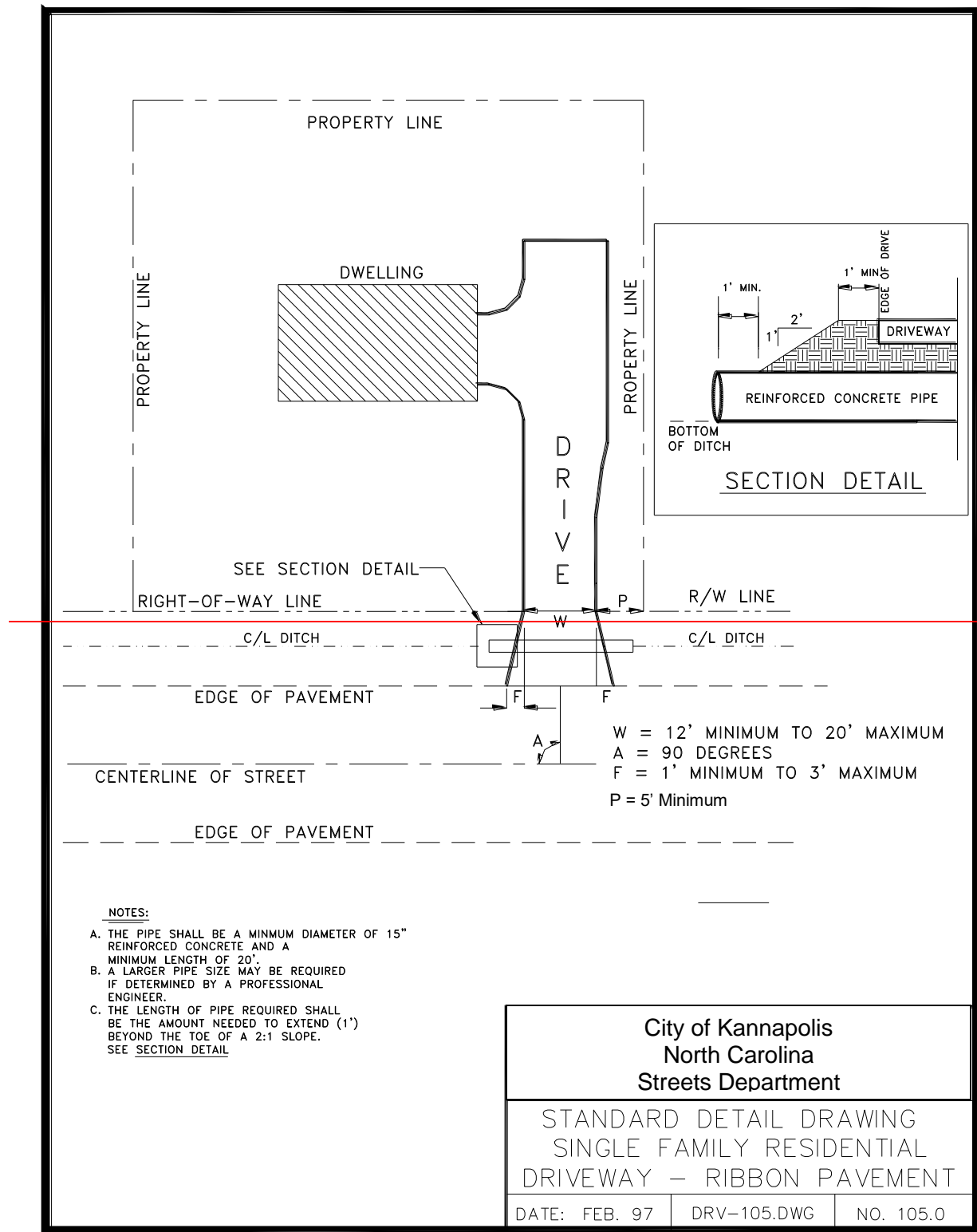
Protecting the public from injury

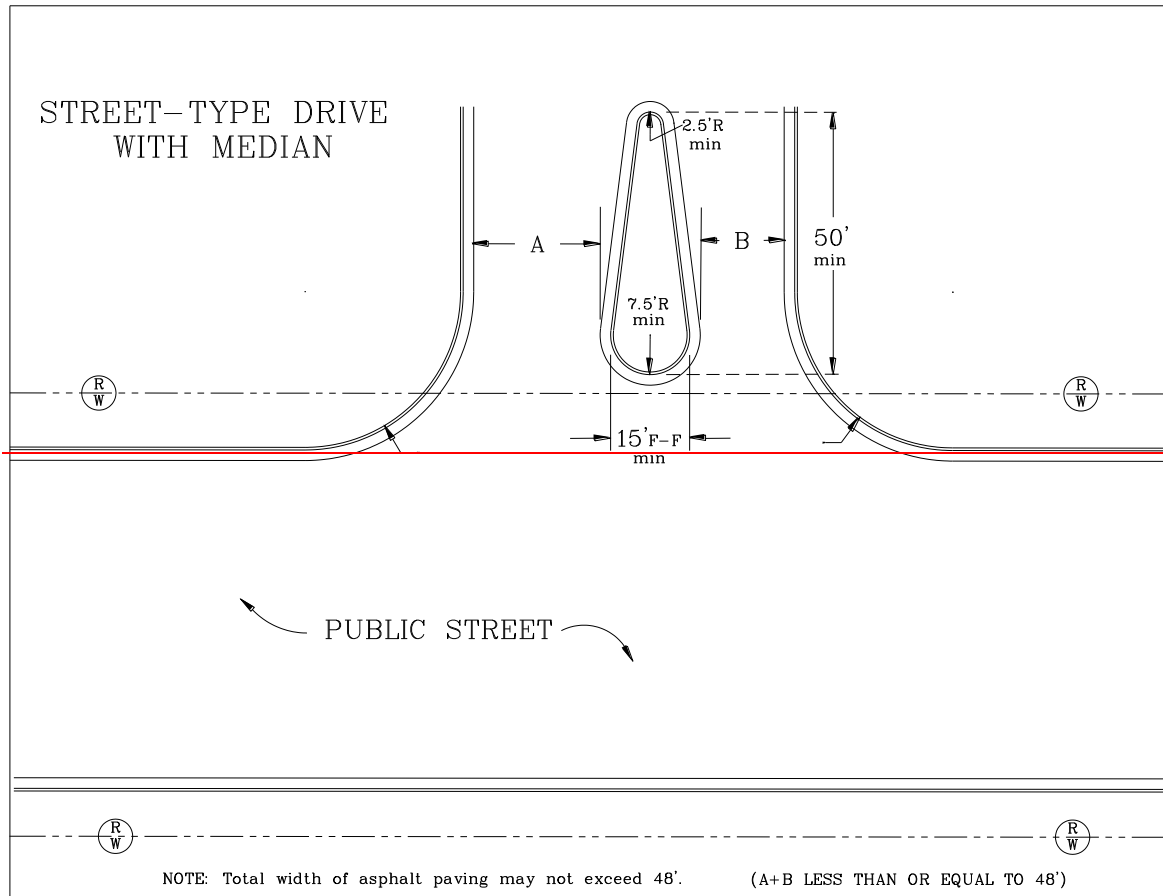
- ~~Whenever any person or firm shall do or undertake any of the items set forth in this article it shall be the duty of such person(s) to protect from harm and damage all persons or vehicles which may be using any street, sidewalk, right of way or other public area where such work is in progress. To that end, all persons or firms shall erect and maintain suitable barricades, signs, lights, flares and other appropriate warning devices at the proper locations where such work is in progress in accordance with the current policy and regulations for street construction and maintenance operations within the City of Kannapolis, as established by the Director of Transportation and in accordance with the Manual on Uniform Traffic Control Devices for Street and Highways.~~

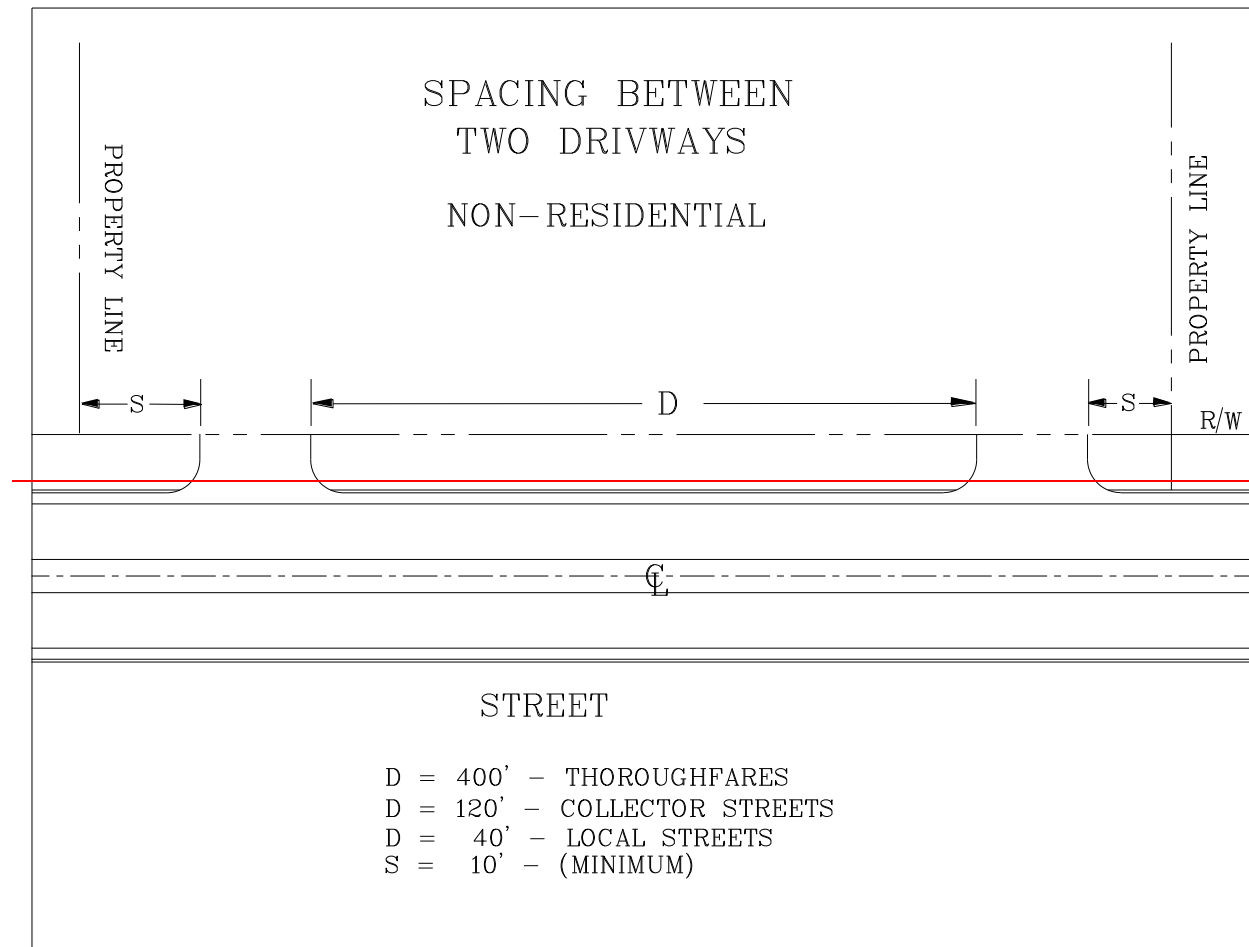
D.12 STANDARD DETAIL DRAWINGS.













**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Bridgette Bell, City Clerk
TITLE Government Finance Officers Association CAFR
Award

A. Action Requested by City Council

Presentation only

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

This will be the City of Kannapolis' 27th consecutive year of receiving the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant achievement by a government and its management.

D. Fiscal Considerations

E. Policy Issues

F. Legal Issues

G. Alternative Courses of Action and Recommendation

ATTACHMENTS:

File Name

No Attachments Available

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
May 07, 2019**

A continued meeting from April 22, 2019 of the City Council of the City of Kannapolis, North Carolina was held on Tuesday, May 07, 2019 at 6:00 p.m., at the Executive Conference Room second Floor 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: Jason May Eric Davis
Trent Marlow Irene Sacks
Zac Gordon Annette Privette Keller
Wilmer Melton Gary Mills

Visitors Present: John Crawford Jordon Jones

Mayor Hinnant reconvened the continued meeting from April 22, 2019 and welcomed those in attendance.

Council Member Rowell made a motion to approve the Agenda. Motion was seconded by Council Member Kincaid and was approved by unanimous vote.

BUSINESS AGENDA:

Mayor Pro tem Haas made a motion to go into closed session pursuant to G.S. 143.318.11 (a) (3) for consulting with an attorney in order to preserve the attorney-client privilege and G.S. 143.318.11 (a) (4) for discussing matters related to the location or expansion of industries or

1 businesses in the area. Council Member Berry seconded the motion and it was approved by
2 unanimous vote.

3
4 Council went into closed session at 6:05 PM.

5
6 Council Member Wilson made a motion to come of out closed session. Motion was seconded by
7 Council Member Dayvault and approved by unanimous vote.

8
9 Council resumed regular session at 8:15 PM.

10
11 There being no further business, Council Member Berry made a motion to adjourn. Motion was
12 seconded by Council Member Wilson and was approved by unanimous vote.

13
14 The meeting adjourned at 8:15 PM on Tuesday, May 07, 2019.

15
16
17
18
19 _____
20 Milton D. Hinnant, Mayor

21
22 _____
23 Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
May 13, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina and was held on Monday, May 13, 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: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Zac Gordon Irene Sacks
Sherry Gordon Terry Spry
David Zienka Gary Mills
Rick Barnhardt Tony Eury
David Hancock Trent Marlow
Donie Parker Annette Privette Keller

Visitors Present: Bobbi Hague David Drake
Tim Shechy Violet Elaine Mitchell
Diana Shipe Mark Spitzer

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. Council Member Dayvault led a moment of silent prayer and the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

1 **PROCLAMATION:**

2 Mayor Hinnant proclaimed May 27 as Memorial Day in the City of Kannapolis; National Peace
3 Week and Peace Officers Memorial Day, May 12 through May 18, and May 5 – 11 as the 50th
4 Anniversary of the Municipal Clerk.

5
6 **APPROVAL OF MINUTEA:**

7 Council Member Berry made a motion to approve the April 22, 2019 meeting minutes. Motion
8 was seconded by Council Member Wilson and approved by unanimous vote.

9
10 Council Member Rowell made a motion to approve the Closed Session minutes of April 22, 2019.
11 The motion was seconded by Council Member Kincaid and approved by unanimous vote.

12
13 **CONSENT AGENDA:**

14 Council Member Kincaid made a motion to approve the Consent Agenda. Motion was seconded
15 by Council Member Berry and approved by unanimous vote.

16
17 Request to consider withdrawal from dedication a portion of R-O-W known as Isenhour Road
18 located at the intersection of Rogers Lake Road and adopt a Resolution of Intent setting a Public
19 Hearing date (Wilmer Melton, III - Director of Public Works) (Copy included as Exhibit A)

20
21 **BUSINESS AGENDA:**

22 **Public Hearing for Use of CDBG Program Funds FY 2019-20 and approve Action Plan**
23 **(Sherry Gordon, Community Development Administrator) (Copy included as Exhibit B)**

24 Mrs. Gordon explained that each year the City must present within its Annual Action Plan
25 submittal to HUD a defined work program for the funding level being sought. The City will submit
26 its Action Plan to HUD by May 15. The plan is available to the public for a 30-day period that will
27 end on May 15. The Public Hearing allows the City to receive citizen's comments and/or questions
28 on the use of the FY 2019-20 Community Development Block Grant (CDBG) funds.

29
30 The City expects to receive \$375,358 in CDBG funds in the FY2019-20 (July 1, 2019 – June 30,
31 2020). The following is recommended activities to be undertaken with the FY 2019-20 funds.

32 **CDBG Proposed Expenditures**

Infrastructure Improvements	\$85,000.
Demolition	\$30,000
Urgent Repair	\$78,983
Section 108 Loan Repayment	\$51,304
Non-profit Partnerships	\$55,000
General Administration/ Fair Housing	<u>\$75,071</u>
TOTAL	\$375,358

HOME Proposed Expenditures

Homeowner Rehab	46,122
Acquisition & Rehab	100,000
General Administration	8,767
TOTAL	154,889

Hearing no comments or questions, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

Violet Elaine Mitchell of 415 Lyndon Street asked that Council consider some of the funding to resurface Lyndon Street.

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

Motion was made by Council Member Dayvault to approve the FY2019-2020 Action Plan. The motion was seconded by Council Member Wilson and approved by unanimous vote.

Public Hearing for Use of HOME Program Funds FY 2019-20 and approve Action Plan (Sherry Gordon, Community Development Administrator) (Copy included as Exhibit C)

Mrs. Gordon explained that the City is anticipating receiving \$154,889 from the Cabarrus/Rowan/Iredell HOME Consortium in fiscal year 2019-20 (July 1, 2019 - June 30, 2020). We will also receive \$13,385 in program income, which will come from a loan payment from the Villas at Forest Park loan. HOME funds will total \$168,274. A twenty-five percent (25%) in local match is required to receive the program funds and will be provided by carryover funds from previous years.

A. Anticipated Revenues

HOME Funds	\$154,889
Program Income	\$ 13,385
TOTAL	\$168,274

B. Proposed Expenditures

Homeowner Rehab	\$ 59,507
Acquisition & Rehab	\$100,000
General Admin	\$ 8,767
TOTAL	\$168,274

The HOME program is a housing program under HUD with an emphasis primarily on affordable housing that must benefit low to moderate-income citizens. The City is required to conduct a public hearing to receive citizen comments and questions about the use of HOME funds each year. The City of Concord, lead agent for the Consortium, will then submit the annual action plan for the HOME program to HUD by May 15, 2019.

1 Hearing no comments or questions, Mayor Hinnant opened the public hearing to those in
2 attendance for an opportunity to speak.

3
4 There being no speakers, Mayor Hinnant closed the public hearing.

5
6 Council Member Kincaid made a motion to approve the Action Plan for the FY 2019-20 HOME
7 Funds to be received from the Cabarrus/Rowan/Iredell HOME Consortium. Motion was seconded
8 by Council Member Wilson and approved by unanimous vote.

9
10 **Public Hearing and consider text amendments to Section 6.1, Table 6-1.1 of the Unified**
11 **Development Ordinance (UDO) to amend the time limit for processing development review**
12 **applications (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit D)**

13 Mr. Gordon explained that Staff is proposing to amend Article 6.1 of the UDO, by deleting Table
14 6-1.1, which includes the designated city official/department and time limits for processing
15 subdivision plans. The standards have been incorporated into a separate document from the UDO,
16 titled Development Guidebook: Commercial and Residential Land Development. This guidebook
17 will serve as a concise reference guide and include requirements for the submission, review and
18 approval of all land development proposals in the City.

19
20 **Text Amendment Process**

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

25
26 Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning
27 Commission is required to recommend approval of a text amendment. At its February 6, 2019
28 meeting, the Planning and Zoning Commission unanimously recommended City Council adoption
29 of the proposed text amendments, which shall either approve, or deny the text amendment by a
30 majority vote. This is the first of a two-step process for adoption of the proposed text amendments.
31 The second step requires City Council to hold a Public Hearing on the proposed text amendment.
32 A First Reading of this text amendment held on March 25.

33
34 **Summary of Proposed Text Amendments**

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

40
41 Following general discussion, Mayor Hinnant opened the public hearing to those in attendance for
42 an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.

43
44 Council Member Dayvault made a motion to adopt a Statement of Consistency for TA-2019-02.
45 Motion was seconded by Council Member Wilson and approved by unanimous vote.

1 Council Member Dayvault made a motion to adopt an Ordinance amending Section 6.1, Table 6-
2 1.1 of UDO. Motion was seconded by Council Member Berry and approved by unanimous vote.
3

4 **Public Hearing and adopt an Ordinance to demolish the substandard structure at 1428 West**
5 **A Street (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit E)**

6 Mr. Gordon explained that according to public records the property was purchased on May 17,
7 2004. While it is uncertain how long the power has been off, water records reveal that no water
8 usage has occurred since it was purchased in 2004. The taxes were behind but have recently been
9 caught up and are current. On February 26, 2018 a building permit was issued for a residential
10 repair. The building permit was issued just prior to the hearing held with the owner on February
11 27, 2018. No record of inspections have occurred since it was obtained.
12

13 On April 26, 2019, a meeting was held with the property owner at the house. No sign of progress
14 was seen from the interior nor the exterior. The power was off and there was no way to tell if the
15 HVAC or other electrical systems worked. The water was off and it was not possible to determine
16 if any remaining plumbing was operational. Overhead water damage was observed but it was not
17 clear if the leak was still active. Funding to demolish this structure is available in the Planning
18 Department budget. The expected cost to demolish the house is approximately \$3,000 and the cost
19 to remove any asbestos found during an inspection.
20

21 Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.
22

23 David Drake, owner of the property, lives at 3371 Craiglyn, Concord NC. Mr. Drake told Council
24 he is the owner and purchased the property in 2004. Mr. Drake explained he experienced several
25 setbacks, including a divorce, which delayed the process of repairing the structure. He has since
26 then taken out a loan and is continuing the process of renovation. Mr. Drake mentioned the
27 pictures Council has before them, does not represent the current condition of the house. He has
28 made some progress. Mayor Hinnant asked how much it would cost to bring it up to code. Mr.
29 Drake responded that electrical is approximately \$1000, sheet rock \$800 and he has installed a
30 vanity and tub/shower in the bathroom. Probably less than \$2000 and will do the painting himself.
31 Mayor Hinnant asked Mr. Drake at what point did he decide that he wanted to save the house. Mr.
32 Drake responded he wanted to do it for a while, but there has been unforeseen things happened to
33 prevent him to work on the house. When he received notice the house would be demolished, is
34 when he started aggressively working on the house. If the house is demolished, he will be left with
35 a small lot on which he cannot do anything.
36

37 Council Member Dayvault commented that the staff report indicates a meeting was held on April
38 27, 2018 or was it 2019. Mr. Drake responded it was 2019. Mr. Dayvault noted the pictures in the
39 agenda package are dated February and when the meeting was held on April 27, no progress had
40 been made. Mr. Drake said today that he had taken pictures of what had been done to date and was
41 able to show Council pictures from his cell phone. Mr. Drake is a licensed contractor and has not
42 done a lot to the outside, but mostly inside work. New windows have been installed and gutters
43 will be put back up. There are hardwood floors all throughout, a new front door and new counter
44 tops will be in this week. A new vanity and a tub/shower in the bathroom. There is no damage to
45 the roof, except a small leak, but has been since repaired.
46

1 Council asked Mr. Drake if 45 days would allow him enough time to bring the house up to code,
2 also if he would have the home available to be rented by this period. Mr. Drake responded it would
3 depend on the electrical and sheet rock and is hard to tell if it will be all done in 45 days.
4

5 There being no further speakers, Mayor Hinnant closed the public hearing.
6

7 Council Member Berry made a motion to defer action to the June 24, 2019 Council Meeting.
8

9 Following general discussion, Council Member Berry amended her motion to delay taking action
10 until the July 22, 2019 Council Meeting and at that time, the house must be up to minimum code.
11 Council Member Wilson seconded the motion and approved by unanimous vote.
12

13 **Public Hearing and adopt an Ordinance to demolish the substandard structure at 601 Walter**
14 **Street (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit F)**

15 Mr. Gordon explained that according to public records, the property was purchased by its current
16 owner on December 31, 2007. The water and power have been off since around March 14, 2008.
17 As of November 2018 taxes were owed in the amount of \$5,713.19, plus violation abatements and
18 additional taxes since levied on the property. Parties of interest that were revealed on a title search
19 have been sent all required notices and warnings related to the substandard property. No parties of
20 interest have made contact with staff, nor have any compliance measures been attempted.
21

22 Due to water damage, rotting wood, foundation decay, and lack of property maintenance the
23 structure and the property have become a negative mark on the community where new houses are
24 being built. Along with the demolition of the house, the outbuilding should be demolished since
25 an accessory building is not allowed without a primary structure.
26

27 Funding to demolish this structure is available in the Planning Department budget. The expected
28 cost to demolish the house is approximately \$3,000 plus the cost to remove any asbestos found
29 during an inspection. The expected cost to demolish the outbuilding on the property is expected to
30 be an additional \$1,500.
31

32 There being no questions or discussion, Mayor Hinnant opened the public hearing to those in
33 attendance for an opportunity to speak.
34

35 Violet Elaine Mitchell of 415 Lyndon Street told Council she went by the house today, the roof is
36 caving in and it needs to go. The house was built back in 1935. Ms. Mitchell said there is a boarded
37 up house owned by Mrs. Jean Collins in the same area that needs to go.
38

39 There being no further speakers, Mayor Hinnant closed the public hearing.
40

41 Council Member Dayvault made a motion to adopt an Ordinance to demolish the substandard
42 structure at 601 Walter Street. Motion was seconded by Council Member Wilson and approved by
43 unanimous vote.
44

45 **CITY MANAGER COMMENTS:** None
46

1 **CITY COUNCIL COMMENTS:**

2 Council Member Dayvault said in light of no media coverage, would like to see live streaming of
3 the Council meetings. It is something that others in the community that are doing it and feels it
4 would be good for citizens to see. We need to make more information available to citizens. Mr.
5 Wilson concurred with Mr. Dayvault's comments.
6

7 **SPEAKERS FROM THE FLOOR:**

8 Violet Elaine Mitchell of 415 Lyndon Street said the City use to maintain the cul-de-sac on her
9 street and asked if the brush could be cut back.
10

11 Mark Spitzer of 2115 Golf Crest Drive commented Deputy City Manager Eddie Smith and City
12 Staff on another exceptional event. He thought this year's Jiggy with the Piggy was the even better
13 than last year.
14

15 There being no further business, Council Member Wilson made a motion to continue the meeting
16 to Wednesday, May 22, 2019, 6:00 PM, City Council Chamber, 401 Laureate Way, Kannapolis,
17 NC. The motion was seconded by Council Member Rowell and approved by unanimous vote.
18

19 The meeting recessed at 7:05 PM on Monday, May 13, 2019.
20
21
22
23
24

25 _____
Milton D. Hinnant, Mayor

26
27 _____
28 Bridgette Bell, MMC, NCCMC
29 City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
May 22, 2019**

A continued meeting from May 13, 2019 of the City Council of the City of Kannapolis, North Carolina held on May 22, 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: Absent

Staff Present: David Hancock Ernie Hiers
Wilmer Melton Trent Marlow
Tina Cline Gary Mills
Eric Davis Woody Chavis
Jason May Alex Alexander
Tony Eury Rick Barnhardt
Irene Sacks

Visitors Present: W.T. Jackson Robin Pope
Jamie Sweitzer

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. Council Member Haas led a moment of silent prayer and the Pledge of Allegiance.

ADOPTION OF AGENDA:

Council Member Kincaid made a motion to approve the agenda. Motion was seconded by Council Member Rowell and approved by unanimous vote.

1 **CONSENT AGENDA:**

2 Mayor Pro tem Haas made a motion to approve the Consent Agenda. Motion was seconded by
3 Council Member Kincaid and approved by unanimous vote.
4

5 Resolution Supporting Light Rail and Regional Transit into Kannapolis and Cabarrus County (Mike
6 Legg, City Manager) (Copy included as Exhibit A)
7

8 Budget Ordinance Amendment 19-20 (Eric Davis, Finance Director) (Copy included as Exhibit B)
9

10 **BUSINESS AGENDA**

11 **Public Hearing to consider a request for withdrawal from dedication an unopened portion**
12 **of R-O-W between 1010 Birch Street and 1005 Pine Street (Wilmer Melton, III, Director of**
13 **Public Works (Copy included as Exhibit C)**

14 Mr. Melton explained that a request was received for withdrawal from dedication an unopened
15 portion of a ROW between 1010 Birch Street and 1005 Pine Street. All necessary documents have
16 been received and staff has reviewed all documents and finds no reason to deny the request for
17 closure. The approval of this recommendation is in keeping with the practice of City Council of
18 vacating easements that are no longer necessary for public use, returning the land to private
19 ownership.
20

21 There being no comments or questions, Mayor Hinnant opened the public hearing to those in the
22 audience for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
23 hearing.
24

25 Council Member Dayvault made a motion to approve an Order for withdrawal from dedication an
26 unopened portion of R-O-W between 1010 Birch Street and 1005 Pine Street. Motion was
27 seconded by Council Member Berry and approved by unanimous vote.
28

29 **Public Hearing to consider a request for withdrawal from dedication of an unopened portion**
30 **of R-O-W located on Caldwell Street (Wilmer Melton, III, Director of Public Works) (Copy**
31 **included as Exhibit D)**

32 Mr. Melton explained that a request was received for withdrawal from dedication an unopened
33 portion of a ROW located on Caldwell Street. All necessary documents have been received and
34 staff has reviewed all documents and finds no reason to deny the request for closure. The approval
35 of this recommendation is in keeping with the practice of City Council of vacating easements that
36 are no longer necessary for public use, returning the land to private ownership.
37

38 There being no comments or questions, Mayor Hinnant opened the public hearing to those in the
39 audience for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
40 hearing.
41

42 Council Member Kincaid made a motion to approve an Order for withdrawal from dedication an
43 unopened portion of R-O-W located on Caldwell Street. Motion was seconded by Council Member
44 Wilson and approved by unanimous vote.
45
46

City Manager's Recommended Budget FY 2019-2020 (Mike Legg, City Manager) (Copy included as Exhibit E)

Kannapolis City Manager Mike Legg presented the proposed Fiscal Year 2020 budget to the Kannapolis City Council Wednesday evening. The proposed FY 2020 budget is \$75,513,726, which includes all seven operating funds of the City. The budget includes no property tax increase. If approved, the current tax rate will remain at .63 cents per \$100 valuation - a home valued at \$150,000 will pay \$945 annually property taxes for all City services. The City's budget is composed of two primary revenue sources: property taxes and sales taxes. The City's population is expected to be 50,000 by the end of this year – an approximate 15% increase since 2010. This population growth, largely the result of new residential and commercial development, equates to an increase of 5% (\$1,486,777) in new property tax revenues.

Sales tax revenues are projected to increase by 9% (\$845,000) in FY 2020. "This budget will focus our efforts on continuing the aggressive revitalization plans for downtown, maintaining our current delivery of services to residents and investing in our employees. We will continue to position ourselves as a premier location for investors to bring their business and residential developments to the City. Our close proximity to the Charlotte region remains one of the reasons we are able to project a healthy growth in property and sales tax revenues. Over the next two years our investments in infrastructure and the first phases of the Downtown Revitalization Project will be completed and this will help drive additional private investment in our City," said City Manager Mike Legg.

This budget continues goals established by the Kannapolis City Council: investing in employees and the Downtown Revitalization Project. An independent employee compensation plan found that several employees are underpaid when compared to the market and employees with more supervisory responsibilities were not compensated accordingly. The budget includes funds to bring employees in line with market pay rates.

The budget includes \$1.9 million for the next phases of the Downtown Revitalization Project. Private investment and sale of city owned land, such as the current baseball stadium, will also be needed to cover the entire costs of the next phases. The projects in the next phases of the Downtown Revitalization include the Gem Theatre Improvements (HVAC and Restrooms); preparing Block 8 (train station area) for parking or development; stabilization of Blocks 1, 2 and 6. (Main Street and the former Swanee Theatre); Block 5 (West Avenue); seeking Public-Private Partnership with Baseball Team Owner, Temerity for a Team Store and Offices and associated private development; former Plant 4 site seeking Public-Private Partnerships for Townhomes and other mid to high density residential and mixed-use development.

The proposed budget calls for no increases in the environmental or stormwater fees. The budget does call for an increase of \$1.30 a month (per 1,000 gallons of usage in the water/sewer fees) to recoup the cost of investing in water and sewer infrastructure projects throughout the City. These projects are outlined in the table below:

1

Water and Sewer Projects	Project Cost
FY 2020	
Sludge Lagoon Dewatering	\$1,800,000
Mooresville Road Water Main Relocation/Replacement	\$3,300,000
Bulk Storage Replacement	\$700,000
Lane Street Water Relocation/Replacement	\$3,250,000
FY 2021	
High Bridge Water and Sewer Improvements	\$10,000,000
Concrete Spillway Chute Repair	\$3,500,000
Rogers Lake Road Bridge– Utility Work	\$300,000
FY 2022	
Downtown Sewer Outfall	\$4,750,000
Totals FY 2020 through FY 2022	\$27,300,000

2

3 Other notable items in the budget include:

- 4 • Two new positions in Parks and Recreation – a Construction Maintenance worker
5 to maintain the new downtown streetscape/linear park and a Youth Athletics
6 Coordinator to oversee a new youth sports program.
- 7 • \$40,000 increase for the City Council election in November 2019.
- 8 • \$350,000 increase in incentive grants to Gordon Foods (\$10,000 due to
9 revaluation issues for a full incentive grant of \$280,000) and \$340,000 for the first
10 year for Amazon.
- 11 • \$9,200 increase for a Reverse 911 Calling system. Concord, Kannapolis and
12 Cabarrus County formerly used Blackboard with a cost of \$15,000 (this was
13 removed in FY 19). Everbridge is a new service (better and less expensive).
- 14 • \$13,967 (3%) increase in IT Administration costs in accordance with the contract
15 with Technologies Edge.
- 16 • \$120,000 increase for new software licenses for Acela (permitting), Bluebird
17 (engineering), and Office 365.

21

22

23

- \$4,500 for installation of VCT flooring in in the storage and food prep room at the Train Station.
- Increases in General Services Operating Capital: (a) \$47,000 for a Generator at Fire Station #5, (b) \$32,000 for a Generator at North Communications Tower (Floyd Street near FS1) and (c) \$7,400 for a Steam Cleaner for grout at City Hall.
- \$10,000 increase for Ballistic Helmets and Vests in the Police Department. The total cost is \$58,000. The plan is to continue to fund at \$10,000 per year for the next five years.
- \$8,000 increase in Personal Protective Equipment (PPE) for fire department staffing turnover. When a firefighter leaves the department is responsible for the purchase of new PPE.
- \$12,000 increase for the cost of one set of new lights and wayfinding signs for the new Downtown Streetscape.
- \$105,000 increase in Part-time Salaries in Parks and Recreation including \$60,000 for building monitors at City Hall and Train Station; \$30,000 for Building monitors at KCS facilities as part of the KCS usage agreement (there is a corresponding revenue of \$20,000 for these part time salaries), and \$15,000 for current part-time salaries due to salary increase with the Employee Compensation Study.
- \$58,000 increase for a small truck for Park Maintenance Tech III position and a small SUV for Youth Athletics Coordinator. \$20,000 increase for the Summer Event Series. \$33,000 increase in program supplies covers the cost of two new youth program sports (basketball and one spring sport)
- \$30,000 for City Hall artwork. This funding includes a \$6,000 donation from a Kannapolis family for city art.
- \$151,000 decrease in funding for the Cabarrus County regional radio system improvements (\$196,000 was for Phase II in FY 19). FY 20 is the Phase III of this project (total project is four phases). Phase III has a cost of \$45,000 for the City of Kannapolis.
- \$50,000 decrease in Contracted Services due to the City bringing Engineering Services in house and becoming fully staffed in FY 19.
- \$350,000 decrease in Contract Planning services for the UDO re-write, Cannon Blvd study, and South Main St study. The UDO is underway. The other two studies have been delayed due to limited staff capacity in the Planning Department.

- \$40,000 decrease in contracted services for master plans for the Eastside and Westside parks, which were completed in FY 19.

Following general discussion, no action was required. A public hearing on the budget is scheduled for 6 p.m., June 10, 2019 at Kannapolis City Hall with adoption scheduled for June 24, 2019.

Resolution directing the filing of the budget for Fiscal Year Beginning July 1, 2019 through June 30, 2020 with the City Clerk and calling for a Public Hearing on the recommended budget (Mike Legg, City Manager) (Copy included as Exhibit F)

Council Member Dayvault made a motion to approve the Resolution directing the filing of the recommended budget for Fiscal Year Beginning July 1, 2019 through June 30, 2020 with the City Clerk and call for a Public Hearing. Council Member Wilson seconded the motion and it approved by unanimous vote.

There being no further business, Council Member Dayvault made a motion to adjourn. Motion was seconded by Council Member Wilson and was approved by unanimous vote.

The meeting adjourned at 7:05 PM on Wednesday, May 22, 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
June 10, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, June 10, 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

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: David Hancock Ernie Hiers
Wilmer Melton Zac Gordon
Gary Mills Terry Spry
JW Chavis Tony Eury
David Hancock Annette Privette Keller
Tina Cline Irene Sacks
Rick Barnhardt

Visitors Present: Miles Atkins Garland Haywood
Grant Rader Owen R. Hill
Robin Pope Jim Walter
Scott Cole Tim Sheehy
Mark Spitzer Teresa Chastain
Gary Chastain Kate Underwood
Darrell Jackson Philip Benfield
Ethan Garrison Antoine Nelson
Nathan Payne Diana Shipe
Chris Hill John Cramer
Gerald Faulkner Ed Dehlin

Nathan Mikoski Bobbi Hague
John Tuttle Scott Cole

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. Council Member Dayvault led a moment of silent prayer and the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

PROCLAMATIONS:

Mayor Hinnant proclaimed June as National Homeownership Month

RECOGNITIONS:

Town of Mooresville

Mooresville Mayor Miles Aktins presented the Mayor and Council with a plaque of appreciation for their assistance and support in their community in the aftermath of fallen K-9 Officer Jordon Harris Shelton.

Recognition of the City of Kannapolis' Water Treatment Plant for Earning the North Carolina's Area Wide Optimization Program Award for a Third Consecutive Year (Wilmer Melton, III, Director of Public Works)

Mr. Melton recognized Alex Alexander, Assistant Director of Public Works and Gerald Faulkner, Water Treatment Plant Supervisor upon their recognition for surpassing state and federal standards for clean water. This is the third year in a row the City has won the award.

CONSENT AGENDA:

Mayor Pro tem Haas made a motion to approve the Consent Agenda. Motion was seconded by Council Member Berry and approved by unanimous vote.

Parks and Recreation Department Goals and Objectives (Gary Mills, Parks and Recreation Director) (Copy included as Exhibit A)

Parks and Recreation Department Mission Statement, Vision Statement, and Core Values (Gary Mills, Parks and Recreation Director) (Copy included as Exhibit B)

BUSINESS AGENDA

Public Hearing on the Recommended Budget for FY 2019-2020 as required by G.S. 159- 12 (b) (Mike Legg, City Manager) (Copy included as Exhibit C)

City Manager Legg gave highlights of the recommended FY 2019-2020 Budget. The theme of the FY 2019-2020 Budget was centered on "bridging the gap" between making major investments to support the massive revitalization of Downtown Kannapolis and the flow of new revenues to support this effort. The FY 2019-2022 budget focuses on employee retention and recruitment as well as continued economic growth, mostly notably as it relates to the downtown revitalization effort.

1 The proposed FY 2019-2020 budget is \$75,513,726, which includes all seven operating funds of
2 the City. The budget includes no property tax increase. If approved, the current tax rate will remain
3 at .63 cents per \$100 valuation - a home valued at \$150,000 will pay \$945 annually property taxes
4 for all City services. The City's budget is composed of two primary revenue sources: property
5 taxes and sales taxes. The City's population is expected to be 50,000 by the end of this year – an
6 approximate 15% increase since 2010. This population growth, largely the result of new residential
7 and commercial development, equates to an increase of 5% (\$1,486,777) in new property tax
8 revenues.

9
10 Sales tax revenues are projected to increase by 9% (\$845,000) in FY 2020. “Over the next two
11 years our investments in infrastructure and the first phases of the Downtown Revitalization Project
12 will be completed and this will help drive additional private investment in our City,” said City
13 Manager Mike Legg.

14
15 The FY 2019-2020 budget was framed around the addition of significant new financial
16 commitments to support both expanded/improved City services as well as economic growth in
17 four key areas (Parks and Recreation, Public Safety, Downtown Revitalization and Pedestrian
18 Safety and Mobility). Key components of the FY 2019-2020 budget include Investment in
19 Employees; implementation of the Employee Compensation Study completed in March 2019, up
20 to 3% performance-based merit raises; an additional 1% 401k match, doubling the Flex Dollar
21 Program, allocation to fund an Employee Workplace and Benefit Enhancement collaboration
22 group. Continued aggressive revitalization efforts in downtown Kannapolis. General Fund
23 Overview represents an 8.01% increase, with no property tax increase.

24
25 The proposed budget calls for no increases in the environmental or stormwater fees. The budget
26 does call for an increase of \$1.30 a month (per 1,000 gallons of usage in the water/sewer fees) to
27 recoup the cost of investing in water and sewer infrastructure projects throughout the City.

28
29 The budget includes \$1.9 million for the next phases of the Downtown Revitalization Project.
30 Private investment and sale of City owned land, such as the current baseball stadium, will also be
31 needed to cover the entire costs of the next phases. The projects in the next phases of the
32 Downtown Revitalization include the Gem Theatre Improvements (HVAC and Restrooms);
33 preparing Block 8 (train station area) for parking or development; stabilization of Blocks 1, 2 and
34 6. (Main Street and the former Swanee Theatre); Block 5 (West Avenue); seeking Public-Private
35 Partnership with Baseball Team Owner, Temerity for a Team Store and Offices and associated
36 private development; former Plant 4 site seeking Public-Private Partnerships for Townhomes and
37 other mid to high density residential and mixed-use development.

38
39 Topics of discussion brought up by Council included the live streaming of Council meetings, hiring
40 of an athletic youth director and the selling of several City owned properties.

41
42 Following further questions and discussion, Mayor Hinnant opened the public hearing to those in
43 attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
44 hearing.

1 Council commended the City Manager and Staff for their excellent work and presentation of the
2 budget. City Council will consider adopting the budget at the June 24, 2019 Council meeting.
3

4 **Presentation by NCDOT regarding B-5372 First Street Bridge Project (Wilmer Melton, III,**
5 **Director of Public Works) (Copy included as Exhibit D)**

6 Public Works Director Wilmer Melton recognized Garland Haywood, Division 10 Bridge Program
7 Manager for the NCDOT and Scott Cole, Division 10 Division Engineer.
8

9 Mr. Haywood provided a power point presentation regarding the B-5372 First Street Bridge
10 Project. The bridge has been on East First Street since 1953 and has been hit multiple times over
11 the years by tall trucks. "The bridge is structurally deficient", said Mr. Haywood. Officials said
12 the project is designed as a treatment to safely handle forecasted traffic volumes. Aside from the
13 at grade intersection with traffic lights, plans include striped bicycle lanes and sidewalks. The
14 present cost for the bridge replacement is \$4.1 million compared to the \$2.9 million for an at-grade
15 intersection. As there would no longer be a need to maintain the bridge once it is removed, would
16 be a cost savings of \$1.5 million over the lifetime of the bridge (50 years). Mr. Haywood sited the
17 advantages of at-grade versus bridge replacement. NCDOT held public meetings on November
18 15, 2018 along with notices published in the Charlotte Observer, Cabarrus News, Independent
19 Tribune as well as radio spots. Additionally, 212 public notice postcards were mailed two weeks
20 prior to the meeting. Nine persons signed in and there were eleven written comments received
21 during the four week comment period. Construction would begin January 2020. The Kannapolis
22 City Council also is in support of the project.
23

24 Grant Rader of 1050 Betty Street was allowed to speak on the matter. Mr. Rader indicated that he
25 has spoken to well over 400 people, with 200 signatures on a petition against the proposed at-grade
26 intersection. Mr. Rader said "Out of all of the people he has spoken with, only one knew about
27 NCDOT's plans". When he tells people about the plans, some of the comments are not printable.
28 "It's the most asinine thing they have ever heard of". "I wouldn't want my kids walking across
29 U.S. 29 with or without a button you can push for pedestrians". Kids do walk across the bridge on
30 the way to A.L. Brown High School, or the middle school. "If they put an intersection there, 90
31 percent of all accidents occur at intersections". "Everything they are doing makes no sense to me",
32 said Mr. Rader. As the downtown is completed, Mr. Grant feels traffic will be astronomical and
33 the bridge will serve as a gateway to downtown.
34

35 **Public Hearing to consider withdrawal from dedication a portion of rights-of-way adjacent**
36 **to 3951 Isenhour Road located off Rogers Lake Road (Wilmer Melton, III - Director of**
37 **Public Works) (Copy included as Exhibit E)**

38 Mr. Melton explained that a request was received for withdrawal from dedication a portion of
39 rights-of-way adjacent to 3951 Isenhour Road located off Rogers Lake Road. All necessary
40 documents have been received and staff has reviewed all documents and finds no reason to deny
41 the request for closure. The approval of this recommendation is in keeping with the practice of
42 City Council of vacating easements that are no longer necessary for public use, returning the land
43 to private ownership.
44

1 There being no comments or questions, Mayor Hinnant opened the public hearing to those in the
2 audience for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
3 hearing.

4
5 Council Member Dayvault made a motion to approve an Order for withdrawal from dedication a
6 portion of rights-of-way adjacent to 3951 Isenhour Road located off Rogers Lake Road. Motion
7 was seconded by Council Member Wilson and approved by unanimous vote.
8

9 **Public Hearing - CZ-2019-02 Conditional Zoning Map Amendment to rezone property**
10 **located on an unaddressed parcel at the end of Fredrick Avenue, from RM-2 (Residential**
11 **Medium Density) to RV-CZ (Residential Village – Conditional Zoning District) (Zachary D.**
12 **Gordon, AICP, Planning Director) (Copy included as Exhibit F)**

13 Mr. Gordon presented the following facts:
14

- 15 • Property is located on unaddressed parcel at end of Fredrick Ave and approximately 3.9+/-
16 acres.
- 17 • Current zoning is RM-2 with surrounding zoning RM-2 to north, south and west; C-2 to
18 east.
- 19 • Properties located in “Complete Neighborhood 1” Character Area in Move Kannapolis
20 Forward 2030 Comprehensive Plan (“2030 Plan”)
- 21 • Primary uses include single-family attached and detached residential
- 22 • 3 Secondary uses include mixture of multifamily residential
23

24 Policy Issues:

- 25 1. The size of the tract in question.
- 26 2. Does the proposal conform with and further the goals and policies of the Land Use Plan,
27 other adopted plans, and the goals, objectives, and policies of this Ordinance?
- 28 3. Is the proposed rezoning compatible with the surrounding area?
- 29 4. Will there be adverse effects on the capacity or safety of the portion of street network
30 influenced by the rezoning?
- 31 5. Will there be parking problems?
- 32 6. Will there be environmental impacts that the new use will generate, such as excessive storm
33 water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?
- 34 7. Has as there been any change of character in the area due to installation of public facilities,
35 other zone changes, new growth trends, deterioration, and development?
- 36 8. Is there compliance with the adequate public facilities criteria?
- 37 9. What are the zoning districts and existing land uses of the surrounding properties?
- 38 10. Is the subject property suitable for the uses to which it has been restricted under the
39 existing zoning classification?
- 40 11. Is the zoning compatible with the adjacent neighborhood, especially residential
41 neighborhood stability and character?
- 42 12. What length of time has the subject property remained vacant as zoned?
- 43 13. Is there an adequate supply of land available in the subject area and the surrounding
44 community to accommodate the zoning and community needs?
- 45 14. Was the existing zoning in error at the time of adoption?
46

1 The rezoning request consist with the 2030 plan located in “Complete Neighborhood 1” Character
2 Area. The rezoning request is reasonable and in the public interest – use transitions between more
3 intense commercial uses to east along S. Main Street and less intense SFR to north, south and west;
4 compatible with surrounding zoning; not anticipated to have adverse effect on capacity of safety
5 of surrounding street network, nor anticipated to create parking problems or adverse
6 environmental impacts. Utilities will be extended to provide access to public facilities.

7
8 The recommended conditions of approval:

- 9
- 10 1. The uses permitted with this rezoning shall only include 26 townhomes and amenity
11 building, in general conformance with the plan submitted with this rezoning.
 - 12 2. The concept plan is illustrative. Final Design of the project as reviewed by the Technical
13 Review Committee shall be subject to meeting all city standards.
 - 14 3. The developer, its successors or assigns shall adhere to the Multi-Family Residential
15 Design Standards detailed in Article 11.2 of the UDO.
 - 16 4. A minimum 12-foot buffer shall be provided along the western portion of the subject
17 property. Where necessary, supplemental evergreen plantings shall be installed to achieve
18 opaque screening to the adjacent residential single-family homes along the west property
19 boundary. The vegetation density will be measured by standing adjacent to the multi-family
20 homes on the west side of the Frederick Avenue Extension looking to the west to the
21 adjacent single-family homes The City of Kannapolis Planner or his/her designee will
22 make the determination on opacity for conformance with this stipulation.
 - 23 5. Any lighting installed on the subject property shall be full cut-off fixtures with all lighting
24 directed downward and away from adjacent properties.
 - 25 6. Streams and wetlands shall be identified by a qualified person and all buffers shown in
26 accordance with Article 4 of the Kannapolis UDO. Construction of buildings, roads, and
27 other structures must comply with 7.RSOD Buffer requirements or be relocated.
 - 28 7. A Stormwater Management Permit will be required for this Development in accordance
29 with Article 9 of the Kannapolis UDO. Easements, maintenance agreements and viable
30 access shall be provided for all stormwater structures and BMP’s. Stormwater BMP’s
31 cannot be constructed in the undisturbed buffer.
 - 32 8. Hydrants and fire protection shall comply with UDO Appendix C.3 and Fire Codes.

33
34 There being no comments or questions, Mayor Hinnant opened the public hearing to those in
35 attendance for an opportunity to speak.

36
37 Ed Dehlin of 1819 Colony Drive asked about the twelve foot buffer.

38
39 There being no further speakers, Mayor Hinnant closed the public hearing.

40
41 Mayor Pro tem Haas made a motion to adopt a Statement of Consistency. Motion was seconded
42 by Council Member Wilson and approved by unanimous vote.

43
44 Council Member Dayvault made a motion to approve a Resolution to Zone. Motion was seconded
45 by Council Member Berry and approved by unanimous vote.

Public Hearing - TA-2019-04 Text Amendment to Article 4, Table 4.6-1, Principal Uses Permitted in Zoning Districts, Definitions, Article 5, Supplemental Use Regulations and Appendix A and Appendix A to allow micro-breweries with on-premise consumption in the CC (Center City) and the C-2 (General Commercial) districts (Zachary D. Gordon, AICP Planning Director) (Copy included as Exhibit G)

Mr. Gordon explained to encourage continued redevelopment within the downtown and along commercial corridors, Planning Department staff is proposing to amend Article 4, Table 4.6-1, Article 5, Supplemental Use Regulation, and Appendix A to allow for micro-breweries as a permitted use in the CC (Center City) and C-2 (General Business) zoning districts with standards.

This text amendment proposes to:

- Remove micro-breweries as a permitted use in the B-1 (Neighborhood Commercial), C-1 (Light Commercial) and CD (Campus Development) districts
- Permit the use within the CC and C-2 districts
- Add standards in Article 5.37 of the UDO (see attached for reference)
- Add a definition for micro-brewery in Appendix A

The proposed text amendment helps foster small business investment and economic development in mixed-use corridors and the urban core.

Amend Article 4, Table 4.6-1, Article 5 and Appendix A

Remove micro-breweries as permitted use in B-1, C-1 and CD—

Permit micro-breweries in CC and C-2—

Add standards in 5.37 of UDO—

Add definition in Appendix A

Proposed helps foster small business investment and economic development in mixed-use corridors and urban core. The Planning and Zoning Commission recommended approval on June 5, 2019

The proposed text amendments to UDO are shown below as additions and deletions:

Lawn & Garden Supply (with no outdoor storage)	4442	-	-	-	-	-	-	-	P	-	P	P	P	-	P	P	-
Liquor Sales (ABC stores)	4453	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-
LP Gas & Heating Oil Dealers	45431	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-
Manufactured Home Sales (§ 5.23)	45393	-	-	-	-	-	-	-	-	-	-	-	P/S	-	-	-	-
Micro-brewery (less than 5,000 sq-ft) (§5.37)	-	-	-	-	-	-	-	-	P	-	P/S	P	P/S	-	P	-	-
Miniature Golf course	713990	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Mini-warehousing/Self-storage Leasing (§ 5.15) ⁽¹⁵⁾	53113	-	-	-	-	-	-	-	-	-	-	-	C/S	-	-	C/S	C/S
Motion Picture Theaters (excl. drive-in)	512131	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Motion Picture Theaters, drive-in	512132	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Motorcycle, Boat & RV Dealers, New & Used	4412	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-
Musical Instrument & Supplies	45114	-	-	-	-	-	-	-	P	-	P	P	P	-	P	-	-

Mr. Gordon did note that staff does recommend the following language:

5.37 MICRO-BREWERIES

5.37.1 APPLICABILITY.

The provisions of this Section shall apply to any micro-brewery establishment as defined in Appendix A and allowed in Table 4.6-1 (See Article 4) subject to the provisions below.

1 **5.37.2 CRITERIA.**

2
3 **5.37.2.1** Any micro-brewery establishment shall provide a tap room that is oriented towards the
4 street or main pedestrian entrance of the building. Tap rooms shall be open for business no less
5 than one quarter of the time each week the business facility is operating.
6

7 **5.37.2.2** Outdoor storage of goods and materials shall not be permitted.
8

9 **5.37.2.3** Noise Ordinance. All activities and events shall comply with City of Kannapolis Noise
10 Ordinance.
11

12 **MICRO-BREWERY-** An establishment where beer and malt beverages are manufactured on
13 premise and then sold, to consumers at the brewery, to wholesalers, to retailers, and to exporters
14 in accordance with state statutes. (Source: Authorization of Brewery Permit, NCGS § 18B-1104).
15 See § 5.37 of this Ordinance.
16

17 There being no questions or discussion, Mayor Hinnant opened the public hearing to those in
18 attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
19 hearing.
20

21 Council Member Berry made a motion to approve a Resolution adopting a Statement of
22 Consistency. Motion was seconded by Mayor Pro tem Haas and approved by unanimous vote.
23

24 Council Member Wilson made a motion to approve an Ordinance to amend the text of the UDO
25 as recommended by the Planning and Zoning Commission. Council Member Dayvault seconded
26 the motion and it was approved by unanimous vote.
27

28 **Irish Buffalo Creek Greenway Project NCDOT TIP #C-5161 (Wilmer Melton, III, Director**
29 **of Public Works) (Copy included as Exhibit H)**

30 The Irish Buffalo Creek Greenway Project consists of the construction of 2.7 miles of 10-foot wide
31 paved greenway trail work including, but not limited to clearing, demolition, staking, layout,
32 earthwork, erosion control, storm drainage, pre-fabricated pedestrian bridge construction, asphalt
33 and concrete paving, site furnishings, signage, landscaping, and ancillary site work. All rights-of-
34 ways and permits have been obtained for this Project. Bids were received and publicly opened at
35 2:00 p.m. on June 5, 2019. The bids received are as follows:
36

<u>Contractor</u>	<u>Total Bid Amount</u>
Eaglewood, Inc.	\$3,550,490.26
J.D. Goodrum	\$3,936,451.92
Faulconer Construction Co.	\$4,366,106.97

37
38 Council Member Rowell made a motion to award the Irish Buffalo Creek Greenway Project
39 NCDOT TIP #C-5161 to the low bidder, Eaglewood, Inc., in the amount of \$3,550,490.26 and
40 authorize the City Manager to execute contract. Motion was seconded by Council Member Wilson
41 and approved by unanimous vote.
42

1 **Appointment of Parks & Recreation Commission Members (Gary Mills, Parks and**
2 **Recreation Director)**

3 Mayor Pro tem Haas made a motion to appoint Mike Whitney, Eric Purvis and Antoine Nelson
4 to a three year term. Council Member Rowell seconded the motion and it was approved by
5 unanimous vote.

6
7 **CITY MANAGER REPORT:** None.

8
9 **CITY COUNCIL COMMENTS:** None

10
11 **CLOSED SESSION:**

12 Mayor Pro tem Haas made a motion to go into closed session pursuant to G.S. 143.318.11 (a) (3)
13 for consulting with an attorney in order to preserve the attorney-client privilege, G.S. 143.318.11
14 (a) (4) for discussing matters related to the location or expansion of industries or businesses in the
15 area. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

16
17 Council went into closed session at 7:45PM.

18
19 Council Member Berry made a motion to come of out closed session. Motion was seconded by
20 Council Member Rowell and approved by unanimous vote.

21
22 Council resumed regular session at 8:20PM.

23
24 There being no further business, Council Member Dayvault made a motion to adjourn. Motion
25 was seconded by Council Member Wilson and approved by unanimous vote.

26
27 The meeting adjourned at 8:20PM on Monday, June 10, 2019.

28
29
30
31 _____
32 Milton D. Hinnant, Mayor

33
34 _____
35 Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Irene Sacks, Director of Economic & Community Development
TITLE Budget Amendment - NCBC Grant

A. Action Requested by City Council

Motion to approve the budget amendment for an \$80,000 pass-through grant from North Carolina Biotechnology Center

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The North Carolina Biotechnology Center is awarding an \$80,000 economic development grant to the City of Kannapolis. The City must use the funds to pass-through to a Kannapolis-based life sciences company for economic development purposes. The City will sign a grant agreement with the N.C. Biotech Center to receive the grant and monitor performance. The City will also sign a performance agreement with the company to provide the grant funds and monitor performance.

The City will coordinate publicity of this grant award with the N. C. Biotech Center and company once the agreements are executed.

D. Fiscal Considerations

None, the City will receive the funds from the N.C. Biotech Center through a grant agreement and grant the same amount to a company through a performance agreement.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve the budget amendment for an \$80,000 pass-through grant from North Carolina Biotechnology Center (Recommended)**
2. Do not approve the budget amendment for the North Carolina Biotechnology Center Grant
3. Table to a future meeting

ATTACHMENTS:

File Name

📎 Budget_Amendment_-_NC_Biotech_Eco_Devo_Grant_6-24-19.docx

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2018
AND ENDING JUNE 30, 2019
Amendment # 19-25**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24th day of June 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 Incentive Grants	
Expenditure: 11115-51310	\$ 80,000

Revenues:

Increase State Grants	
Revenue: 10000-34000	\$ 80,000

This ordinance is approved and adopted this 24th day of June 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Request 25 MPH Speed Limit Modification on
Westlake Drive and Townsgate Court

A. Action Requested by City Council

Motion to approve an Ordinance declaring 25 MPH speed limit for Westlake Drive and Townsgate Court.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The HOA and owners/residents of Westlake Drive and Townsgate Court have requested that the speed limit of 35 MPH be reduced to 25 MPH based on the criteria from the City of Kannapolis' 25 MPH Neighborhood Speed Limit Policy. It is Staff's recommendation that the requested street be reduced to 25 MPH speed limit.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Motion to approve the Ordinance declaring the requested 25 MPH speed limit modification on Westlake Drive and Townsgate Court which is consistent with the City of Kannapolis' 25 MPH Neighborhood Speed Limit Policy. (Recommended)**
2. Take no action
3. Table action to a future meeting.

ATTACHMENTS:

File Name

- ❑ Petition_-_Westlake_and_Townsgate_in_Westlake_Subdivision.pdf
- ❑ Vicinity_Map_of_Westlake_Drive_and_Townsgate_Court.pdf
- ❑ 2019_06-24_Ordinance_-_Westlake__Drive_and_Townsgate_Court_-_25_MPH_speed_limit_modification.docx



NEIGHBORHOOD 25-MPH SPEED LIMIT REQUEST FORM

Neighborhood Representative: Jason Myers

Name: Jason Myers

Address: 1045 Westlake Dr, Kannapolis NC 28081

Daytime Telephone Number: 704-756-4624-cell

Neighborhood or Subdivision: Westlake

Street(s) proposed for a 25-MPH speed limit:

1. Westlake Dr
2. ~~Westerboro Dr~~ Townsgate Ct
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Mail or deliver this form to:

City of Kannapolis
Public Works Department
401 Laureate Way
Kannapolis, NC 28081
Phone: (704) 920-4202



Petition for Neighborhood 25 MPH Speed Modification

We, the undersigned residents of Westlake Property Owners Association located in the City of Kannapolis, North Carolina, formally request a reduction in the speed limit within our neighborhood to 25 MPH. We support this action and show our support by signing the petition below for street name: Westlake Dr.. There are 25 lines on each page for signatures.

	PRINTED NAME	ADDRESS	PHONE NUMBER	SIGNATURE
✓ 1	Greg Gander	1141 Westlake Dr	751-285-7323	Greg Gander
✓ 2	Rhonda Harrington	1042 Westlake Dr	704-213-5759	Rhonda Harrington
✓ 3	Judy Smith	1118 Westlake	704-932-0088	Judy Smith
✓ 4	Reginald K. Smith	Lot #50	704-490-2207	Reginald K. Smith
✓ 5	JOHN SHAW	1146 Westlake Dr	704-938-7009	John Shaw
✓ 6	Kathy Gillen	1147 Westlake	704-932-5633	Kathy Gillen
✓ 7	David Toucher	1027 Westlake	980-621-0507	David Toucher
✓ 8	Firzane Sanchez	1307 Townsgate Ct	980-939-3392	Firzane Sanchez
✓ 9	LORELL LITTLE	1009 Westlake Dr	704-500-4919	Lorell Little
✓ 10	Bob Rivenbar K	(Lot 33) Westlake Dr		Bob Rivenbar K
✓ 11	Bob Rivenbar K	1055 Westlake Dr.	704-778-0336	Bob Rivenbar K
✓ 12	Jennifer Walker	1019 Westlake Dr.	757-672-5810	Jennifer Walker
✓ 13	G. Santiano	1033 Westlake Dr.	704-785-8808	G. Santiano
✓ 14	Jeff Mord	1063 Westlake	704-932-7373	Jeff Mord
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

Return form to:

City of Kannapolis
Public Works Department
401 Laureate Way
Kannapolis, NC 28081
704-920-4202

**Petition for Neighborhood
25 MPH Speed Modification**

We, the undersigned residents of Westlake located in the City of Kannapolis, North Carolina, formally request a reduction in the speed limit within our neighborhood to 25 MPH. We support this action and show our support by signing the petition below for street name: Westlake Dr.. There are 25 lines on each page for signatures.

	PRINTED NAME	ADDRESS	PHONE NUMBER	SIGNATURE
✓	1 FRANCES KOSTER	1012 WESTLAKE DR	704-934-2081	[Signature]
✓	2 MARLENE K. FERGUSON	1009 WESTLAKE DR	704-400-5605	[Signature]
✓	3 JASON WISE	1039 WESTLAKE DR	704-791-8199	[Signature]
✓	4 JASON MYERS	1045 WESTLAKE DR	704-756-4624	[Signature]
✓	5 IAN ROWELL	1316 TOWNSGATE CT.	704/507-2957	[Signature]
✓	6 TAD ADAMI	1018 WESTLAKE	704-938-9878	[Signature]
✓	7 VETERIA LUM	1064 WESTLAKE DR	704-293-3504	[Signature]
✓	8 ALEECE HALL	1100 WESTLAKE DR	704-745-8404	[Signature]
✓	9 KYLE D. FETTS	1147 WESTLAKE DR	704-677-3389	[Signature]
✓	10 SARAH B. FLEISCH	1050 WESTLAKE DR	704-795-7121	[Signature]
✓	11 CATHIN WILLIAMS	1135 WESTLAKE DR	704-763-2814	[Signature]
✓	12 DAWN GERG	1140 WESTLAKE DR	704-425-8685	[Signature]
✓	13 JON KADELA	1132 WESTLAKE DR	704-668-3912	[Signature]
✓	14 MARC CRINSON	1131 WESTLAKE DR	704-957-5644	[Signature]
✓	15 J. ZAMM SPRENGER	1115 WESTLAKE DR	614-565-1780	[Signature]
X	16 GREG GAN			
✓	17 J. BOB KADELA	1070 WESTLAKE DR	704-464-6816	[Signature]
X	18 CAROL SPALDING	1012 WESTLAKE DR	704-934-2081	[Signature]
✓	19 P. ESCHENBUCH	1150 WESTLAKE DR	704-933-9176	[Signature]
	20			
	21			
	22			
	23			
	24			
	25			

Return form to:

City of Kannapolis
Public Works Department
401 Laureate Way
Kannapolis, NC 28081
704-920-4202

37 total
need 25 to
need 28
Received 29

Count	Lot #	Name	Address	Signature
1	<u>27</u> & <u>28</u>	Marvin Ferguson & Bonnie Little ✓	1009 Westlake Dr xx	1 ✓
2	<u>29</u>	Bob & Jennifer Walker ✓	1019 Westlake Dr x	2 ✓
3	30	Dave & Kelly Yandow ✓	1027 Westlake Dr x	3 ✓
4	31	George & Dianne Sartiano ✓	1033 Westlake Dr x	4 ✓
5	32	Jason & Brittany Wise ✓	1039 Westlake Dr x	5 ✓
6	33	Tyler Myers & Jason Myers ✓	1045 Westlake Dr x	6 ✓
7	33A	Ronald Nisperly ✓	Lot 33A x	
8	34	Bob Rivenbark ✓	1055 Westlake Dr x	7 ✓
9	35	Jeffrey & Alice Moody ✓	1063 Westlake Dr x	8 ✓
10	36	Jill Roberts	1069 Westlake Dr	
11	37	Marc & Sondra Orinson ✓	1101 Westlake Dr x	9 ✓
12	38	Hector Marquez & Maria Penaloza	1107 Westlake Dr	
13	39	Suzanne & Michael Sprenger ✓	1115 Westlake Dr x	10 ✓
14	41	Robert & Janis Tucker	1127 Westlake Dr	
15	42	Jack & Caitlin Williams ✓	1135 Westlake Dr x	11 ✓
16	43	Gregory Gandee ✓	1141 Westlake Dr x	12 ✓
17	44	Ricky Felts & Kathy Gillon ✓	1147 Westlake Dr x	13 ✓
18	45	Paul & Carolyn Eschenbach ✓	1150 Westlake Dr x	14 ✓
19	46	John & Carole Shaw ✓	1146 Westlake Dr x	15 ✓
20	47	John Gerig & Dawn Bea-Gerig ✓	1140 Westlake Dr x	16 ✓
21	48	Jon & Jean Kadela ✓	1132 Westlake Dr x	17 ✓
22	49	Terry & Julie Young	1126 Westlake Dr	
23	<u>40</u> & <u>50</u>	Reginald & Judy Smith ✓	1118 Westlake Dr xx	18 ✓
24	51	Gale Powley	1106 Westlake Dr	
25	52	Gary (Chris) & Jennifer (Aleece) Hill ✓	1100 Westlake Dr x	19 ✓
26	53	Carlos & Farzaneh Sanchez ✓	1307 Townsgate Ct x	20 ✓
27	54	Randall & Deborah Auten	1311 Townsgate Ct	
28	55	Evander "Van" Rowell ✓	1316 Townsgate Ct x	21 ✓
29	56	Gary & Glenda Holman	1312 Townsgate Ct	
30	<u>57</u> & <u>58</u>	Robert & Linda Streble	1304 Townsgate Ct	
31	59	Jerome & Bonnie Kadela ✓	1070 Westlake Dr x	22 ✓
32	60	Earl, Joanne and Veleria Levy ✓	1064 Westlake Dr x	23 ✓
33	61	Bobby & Tammy Parker	1056 Westlake Dr	
34	62	Don & Sara Heiser ✓	1050 Westlake Dr x	24 ✓
35	63	Tony & Rhonda Harrington ✓	1042 Westlake Dr x	25 ✓
36	64	Todd & Patricia Adams ✓	1018 Westlake Dr x	26 ✓
37	<u>65</u> & <u>66</u>	Francis Koster & Carol Spalding ✓	1012 Westlake Dr xx	27 ✓

36 Addresses

27 Signatures Needed



ORDINANCE

BE IT ORDAINED that Section 10-121 of the Code of the City of Kannapolis is hereby amended by modifying Schedule 8 of the Traffic Control Schedule as follows:

Rescind the Following Speed Limits

<u>Speed Limit</u>	<u>Description</u>
35	Westlake Drive from Enochville Road to end of Westlake Drive in cul-de-sac.
35	Townsgate Court from Westlake Drive to end of Townsgate Court in cul-de-sac.

Declare the Following Speed Limits

<u>Speed Limit</u>	<u>Description</u>
25	Westlake Drive from Enochville Road to end of Westlake Drive in cul-de-sac.
25	Townsgate Court from Westlake Drive to end of Townsgate Court in cul-de-sac.

Adopted this 24th day of June 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Resolution to Accept Streets for Powell Bill
Allocations Fiscal Year 2019-2020

A. Action Requested by City Council

Motion to adopt the Resolution adding and/or deleting the following City Maintained Streets from the City of Kannapolis Street Maintenance System for Powell Bill Allocations Fiscal Year 2019-2020.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Below are the streets to be added and/or deleted from the Powell Bill System for Fiscal Year 2019-2020:

Additions of the Following City Maintained Paved Streets:

	Total Feet in Length
Glen Afton Blvd - from Kannapolis Parkway to End	230
Alabaster Drive - from Alabaster Drive to Topaz Plaza	491
Feldspar Drive - from Alabaster Drive to Travertine Trail	779
Limestone Court - from Tavertine Trail to End	276
Smokey Quartz Road - from Travertine Trail to End	412
Topaz Plaza - from End to End	1,718
Travertine Trail - from John Snow Drive to End	2,879
John Snow Drive - from John Snow Drive to End	590
Lefler Street - from South Ridge Avenue to End	232
Lombardi Street - from Clifton Street to Pleasant Avenue	1,491
Mason Street - from Westover Avenue to End	1,043
October Lane - from Mooresville Road to End	964
Ashby Street - from Locust Street to End	429

Deletion of the Following City Maintained Gravel Streets:

Lefler Street - from South Ridge Avenue to End	548
Lombardi Street - from Clifton Street to Pleasant Avenue	1,795
Mason Street - from Westover Avenue to Cox Avenue	910
October Lane - from Mooresville Road to End	1,056
Ashby Street - from Locust Street to End	574

Deletion of the following City Maintained Paved Streets:

Isenhour Road - from end of City Maintenance to terminus	423
--	-----

D. Fiscal Considerations

Additional Powell Bill funds should be adequate for maintenance.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Motion to adopt the Resolution adding and/or deleting the following City Maintained Streets from the City of Kannapolis Street Maintenance System for Powell Bill Allocations Fiscal Year 2019-2020 (Recommended)**
2. Take no action. If not accepted, no Powell Bill funding would be allocated for these streets
3. Table action to a future meeting

ATTACHMENTS:**File Name**

- ☐ Street_Acceptance_Resolution.pdf
- ☐ Powell_Map_2019.pdf
- ☐ Addition-Ashby.pdf
- ☐ Addition-Glen_Afton.pdf
- ☐ Addition-John_Snow.pdf
- ☐ Addition-Lefler.pdf
- ☐ Addition-Lombardi_Mason.pdf
- ☐ Addition-October.pdf
- ☐ Addition-Waterford.pdf
- ☐ Deletion-Ashby.pdf
- ☐ Deletion-Isenhour.pdf
- ☐ Deletion-Lefler.pdf
- ☐ Deletion-Lombardi_Mason.pdf
- ☐ Deletion-October.pdf

**RESOLUTION
CITY COUNCIL
CITY OF KANNAPOLIS**

RESOLVED, that the Public Street Schedule for the City of Kannapolis is hereby amended to add and delete the following streets to the Kannapolis Public Street System in order for eligibility of Powell Bill Allocations beginning for the Fiscal Year 2019-2020.

Addition of the following City Maintained Paved Streets:

Glen Afton Boulevard – from Kannapolis Parkway to end (230 feet)
Alabaster Drive – from Alabaster Drive to Topaz Plaza (491 feet)
Feldspar Drive – from Alabaster Drive to Travertine Trail (779 feet)
Limestone Court – from Travertine Trail to end (276 feet)
Smokey Quartz Road - from Travertine Trail to end (412 feet)
Topaz Plaza – from end to end (1,718 feet)
Travertine Trail – from end to Jim Johnson Road (2,879 feet)
John Snow Drive – from John Snow Drive to end (590 feet)
Lefler Street – from South Ridge Avenue to end (232 feet)
Lombardi Street – from Clifton Street to Pleasant Avenue (1,491 feet)
Mason Street – from Westover Avenue to end (1,043 feet)
October Lane – from Mooresville Road to end (964 feet)
Ashby Street – from Locust Street to end (429 feet)

Deletion of the following City Maintained Gravel Streets:

Lefler Street – from South Ridge Avenue to end (548 feet)
Lombardi Street – from Clifton Street to Pleasant Avenue (1,795 feet)
Mason Street – from Westover Avenue to Cox Avenue (910 feet)
October Lane – from Mooresville Road to end (1,056 feet)
Ashby Street – from Locust Street to end (574 feet)

Deletion of the following City Maintained Paved Streets:

Isenhour Road – from end of City Maintenance to terminus (423 feet)

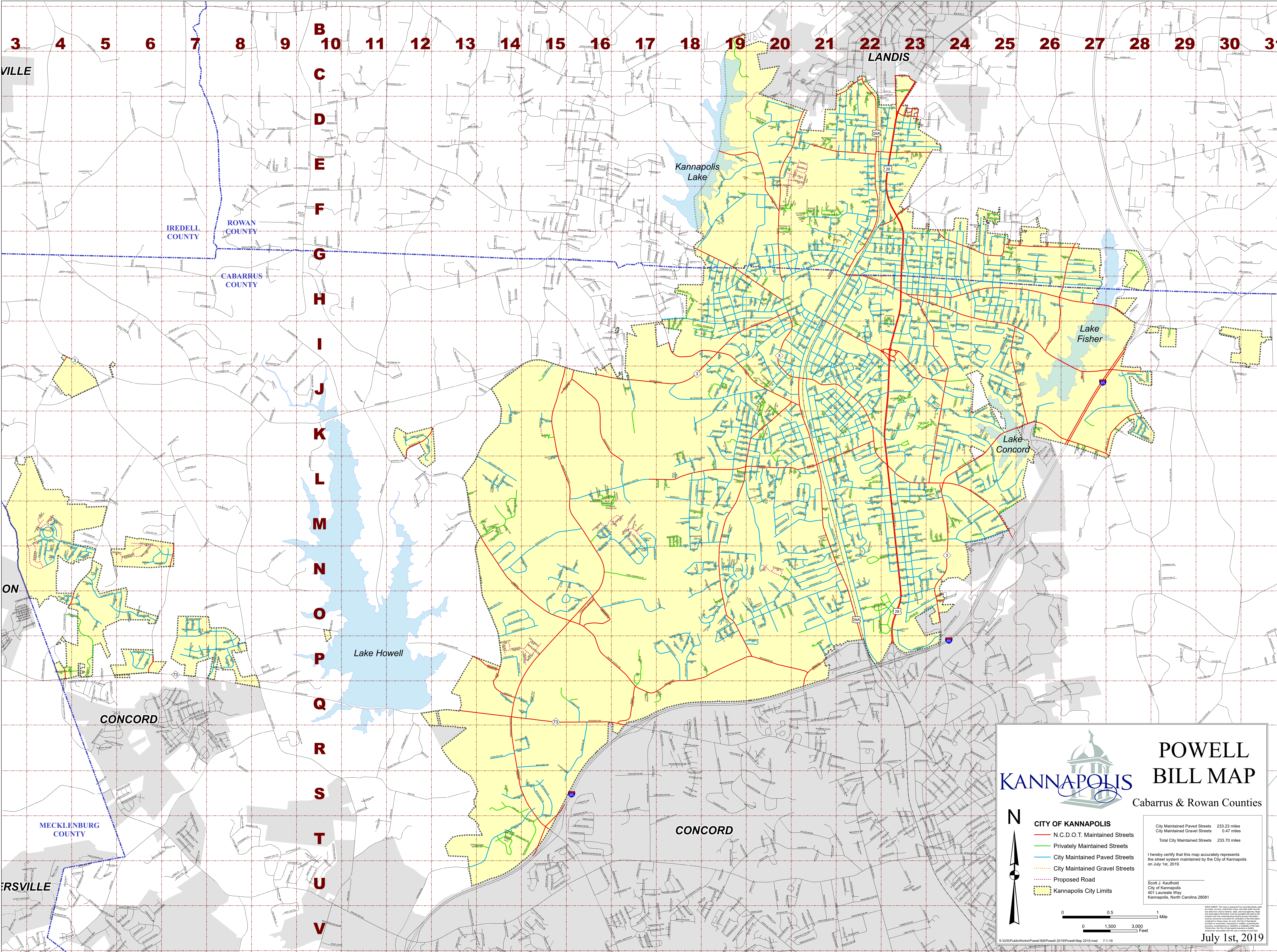
FURTHER RESOLVED, that this Resolution shall be effective from its date of adoption.


Adopted this 24th day of June 2019.

ATTEST

Milton D Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk





POWELL BILL MAP

Cabarrus & Rowan Counties

CITY OF KANNAPOLIS

- N.C.D.O.T. Maintained Streets
- Privately Maintained Streets
- City Maintained Paved Streets
- City Maintained Gravel Streets
- Proposed Road
- Kannapolis City Limits

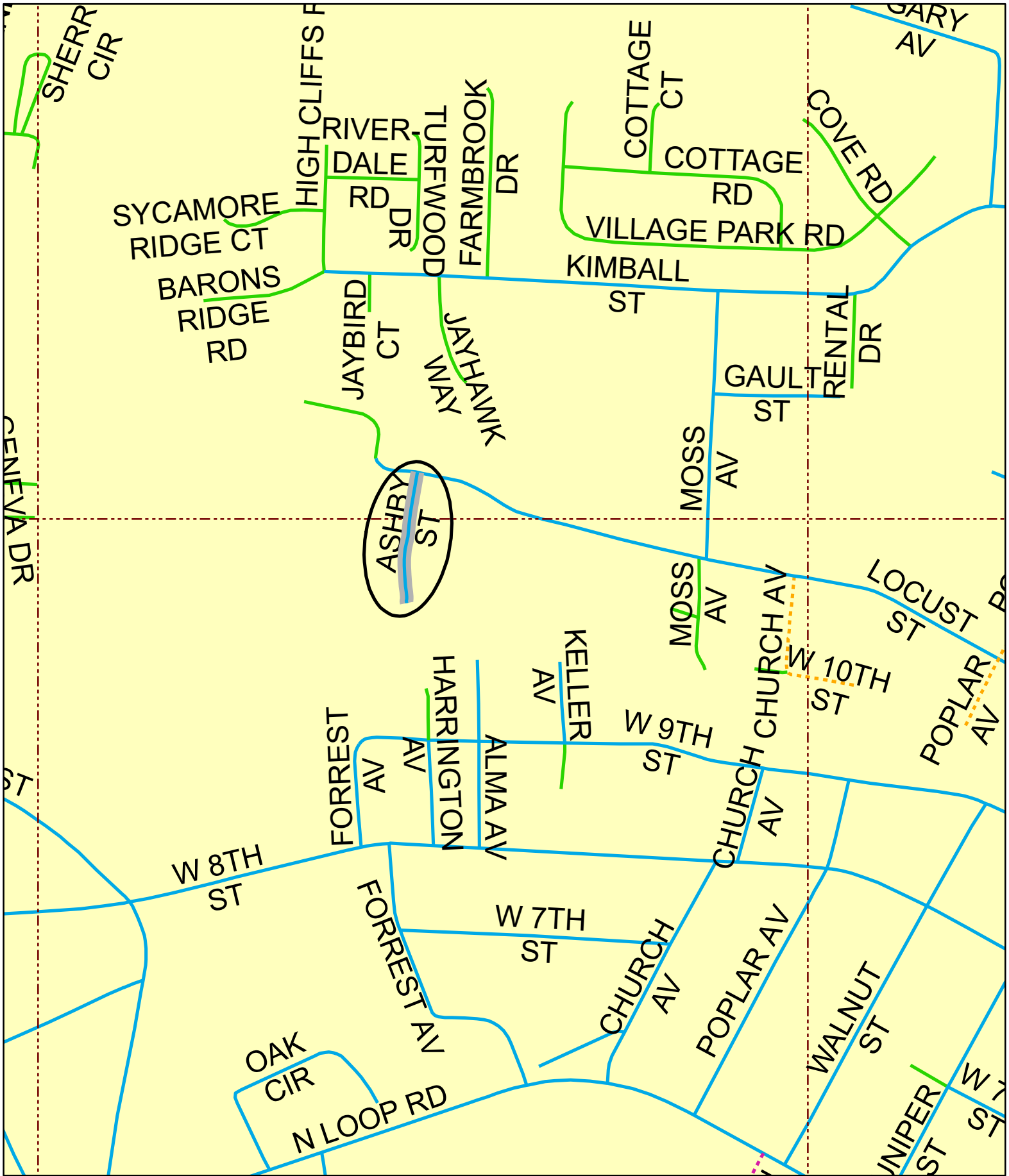
City Maintained Paved Streets 233.23 miles
City Maintained Gravel Streets 0.47 miles
Total City Maintained Streets 233.70 miles

I hereby certify that this map accurately represents the street system maintained by the City of Kannapolis on July 1st, 2019.

Scott J. Kaufhold
City of Kannapolis
401 Laureate Way
Kannapolis, North Carolina 28081

0 0.5 1 Mile
0 1,500 3,000 Feet

July 1st, 2019



**ADDITION:
ASHBY STREET**

0 400 800 Feet

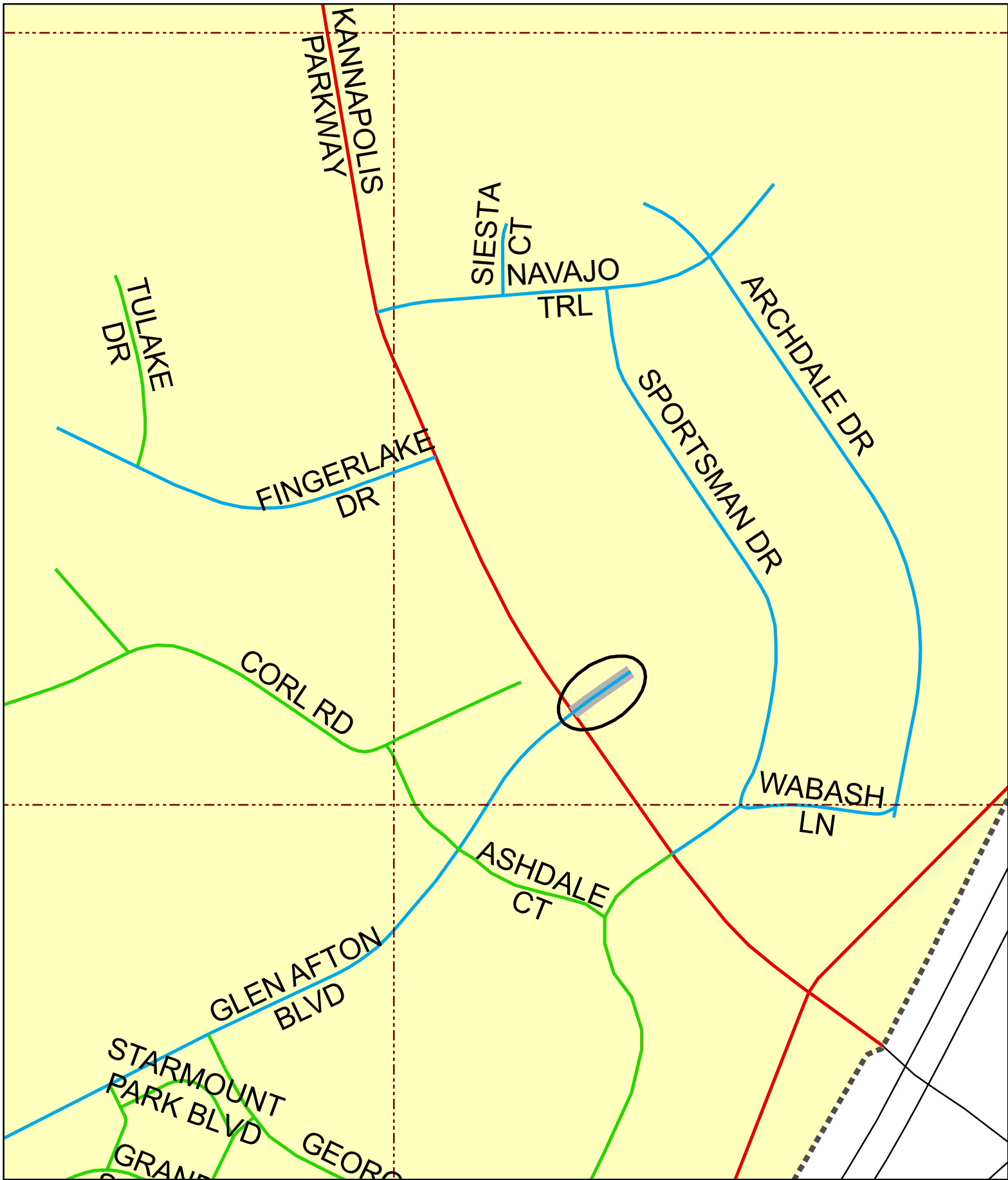
1 inch = 400 feet



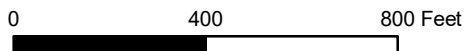
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**ADDITION:
GLEN AFTON BOULEVARD**



1 inch = 400 feet



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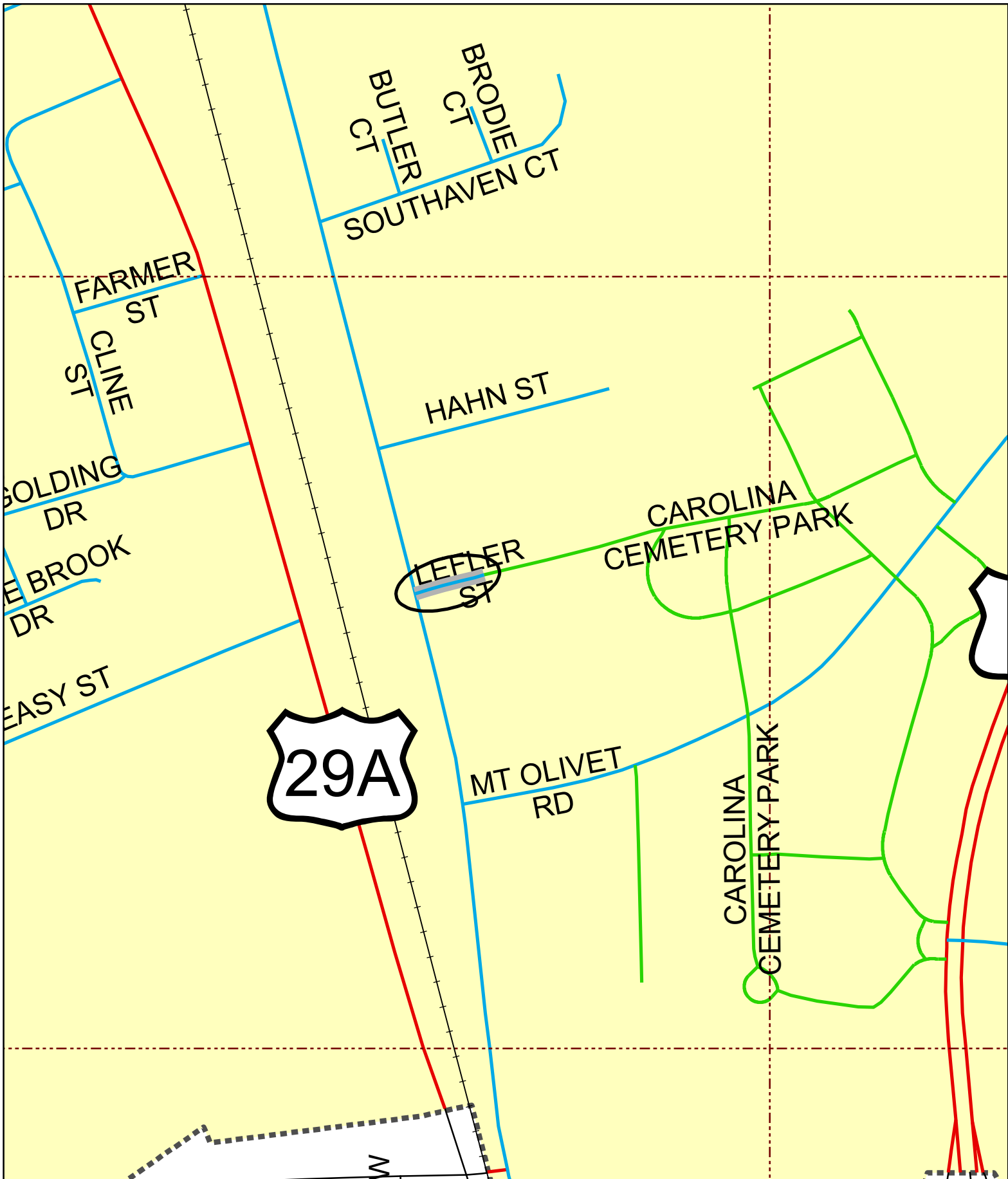




A horizontal scale bar with markings at 0, 300, and 600 Feet. The bar is divided into two segments: a black segment from 0 to 300 and a white segment from 300 to 600.

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**ADDITION:
LEFLER STREET**

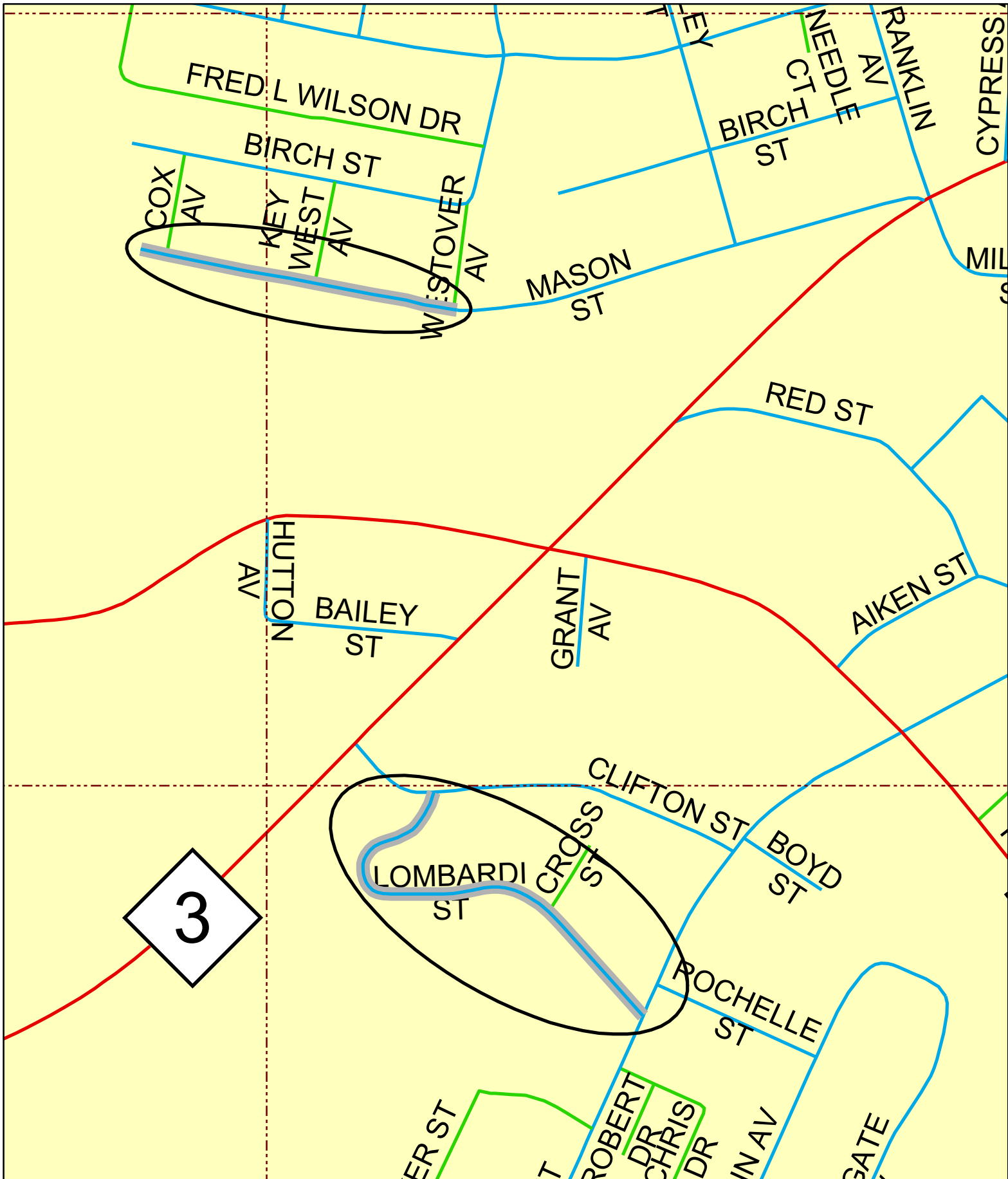
0 400 800 Feet

1 inch = 400 feet



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**ADDITION:
LOMBARDI STREET & MASON STREET**

0 400 800 Feet

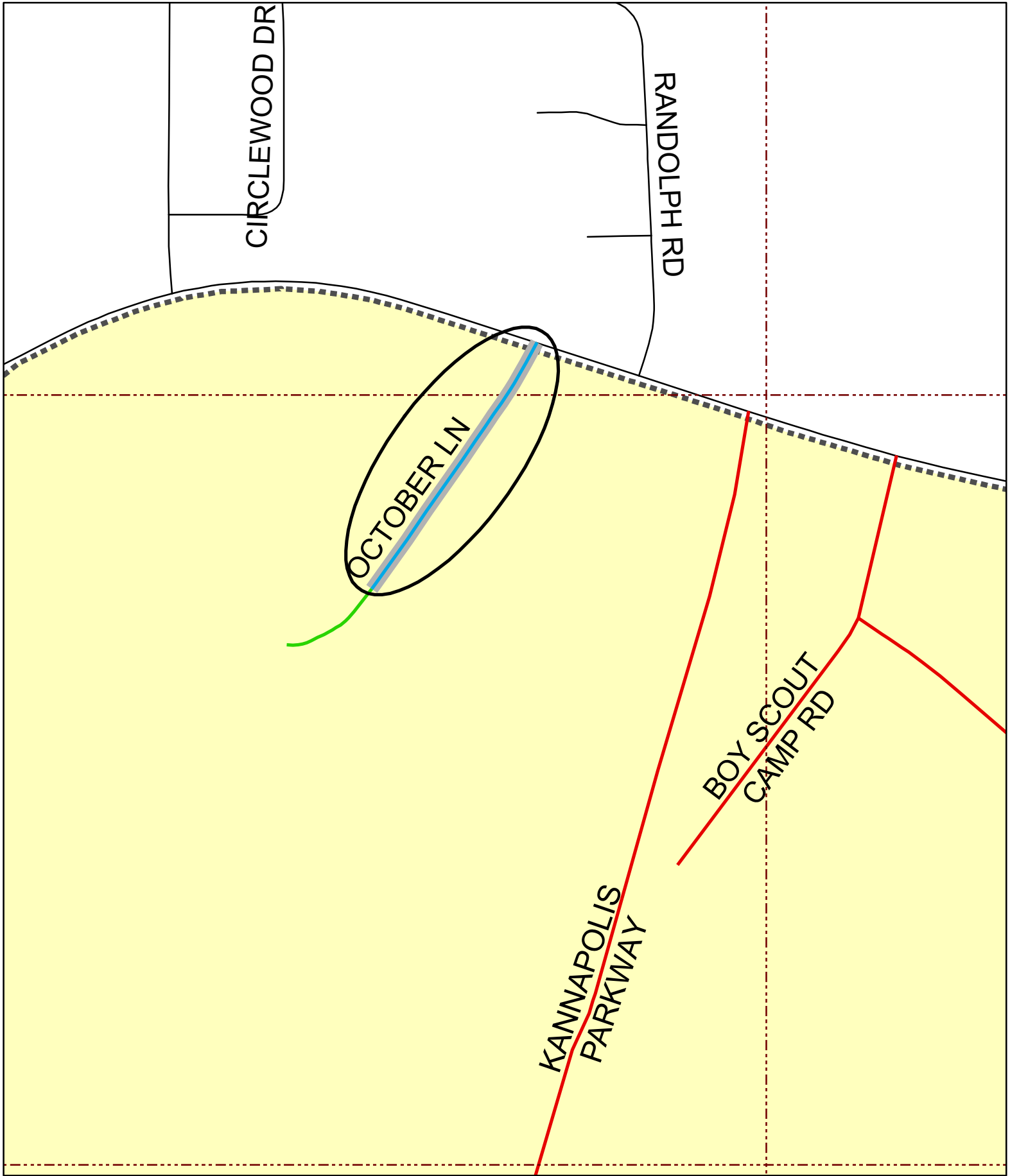


1 inch = 400 feet

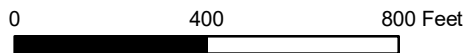


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**ADDITION:
OCTOBER LANE**

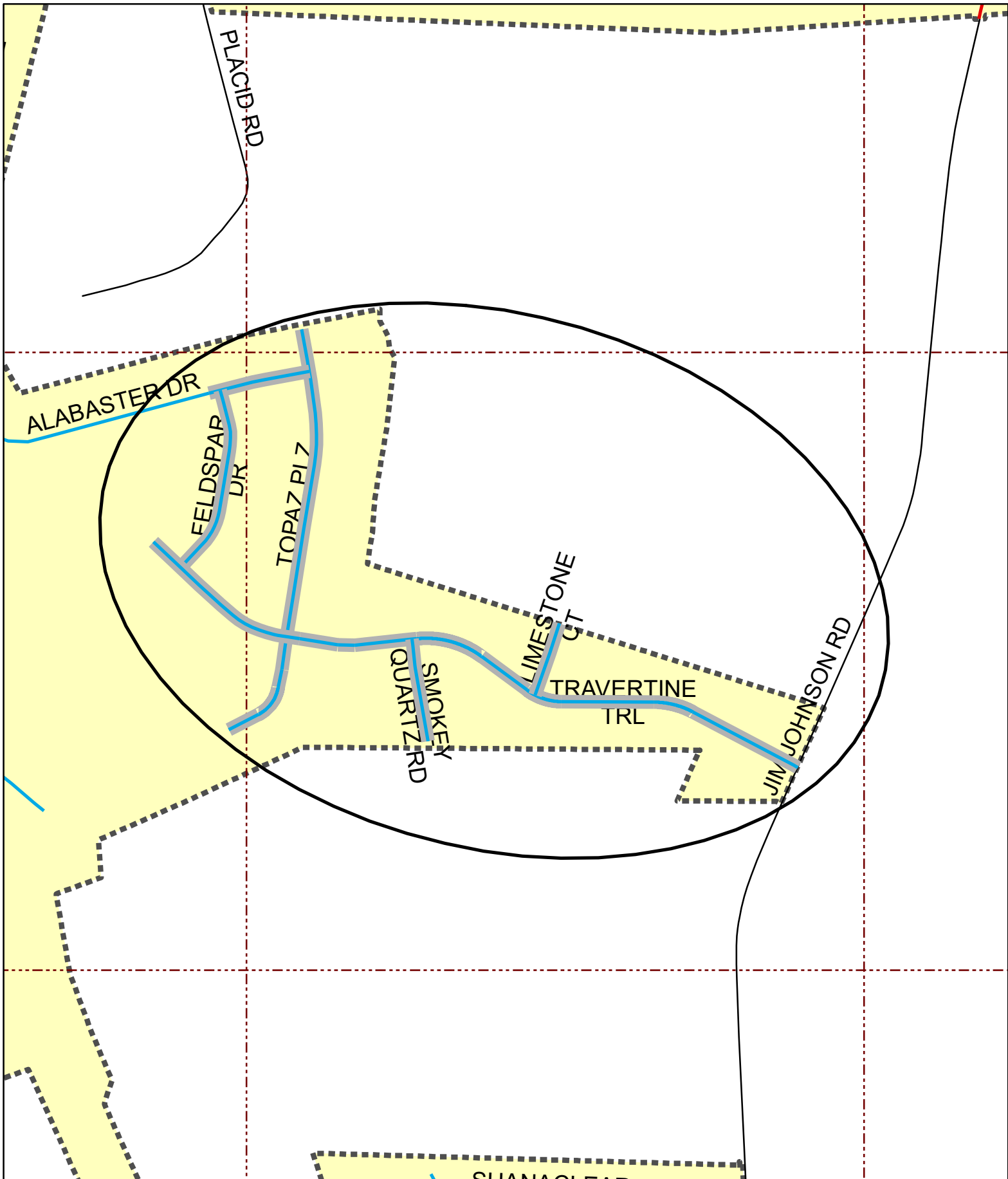


1 inch = 400 feet



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**ADDITION:
ALABASTER DRIVE, FELDSPAR DRIVE,
LIMESTONE COURT, SMOKEY QUARTZ ROAD,
TOPAZ PLAZA, & TRAVERTINE TRAIL**

0 500 1,000 Feet

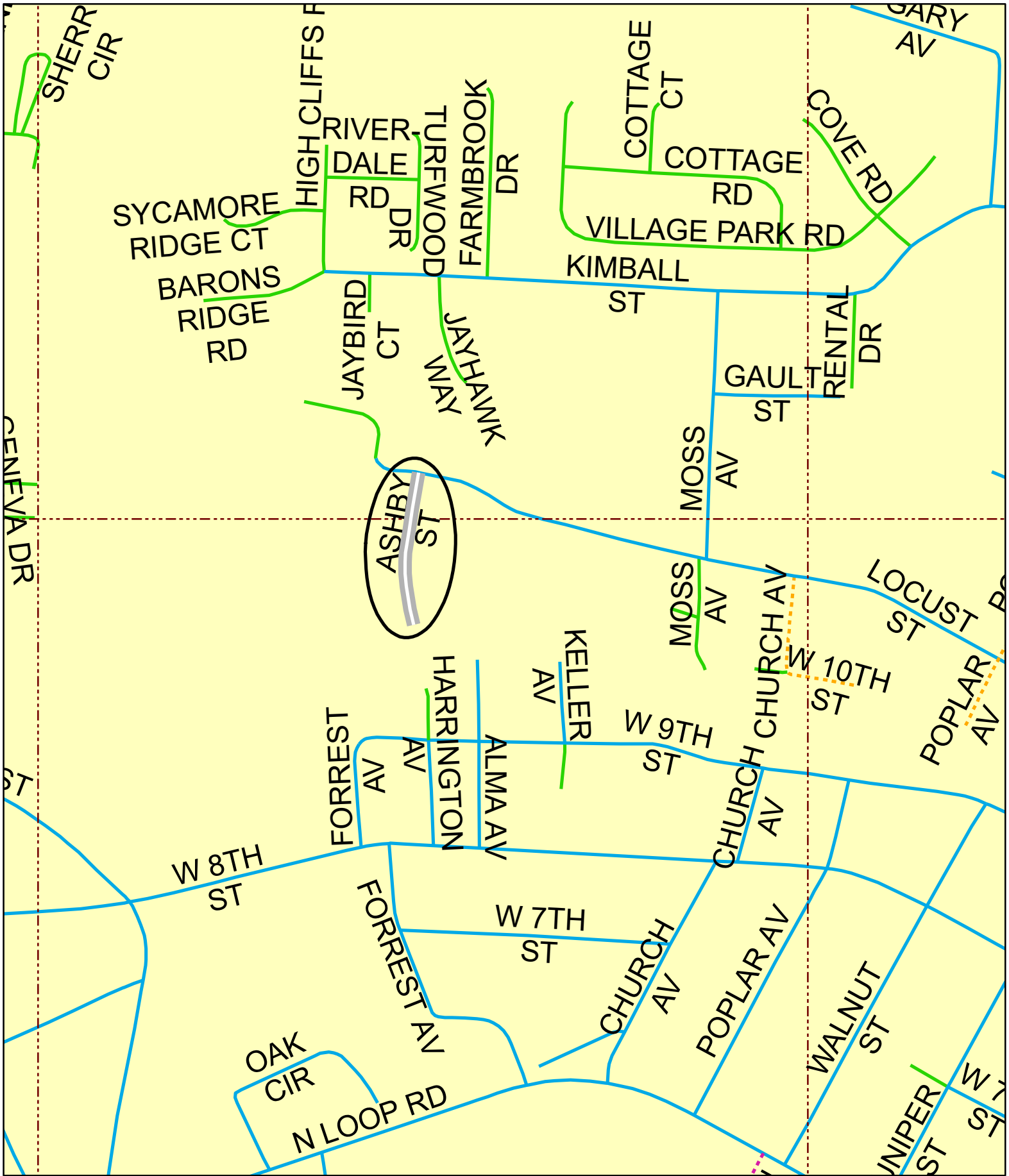
1 inch = 500 feet



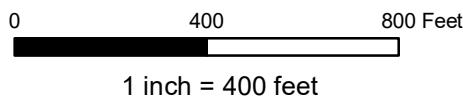
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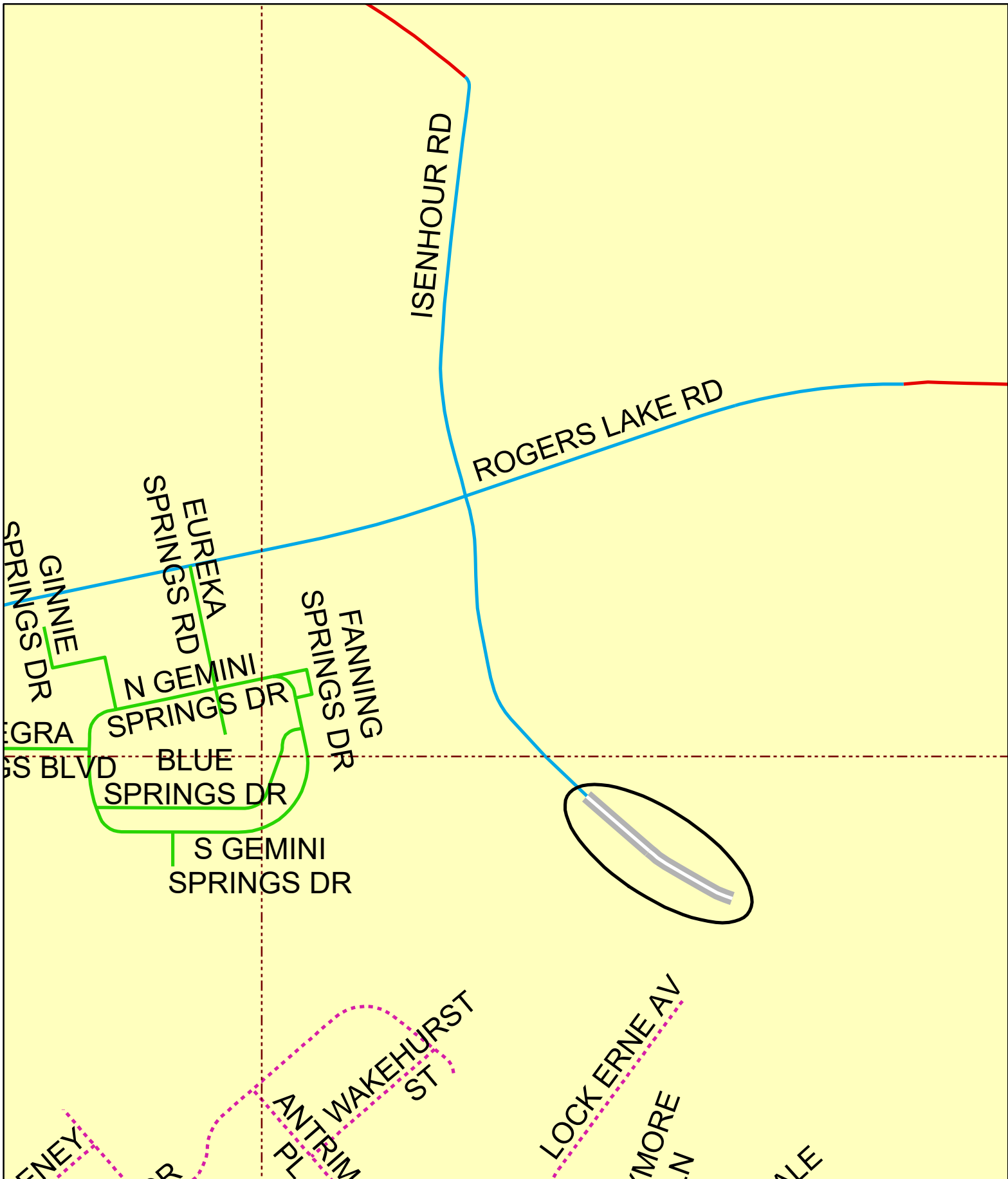


DELETION: ASHBY STREET



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DELETION: ISENHOUR ROAD

0 400 800 Feet

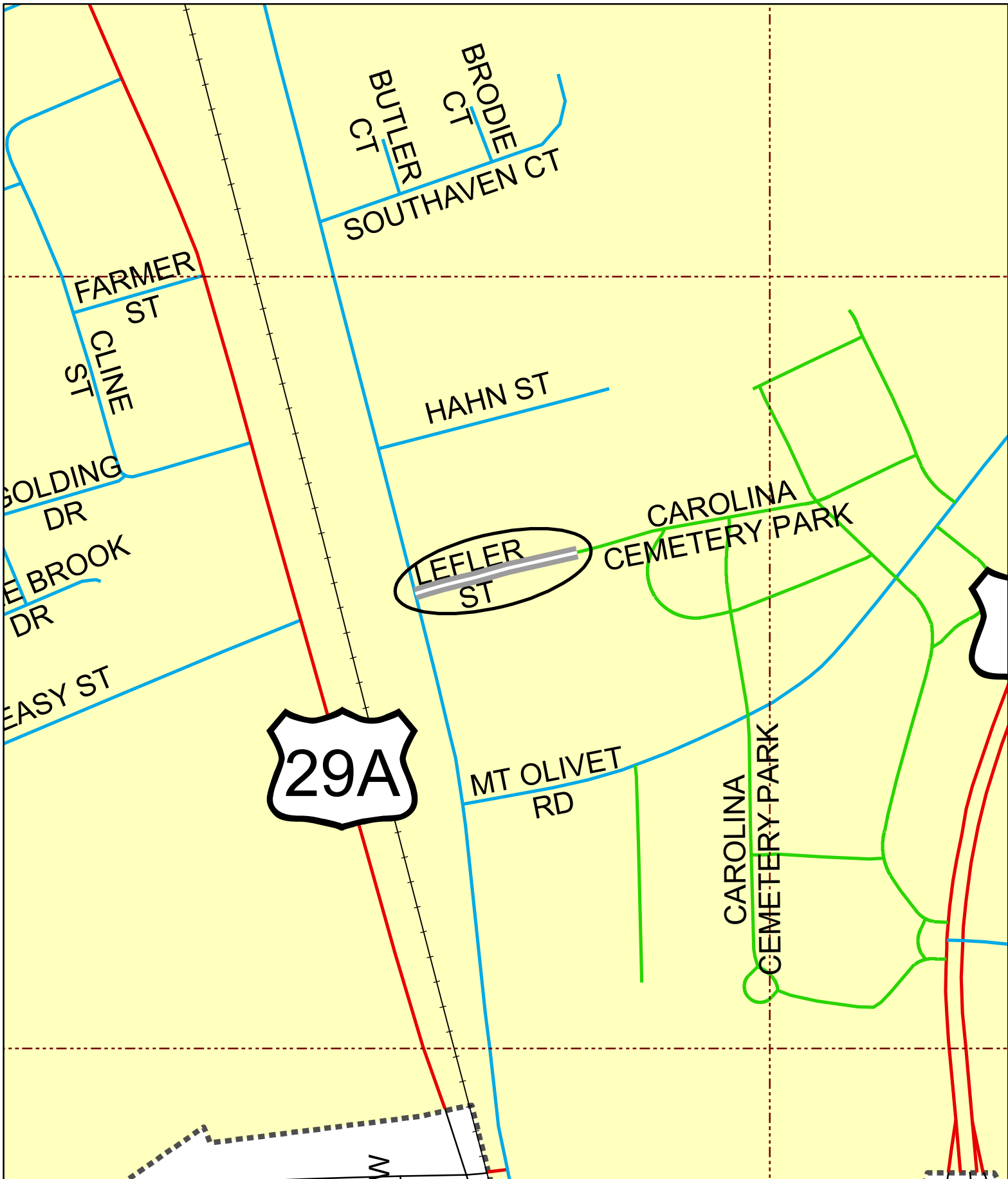
1 inch = 400 feet



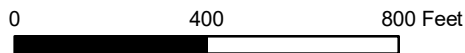
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**DELETION:
LEFLER STREET**

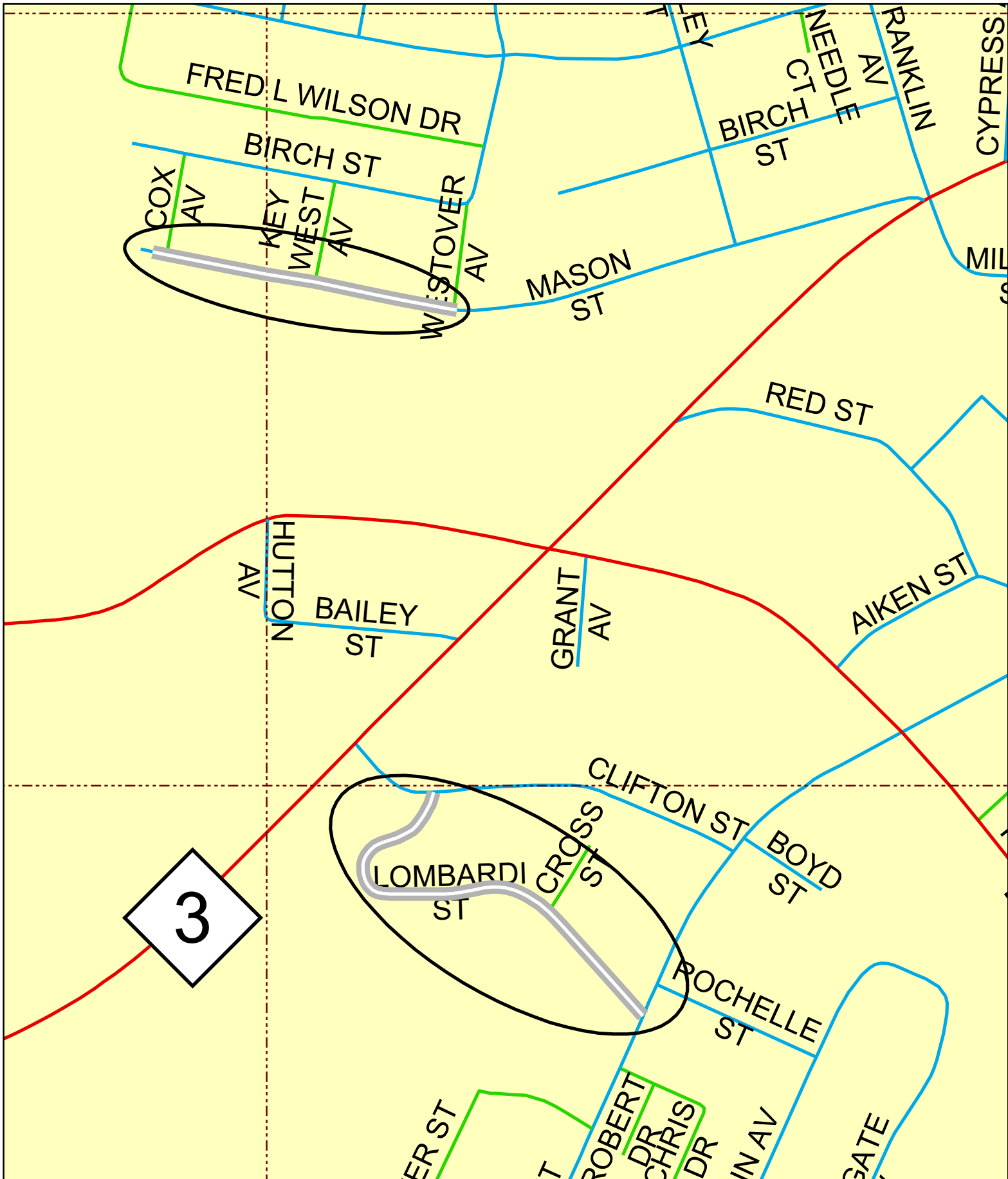


1 inch = 400 feet

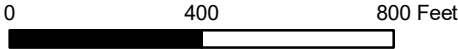


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**DELETION:
LOMBARDI STREET & MASON STREET**



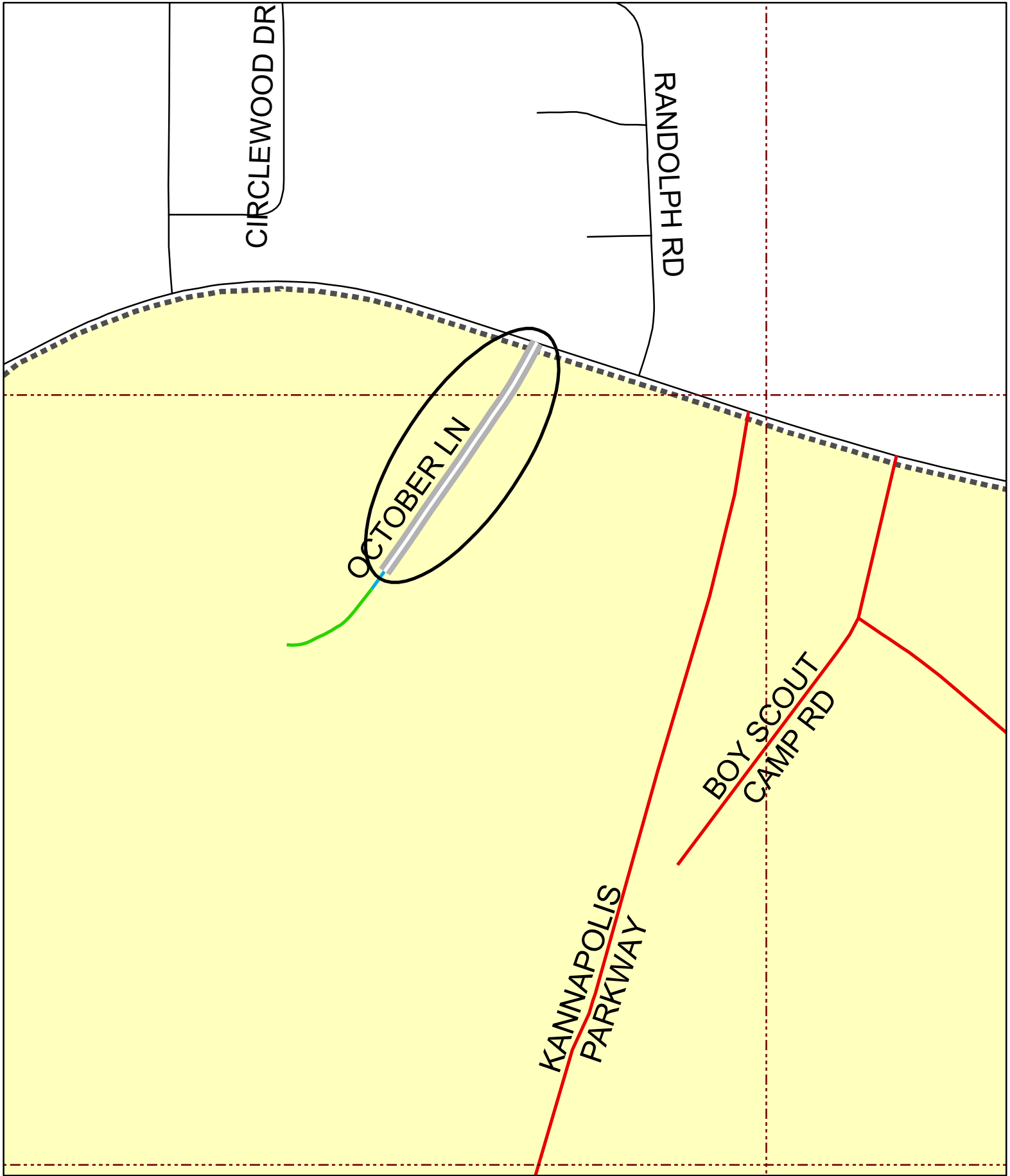
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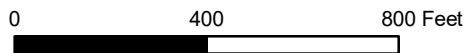
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**DELETION:
OCTOBER LANE**



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**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Solid Waste Collection Services Contract

A. Action Requested by City Council

Motion to approve the Solid Waste Collection Services Contract between Waste Management of the Carolinas, Inc. and the City of Kannapolis and authorize the City Manager to execute the Contract with any minor edits and/or modifications.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

On December 10, 2018 staff presented to City Council modifications to our Environmental Services right-sizing our solid waste, recycling, bulky, and white goods services to our citizens. In addition to service modifications, we added curbside collection of electronics waste (e-waste). At the direction of City Council, staff has negotiated with our existing service provider, Waste Management of the Carolinas, Inc., to provide our commercial solid waste, recycling, bulky, white goods and e-waste services.

The modifications to the Solid Waste Program is scheduled to begin July 1, 2019 and are as follows:

SERVICE	CURRENT	RECOMMENDED
Bulky Waste	Collected weekly roadside, no limit	Bi-weekly residential roadside collection, same day as recycling; limit of ten (10) yards monthly/five (5) yards bi-weekly
Recycling	Collected bi-weekly roadside	No change
E-Waste	Site-based drop-off Program at Public Works Operations Center	Bi-weekly residential roadside collection; same day as recycling
White Goods	Collected weekly roadside	Bi-weekly residential roadside collection; same day as recycling

D. Fiscal Considerations

The cost for Solid Waste, Recycling, Bulky, White Goods, and E-Waste is included in the FY 2019-2020 budget.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Approve the motion authorizing the City Manager to execute the Contract between Waste Management of the Carolinas, Inc. and the City of Kannapolis with any minor edits and/or modifications. (Recommended)**
2. Take no action.
3. Table item for a future meeting.

ATTACHMENTS:

File Name

- 📎 FINAL_Kannapolis_2019_Solid_Waste_Collection_Services_Contract.doc
- 📎 Kannapolis_Pricing_Schedule_2019_-_Attachment_B..pdf



CITY OF KANNAPOLIS, NORTH CAROLINA

**AMENDED AND RESTATED
SOLID WASTE COLLECTION SERVICES**

AGREEMENT BETWEEN

**THE CITY OF KANNAPOLIS AND
WASTE MANAGEMENT OF THE CAROLINAS, INC.**

JULY ____, 2019

SOLID WASTE COLLECTION SERVICES AGREEMENT

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	Additional Services
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	Contract Term
	Notice to Proceed
	Materials Furnished by the City/Contractor
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	Performance Bond
	Post Award Conference
	Confirmation of Collection Units
	Billing
	Compensation
	Small Dead Animal Pick-up
	Termination Clause
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	Missed Collections
	Cancellation of Orders and Sub-Contracts
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SECTION 11	CUSTOMER COMPLAINTS AND	
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	Complaint Receipt and Handling	
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SECTION 12	MISCELLANEOUS	
	General	

**LIST OF ATTACHMENTS WHICH ARE INCORPORATED
AS A PART OF THIS CONTRACT**

		PAGE
ATTACHMENT	A Service Area	. . . .
ATTACHMENT	B Cost of Services and Unit Prices	. . . .
ATTACHMENT	C City of Kannapolis Solid Waste Ordinance	. . . .
ATTACHMENT	D North Carolina General Statute 44A-33	. . . .
ATTACHMENT	E North Carolina General Statute 144-129	. . . .
ATTACHMENT	F City of Kannapolis/Cabarrus County Inter-local Agreement for Solid Waste Management	. . . .
ATTACHMENT	G Non-Discrimination Policy	. . . .
ATTACHMENT	H Traffic Control Guidelines	. . . .
ATTACHMENT	I Backdoor Service/Physical Disability Service Address List	. . . .
ATTACHMENT	J Commercial Account Spreadsheet	. . . .
ATTACHMENT	K Non-Residential Service Address List	. . . .
ATTACHMENT	L Kannapolis Dispute Resolution Policy	. . . .

**NORTH CAROLINA
COUNTY OF CABARRUS**

**AMENDED AND RESTATED
SOLID WASTE COLLECTION SERVICES AGREEMENT**

THIS SOLID WASTE COLLECTION SERVICES AGREEMENT is made and entered into this the ____ day of July 2019, by and between the City of Kannapolis, a North Carolina Municipal Corporation (hereinafter "City") and Waste Management of the Carolinas, Inc., (hereinafter "Contractor"). The parties hereto may be referred to herein collectively as the "Parties".

WITNESSETH:

WHEREAS, City and Contractor executed a Residential Solid Waste Services Agreement July 24, 2014 (the "Agreement") which incorporated by reference the City of Kannapolis Residential Solid Waste Collection Services including all Contract attachments, all of the above agreements and documents are referred to collectively as the "Existing Solid Waste Agreements"; and

WHEREAS, City and Contractor desire to execute this Agreement in conjunction with the Existing Solid Waste Agreements, which shall remain in full force and effect, except as otherwise provided in Section 12.16 hereinafter.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the premises contained herein, the parties agree as follows:

SECTION 1. PURPOSE

1.0 Statement of Purpose. The purpose and intent of this Agreement is to establish the terms, conditions and provisions for the solid waste, recycling, bulky and e-waste collection service provider, herein referred to as the "Contractor" to furnish labor, equipment, materials, tools, insurance, supervision and other items incidental thereto to perform work necessary to provide solid waste collection services including collection of residential and commercial solid waste, recyclable materials and bulky waste in the City of Kannapolis.

SECTION 2. DEFINITIONS

2.0 Definitions. The following words have the meaning shown for each unless context dictates otherwise:

ANNEXED AREA - any area that is added to the boundaries of the City of Kannapolis by any method of annexation during this Contract period.

ANNUAL CONTRACT SUM - the total annual proposal amount for all types of pickup (refuse and bulky waste), calculated (monthly) using the current number of Customers in the Service Area.

APPLIANCES see White Goods

ATTACHMENTS – any documents which are appended to this contract or incorporated by reference shall be deemed a part of this contract.

BACKDOOR SERVICE (special collections for qualified customers). Services provided for those individuals who are unable to place their solid waste and recyclables for collection in the usual manner due to severe physical disability or other qualified reason.

BULKY WASTE – additional bagged household items that will not fit into the 96-gallon cart, discarded furniture, white goods and other items too large for the rollout container.

CITY - the City of Kannapolis, North Carolina, or its authorized agent.

CITY MANAGER - the City Manager of the City of Kannapolis or his designee.

COLLECTION SCHEDULE - the days and times of collection authorized by the Director of Public Works or his designee.

CONTRACT (or “AGREEMENT”) - this Contract executed for the provision of solid waste, recyclable, bulky and e-waste collection and services in the Service Area.

CONTRACT TERM - the 60-month period from the Starting Date as set forth in the Notice to Proceed and includes two successive one-year terms under the conditions of this Agreement.

CONTRACTOR - the individual, firm, municipality, partnership, corporation, association or joint venture that will provide the services required by this Agreement.

CUSTOMER - the recipient of collection services, pursuant to this Agreement.

DESIGNATED COLLECTION AREA(S) - the geographic area at which the Contractor will provide collection and other services pursuant to this Agreement. Collection points will be at the curb and in the backdoor for Customers with Physical Disabilities. (For Solid Waste, Recyclables, Bulky and E-waste collection only).

DESIGNATED DISPOSAL FACILITY – the State permitted facility to which each material collected under the Contract must be delivered. The disposal facility for any or all of the materials collected may change to meet the need and contractual obligations of the City.

DESIGNATED NON-RESIDENTIAL LOCATION - a non-residential location in the Service Area that receives collection and other solid waste services from the Contractor.

DIRECTOR OF PUBLIC WORKS - the Director in charge of the administration of this Contract between the City and the Contractor.

DWELLING UNIT – one occupied free-standing single-family dwelling and each single-family dwelling unit located in a duplex, triplex, multiplex having less than six single-family dwellings, group home, townhouse, patio home, condominium, or cluster home. A Dwelling Unit shall be deemed occupied when either water or electric services are being provided to it.

ELECTRONIC WASTE (E-WASTE) – computer equipment, televisions, and residential consumer products that contain a circuit board. This category would include any printing device such as a printer, a scanner, a combination print/scanner/fax designed to produce hard paper

copies from a computer; stereo equipment, telephones, cell phones, and similar recyclable products. E-waste does not include electronics from an automobile, an appliance or a large piece of commercial or industrial equipment, such as commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display device that is contained within, and is not separate from the larger piece of equipment, or other medical devices as that term is defined under the federal Food, Drug, and Cosmetic Act.

HAZARDOUS WASTE – means waste, in any amount, which is defined, characterized, or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law; as well as all waste defined as “Hazardous Waste” in this Agreement. For the purposes of this Agreement, the term Hazardous Waste shall also include, but is not limited to, motor oil, gasoline, liquid paint, and aerosol paint cans.

HOT LOAD – means any vehicle carrying solid waste observed to be smoldering, smoking, on fire, giving off odors, or leaking a caustic or corrosive substance.

LITTERING – means allowing spilled or wind-blown materials to come from the vicinity of the Contractor’s truck hopper or to fall to the ground as the Roll-Out Carts are emptied.

MATERIALS RECOVERY FACILITY (MRF) - a processor of Recyclable Materials delivered by Collection Contractor.

MULTI-FAMILY RESIDENTIAL FACILITY – a community of six or more dwelling units constructed as one or more common units and designated as one tax parcel, such as an apartment building, public housing or mobile home park. Provided, however, duplexes, triplexes and multiplexes having less than six dwelling units, townhouses, patio homes and condominiums are not considered multi-family residential facilities.

NOTICE TO PROCEED - a written notice to the Contractor issued and signed by the City Manager or his authorized agent stating the date on which the Contractor is to begin work. The date set forth in the Notice to Proceed shall be considered as the official Starting Date and the Contract Term shall be computed from this date.

PAYMENT BOND - security furnished by the Contractor, which meets the requirements set forth herein, to ensure that the resources are available to pay all subcontractors and other accounts payable in connection with provision of collection services to the City.

PERFORMANCE BOND - security furnished by the Contractor, which meets the requirements set forth herein, to ensure faithful performance of each and every term, provision and condition of the Contract.

PHYSICAL DISABILITY – condition of an individual who is either physically unable to bring a Rollout Container to the Designated Collection Area or for whom the undertaking of such an act would clearly and seriously threaten that person's health.

RECYCLABLES OR RECYCLABLE MATERIALS - newsprint with inserts, brown, clear and green glass containers, aluminum beverage containers, steel cans, plastic bottles, corrugated cardboard, magazines, office papers, residential mixed paper (office paper, junk mail, catalogs and paper board such as cereal/food boxes) and other materials so designated by City and its Materials Recovery Facility.

RECYCLABLE ROLLOUT CONTAINER - a 96-gallon gray body with yellow lid, wheeled container provided by the City of Kannapolis for use by the Customers only for recyclable collection services under this Agreement

REFUSE - that portion of Residential Solid Waste that is discarded at the Designated Collection Areas or next to a Rollout Container and is defined further in Section 6 of this contract, but which is not yard waste, or other material specifically excluded from the definition of Solid Waste.

ROLLOUT CONTAINER - a 96-gallon gray body with black lid, wheeled container provided by the City of Kannapolis for use by the Customers only for refuse collection services under this Agreement.

SERVICE AREA - the area(s) of the City, including any annexed areas, within which services will be provided by the Contractor, during the term of the Contract and any extensions of the Contract Term, if granted.

SINGLE STREAM RECYCLING – process of recyclable materials collection from one container where all recyclable materials are placed without sorting the materials from the container to the collection vehicle to the disposal facility.

SOLID WASTE - garbage and trash such as that generated by normal household activity. Solid waste shall not include hazardous waste (as defined by the City Solid Waste Ordinance), discarded building materials, trees, brush and other material resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services, large quantities of sod, dirt and trash from land clearing, recyclable materials and other materials requiring special handling.

STARTING DATE - the first day on which services are provided by the Contractor as set forth in the Notice to Proceed.

UNIT – a Dwelling Unit, not including Multi-family Residential Facilities.

UNIT PRICE - the amount contract cost to provide Solid Waste, Recyclables, Bulky and E-Waste Services per Dwelling Unit.

WHITE GOODS (Appliances) - household appliances including, but not limited to, refrigerators, ranges, washing machines, clothes dryers, water heaters, dishwashers and other similar domestic large appliances. Commercial large appliances are not included in this definition.

VEHICLE LEAKS AND SPILLS – means leaks consisting of a constant drip of fluids or fluid spills that leave visible puddles or “staining” upon the pavement. These fluids can be any of the motor fluids, hydraulic fluids, or waste liquids from the compactor unit.

WORKING HOURS – the hours between 7 AM and 7 PM or as otherwise designated by the Director of Public Works.

SECTION 3. GENERAL PROVISIONS

3.1 Collection Services.

3.1.1 Same Day Collection. Collection will be conducted on the same day for each Unit and on five days per week (Monday through Friday, unless service is interrupted by a holiday, in which case collection service may be extended to Saturday of the same week). These services shall be provided to all Units within the Service Area. The Contractor shall also be responsible for providing other services detailed in the Project Special Provisions and other sections of this document, such as collection of bulky waste and special collection of materials on an hourly-rate basis. The Contractor shall perform the work in a competent, qualified, diligent and efficient manner.

3.2 Scope of Work.

3.2.1 Labor, Equipment, etc. The Contractor shall furnish all labor, equipment, materials, tools, insurance, supervision and all other items incidental thereto and perform all work necessary and specified in the prescribed manner and time to provide all residential Solid Waste, Recyclable, Bulky and E-Waste Collection Services in the Service Area of the City in accordance with the Contract. The specific scope of work for containerized collection of solid waste, recyclables, bulky waste, and e-waste collections is set forth in Sections 6, 7, 8, and 9 of this Contract in accordance with the City Solid Waste Ordinance.

3.3 Missed Collections.

3.3.1 Missed Collections. The Contractor will be required to respond within 24-hours following any substantiated complaint about curbside collection of Municipal Solid Waste, Recyclables, Bulky Waste, White Goods, and E-Waste including returning on the next working day. Response does not include pick-up of solid waste, recyclables bulky waste, white goods, and e-waste if it can be shown that the items were set out after the prescribed pick up time or if it can be proven that the wrong materials were set out and left but, other services were collected. Customer is to receive from the Contractor a written notification of improper setout of rollout container(s). The forms for notification are to be provided by the Contractor and approved by the City prior to printing for use.

3.4 Additional Services.

3.4.1 Services Outside Scope of Contract. The Contractor shall not provide any Customer with additional services, which are outside the scope of the Contract. The Contractor shall not charge any Customer for services provided by the City under the terms of the Contract. Likewise, the City shall not be responsible to the Contractor or the Customer for any additional services provided by the Contractor at the request of the Customer.

3.5 Description of Service Area.

3.5.1 Initial Service Area. City estimates that the number of residential Units to be initially serviced under the Contract is approximately 18,200 single family dwellings. The initial Service Area designated by the City is listed in Attachment A, Service Area. Provided, however, the City makes no representation as to the reliability of its estimate for Residential Units. These numbers are representative of existing residential solid waste collection counts. It is expected that the City will experience significant growth in the next 2-5 years and the number of collections is

expected to expand proportionally. The Service Area may also include commercial solid waste and recycling collection as provided in Section 9 hereinafter.

3.5.2 Annexation. The City has the right to add to the Service Area any areas annexed to the City. The Contractor shall provide the services required by this Agreement to all occupied residential units and designated non-residential units located in the Annexed Areas that are added to the Service Area during the contract term.

3.5.3 City Facilities. Solid waste collection shall include the City of Kannapolis City Hall and Police Headquarters, Public Works, Fire Departments, and City Parks. All schools within the Kannapolis City Limits – City and County shall also be included. A list of locations and addresses will be included in Attachment A.

3.6 Contract Term.

3.6.1 Initial and Extended Terms. The initial term of the Contract will be for five (5) years. City may at its sole discretion, extend this Contract for two successive one-year terms upon the same terms and conditions. The City shall give the Contractor written notice of its intention to extend the Contract a minimum of one hundred eighty (180) days before the expiration of the Contract.

3.7 Notice to Proceed.

3.7.1 Notice to Proceed. Upon issuance of a Notice to Proceed signed by the Director of Public Works, performance under this Agreement shall commence on July ____, 2019.

3.8 Materials Furnished by the City/Contractor.

3.8.1 Materials. The City provided containers that are damaged by the Contractor and/or its agents (with the exception of normal wear and tear) shall be repaired and/or replaced by the City and all associated costs deducted from that month's payment to the Contractor. Costs for repair may not exceed City cost for replacement on a unit price basis. The City is to send a spreadsheet on the 15th and at the end of month to Contractor listing the address and date damage was reported. The City will place the damaged carts in a designated area where the Contractor can visually review the carts and verify damages for reimbursement.

3.9 Payment Bond.

3.9.1 Payment Bond. Within fifteen (15) days after award by the City Council, the Contractor shall furnish to the City a bond with a corporate surety acceptable to the City in the amount equal to one hundred percent (100 %) of the Annual Contract Sum, which shall be to ensure that the resources are available to pay all subcontractors and other accounts payable in connection with provision of collection services to the City. The content and language of each and every term, condition and provision of the Contract shall be in the form outlined in North Carolina General Statute 143-129 and shall be approved by the City Attorney and the City's Division of Insurance and Risk Management. The Contractor shall pay all premiums chargeable for the bond. The bond shall be valid and non-cancelable for the period of the contract and shall be renewed annually upon contract renewal or extension.

3.10 Performance Bond.

3.10.1 Performance Bond. Within fifteen (15) days after award by the City Council, the Contractor shall furnish to the City a bond with a corporate surety acceptable to the City in the amount equal to one hundred percent (100 %) of the Annual Contract Sum, which shall be conditioned upon the faithful performance of each and every term, condition and provision of the Contract, shall be in the form outlined in North Carolina General Statute 143-129 and shall be approved by the City Attorney and the City's Division of Insurance and Risk Management. The Contractor shall pay all premiums chargeable for the bond. The bond shall be valid and non-cancelable for the period of the contract and shall be renewed annually upon contract renewal or extension.

3.11 Post-Award Conference.

3.11.1 Conference. The Director of Public Works will schedule a post-award conference after the award of the contract. The Contractor shall attend the conference along with the prospective job superintendent and any anticipated major subcontractors. A proposed implementation schedule shall be submitted to the Director of Public Works or his designee in a form satisfactory to the Director of Public Works. The contractor shall also provide at least two (2) local telephone numbers, which may be used to contact the Contractor or his authorized representative in the event of an emergency after normal business hours. Upon receipt of the documentation identified as required during that conference, a Notice to Proceed will be issued by the Director of Public Works or his designee.

3.12 Confirmation of Collection Units.

3.12.1 Confirmation. The parties agree that there are currently 18,200 Dwelling Units inclusive of 305 Backdoor Service Units. This will be the starting-point basis of billing by the Contractor. Subsequent changes in the number of Units, either through changes within the Service Area or annexation (if the City determines that Annexed Areas shall be added to the Service Area), shall be handled as provided in Section 3.13 and 3.14 hereafter.

3.13 Billing.

3.13.1 Billing. Billing shall be based on the current number of dwelling units at the end of the billing cycle. The Contractor shall bill the City in writing, by the 10th of each month, of the number of dwelling units serviced during that month. The Director of Public Works or his designee will notify the Contractor by the last business day of the current month the number of new services for that month and what the increase or decrease in the Contract amount is to be. This notification shall include the nature of any disagreement, the address of the unit in question, the type of service being provided and the date such service began or ended. The Contractor will submit an invoice for payment based on the corrected listing. Should the City dispute any portion of the payment request, it shall, within twenty (20) days, furnish a detailed itemized explanation of such objection, which cites its authority under the Contract to withhold such payments. Such disputed amounts shall be promptly submitted for settlement via the Dispute Resolution Procedures. All amounts not in dispute shall be paid within thirty (30) days following the date of receipt by the City of such payment request, subject to withholding as otherwise provided herein.

Original payment requests shall be sent to the City of Kannapolis Finance Department via e-mail at ap@kannapolisnc.gov.

3.14 Compensation

3.14.1 Formula for Determining Compensation. Compensation for collection service by contractors shall be calculated using the following formula:

Monthly Unit Price, curbside refuse collection X curbside refuse units in Service Area;

+ Monthly Unit Price, curbside recyclable materials collection X curbside recyclable material units in Service Area;

+ Monthly Unit Price, backdoor refuse collection X backdoor refuse units in Service Area;

+ Monthly Unit Price, bulky waste X total units in Service Area;

+ Monthly Unit Price, white goods X total units in Service Area,

+ Monthly Unit Price, electronics X total units in Service Area

= Monthly Contract Sum

Contractor shall provide cost of services and unit price for each collection service provided, pursuant to this contract as set forth in Attachment B.

3.14.2 Payment to the Contractor.

- a. Payment shall be based on the number of Units in the Service Area. The City shall deduct any assessments due from the payment owed the Contractor. The price paid shall be the sum of the unit price proposal for curbside Refuse collection times the number of curbside Units in the Service Area. Units added to the Service Area between the 1st and the 15th calendar days of the month will be invoiced at 100% of the current monthly rate. Units added to the Service Area between the 16th and 30th and/or 31st calendar days of the month will be invoiced at 50% of the current unit monthly rate.
- b. For any Units in an Annexed Area that are added to the Service Area, the unit price for curbside Refuse collection and bulky waste collection is the same as the unit price specified in the Contract. The rate for special services provided to these Units will also be the same as the Contract rate.
- c. The Contractor shall submit a monthly payment request to the City for services performed the previous month. The City shall pay the Contractor within (30) calendar days of receipt of a correct payment request by the Contractor.
- d. Payment requests shall be accompanied by (1) data supporting the payment request (*i.e.*, Unit count) as necessary to substantiate the Contractor's right to remittance of the amounts requested; (2) a certification from the Contractor that it has fully and properly performed all items of work covered by the payment request, that all insurance and bonds required hereunder are in full force and effect, that all subcontractors and suppliers have been paid from previous requests, and that it is not in default under any provision of the Contract.

- e. Should the City dispute any portion of the payment request, it shall, within twenty (20) calendar days of receipt of the payment request, furnish a detailed itemized explanation of such objections, which cites its authority under the Contract to withhold such payments. Such disputed amounts shall be promptly submitted for settlement via the Dispute Resolution Procedures. All amounts not in dispute shall be paid within thirty (30) calendar days following the date of receipt by the City of such payment request, subject to withholding as otherwise provided herein.
- f. Original payment requests shall be sent to the City of Kannapolis Finance Department via e-mail at ap@kannapolisnc.gov.

3.14.3 Payment of Disposal Fees. The City shall pay all disposal charges associated with the contract directly to the disposal facility. Billing and payment issues shall be between the City and the disposal facility. The Contractor shall submit actual disposal tickets to the City along with the Contractor's master vehicle list for the month and any authorized substitute vehicles. The Contractor shall submit disposal tickets no later than the 5th day of each month.

3.14.4 Modification of Rates. The Contract shall not be modified, altered, changed or amended in any respect unless in a written amendment signed by both parties hereto.

- a. Each year, ninety (90) days prior to the contract anniversary date, the Contract shall be reviewed, and the Contractor may receive a unit price increase up to a ceiling of 85 percent (.85) of any increase in the United States Department of Labor, Bureau of Statistics, Washington, D.C. Consumer Price Index (CPI) for Water, Sewer, and Trash CPI, Not Seasonally Adjusted, All Areas, as published by the United States Bureau of Labor Statistics, (the "C.P.I.") for the previous year. The CPI value shall not exceed three (3) percent. Any increase request in excess of 85% of CPI will be subject to the consent of the City Manager, or his designee who shall approve the payment increase in his sole, exclusive discretion and execute all documents related to such increase. The Contractor shall present documentation of an actual cost increase to the City to justify the payment increase request. The City Auditor may review the Contractor's supporting documentation and request additional information, as necessary to determine that the Contractor's overall costs related to the performance of the Contract
- b. The fees or compensation payable to the Contractor of the initial term of the Contract shall be adjusted upward or downward to reflect the percentage change in the cost of doing business, as measured by fluctuations in the Consumer Price Index (CPI), Water, Sewer, and Trash, Not Seasonally Adjusted, as published by the U.S. Department of Labor, Bureau of Labor Statistics for the preceding twelve (12) month contract period at 85% of CPI Index. The CPI Index shall not exceed three (3) percent.
- c. The Contractor may provide information to justify a request for an additional increase in the Service Unit Price to the Kannapolis Director of Public Works. The City Manager or his designees may approve the payment increase in his sole discretion and execute all documents related to such increase. The Contractor shall present documentation of an actual cost increase to the City to justify the increase request. In making his determination the City Manager or his designees shall consider increased fuel costs due to significant increases in wholesale fuel prices

and the Contractor provides evidence that wholesale prices have increased over base year service the City will consider that fuel increase while fuel is high but as fuel prices return to prior rates the City will expect charges to return to initial contract rate. Any increases will be temporary and for such a period as determined by the Director of Public Works.

3.15 Dead Animal Pickup.

3.15.1 Dead Animal Pickup. The Contractor shall provide dead animal pickup service on regular collection days from 7:00 AM to 4:30 PM. Should the Contractor fail to pick up dead animals reported on regular collection days, City forces shall make pickup and a financial penalty assessed in accordance with the Contract. This service is in addition to services provided under Section 3. The Contractor shall respond to requests originating only from the City to pick up and remove dead animals from or near the public right-of-way. Contractor shall respond to requests for dead animal pickups not later than the next regular collection day after receiving the request. The cost for this service shall be in accordance with the fee established for this service.

3.16 Termination.

3.16.1 Termination for Cause. The City may terminate the Contract with the contractor for any of the following reasons:

- a. The Contractor is adjudicated bankrupt, is subject to the appointment of a receiver and fails to have the receiver removed within sixty days, has any of its property attached and fails to remove such attachment within sixty (60) calendar days, becomes insolvent, or is unable to pay its debts as they become due;
- b. The Contractor fails to provide and maintain the Performance or Payment bond as required by the Contract; fails to obtain or maintain the insurance policies and endorsements as required by the Contract; or fails to provide the proof of insurance as required by the Contract;
- c. Within a 30-day period, the Contractor fails to cure in accordance with Section 3.18.2, 1% or more of the current number of households served (See Section 3.18);
- d. The Contractor fails to provide collection services, due to a strike or other event, and the City determines that the Contractor is unable to perform the services specified in the Contract; or
- e. The Contractor fails to fulfill or maintain in a timely and proper manner any other obligations, duties or provisions of or under the Contract and fails to cure such default within thirty (30) calendar days of the City's written notice to the Contractor of such default. If the default is not capable of cure within said thirty (30) calendar days, the Contractor shall provide written notice to the City together with a schedule of cure within fifteen (15) calendar days of the City's notice of default, shall begin action to cure the default within said thirty (30) calendar days, and shall diligently proceed to cure the default. The City may accept the Contractor's schedule of cure, may make a written demand that the Contractor cure the default

within a time period set by the City, or may terminate this Contract at the end of the thirty-day default period.

- f. In accordance with Section 5.3.4(f) the fifth (5th) occurrence of presenting material not collected as part of the Contract for disposal, or allowing such material to be disposed of, at a Designated Disposal Facility will be considered a default condition, not subject to cure.

3.17 Contractor's Equipment, Facilities and Records.

3.17.1 City Option in Event of Termination. In the event of termination of the Contract for breach, default or bankruptcy as specified above the City shall have the right should it choose to negotiate with the Contractor for possession of all equipment, and records relative to City of Kannapolis, in whole or in part, in the performance of the Contract. These measures are required in order to ensure the continued collection of solid waste and other materials in protection of the health and welfare of the City's residents. In the event that the Contractor's equipment is secured, City shall have the right to negotiate a lease arrangement with the security holder for the use of the equipment.

3.17.2 Option to Purchase. The City shall have the right at its option to purchase the Contractor's equipment and facilities at the fair market value thereof, at the time of termination.

3.17.3 Reasonable Rental Value. The City shall pay the Contractor the reasonable rental value of such equipment during the time the same are used by the City should the City elect not to purchase. Liability of the City to the Contractor during this period shall be that of a bailee for hire, ordinary wear and tear specifically exempt from such liability.

3.17.4 Negotiations of Value. Within twenty-one (21) days of taking control of said equipment, the City shall inform the Contractor of its intent to lease or buy said equipment and facilities. At that time, the City will initiate negotiations with the Contractor to determine the fair market price for such lease or purchase. Within forty-five (45) days of taking control of said equipment, the City will make an offer to the Contractor for lease or purchase and shall escrow the amount offered until negotiations are completed.

3.17.5 All Legal Rights Retained. Nothing herein shall prevent City from exercising any and all legal rights including the use of performance bond proceeds to hire a third party or provide services on a short term or long term basis, the use of the Contractor's equipment, and pursuing Contractor reimbursement of the City for any expenditures which result from the Contractor's default, including any and all attorney and professional fees that the City may incur.

3.17.6 Automatic Vehicle Location Device and System. Contractor shall install on all vehicles used in performance of this Agreement an automatic vehicle location device ("AVL") together with all systems, devices and software which will allow City to remotely track the location of all vehicles in use for the performance of collection services at no cost to the City.

3.18 Missed Collections.

3.18.1 Default Condition. Missed collections confirmed by the City are a default condition under the Contract. The City and Contractor will jointly investigate reports of missed collections. In the case of a Customer or Unit for which there are regular reports of missed collections, the Contractor may establish a record of late setouts by having drivers call the City to report the absence of a container set out as soon as the Unit is passed. The final determination of a late set-out/missed collection will be made by the City. If a missed collection is verified, the City will notify the Contractor of the date and area in which the missed collection occurred.

3.18.2 Cure Period. The Contractor will have a cure period from the time of notification by the City to pick up the missed collection if reported between 7:00 a.m. and 1:00 p.m., collection will occur that same day; otherwise, if reported after 1:00 p.m. collection will occur no later than the next morning before 12:00 p.m. The Contractor shall not be required to service an address where a complaint is reported to the Public Works Department later than the end of work on the day following the regular service day. Contractor shall provide the Director of Public Works with an on-call number and a specific employee(s) to address missed pick-ups.

3.18.3 Failure to Cure. If the Contractor fails to cure a missed collection within the guidelines provided in Section 3.18.2, the City has the right to:

- a. Fine the Contractor \$200 per occurrence for the first ten (10) occurrences within a 30-day period; fine the Contractor three hundred dollars (\$300) for each of the eleventh (11th) to the twentieth (20th) violations of Section 3.18.2 during a 30-day period; fine the Contractor five hundred dollars (\$500) for each of the twenty-first (21st) and each successive violation of Section 3.18.2 during a 30-day period and;
- b. Take any of the following actions, which are required in order to ensure the continued collection of solid waste and other materials in protection of the health and welfare of the City's residents:
- c. Pick up the missed collection and deduct any and all operating or contractual expenses incurred by the City from any money due or to become due the Contractor
- d. Employ such means, as it may deem advisable and appropriate to continue work until the matter is resolved and the Contractor is again able to carry out operations under the Contract. The City may deduct any and all operating expenses incurred by the City from any money due or to become due the Contractor. Should the City's cost of continuing the operation exceed the amount due the Contractor, the City may collect the amount due either from the Contractor or surety bond or both and also attach a lien on all real and personal properties of the Contractor.

e. The Contractor agrees that monetary damages are not an adequate remedy for the Contractor's failure to collect all the solid waste as required by the Contract, nor could monetary damages be the equivalent of the performance of such obligation and, accordingly, the Contractor hereby consents to legal proceedings seeking specific performance of such obligation of the Contractor in a court of competent jurisdiction within the State of North Carolina. Damage to collection carts caused by the negligence of the Contractor shall be reimbursed to City in accordance with subsection 5.3.4(d) herein.

3.19 Cancellation of Orders and Subcontracts.

3.19.1 Cancellation of the Contracts. Upon the effective date of termination as contained in the notice, the Contractor shall, unless the notice directs otherwise, immediately discontinue all service in connection with the Contract and shall proceed to cancel promptly all existing orders and subcontracts insofar as such orders or subcontracts are chargeable to the Contract. As soon as practicable after receipt of notice of termination, the Contractor shall submit a statement to the Director of Public Works showing in detail the services performed under the Contract to the date of termination. The City agrees to compensate the Contractor for that portion of the services actually performed under the Contract and not previously paid, net of any charges or deductions.

3.19.2 Authority to Terminate. The City Manager of the City of Kannapolis is authorized to issue a notice of intent to terminate the Contract on behalf of the City. However, final termination must be approved by the City Council of the City of Kannapolis. Any termination of the Contract shall not relieve the Contractor of the obligation to pay any fees, taxes or other charges then due to the City nor relieve the Contractor of the obligation to file any daily, weekly, monthly, or annual reports covering the period to termination nor relieve the Contractor from any claim for damages previously accrued or then accruing against the Contractor. Any violation of the Contract will be deemed a breach of the Contract and the City may terminate in accordance with the conditions set forth herein.

3.19.3 Mutual Termination. The Contract may be terminated at any time by mutual agreement of the parties.

3.20 Solid Waste Ordinance.

3.20.1 Solid Waste Laws Incorporated. In the performance of its duties, obligations, requirements and agreements under this Contract, Contractor shall comply with the City of Kannapolis Solid Waste Ordinance Chapter 7, Article II - Solid Waste Collection and Disposal, as amended; North Carolina General Statute 44A-33; North Carolina General Statute 144-129; copies of which are attached as Attachments C, D and E, respectively, which are:

3.21 Solid Waste Disposal Facilities Interlocal Agreement.

3.21.1 County Interlocal Agreement Incorporated. The City of Kannapolis/Cabarrus County Solid Waste Disposal Facilities Interlocal Agreement included as Attachment F and all amendments to such agreement signed by the City of Kannapolis and Cabarrus County is hereby incorporated into this Contract. The Contractor shall deliver or cause to be delivered all actual solid waste collected for the City to the designated solid waste disposal facilities or to solid waste disposal facilities licensed by or under contractual arrangements with the County as designated by

the County in accordance with the City of Kannapolis/Cabarrus County Solid Waste Disposal Facilities Interlocal Agreement and all amendments to the Agreements signed by the City of Kannapolis and Cabarrus County. The location of designated solid waste disposal facilities is referred to in Section F, Paragraph 10 “Designated Disposal Facilities.” Failure to comply with these requirements is subject to the remedies described under Section F, Paragraph 6 “Charges for Improper Disposal” which include termination.

SECTION 4 CONTRACTOR RESPONSIBILITIES.

4.1 Compliance with Laws and Ordinances.

4.1.1 Compliance. The Contractor shall comply with all applicable, local, state and federal ordinances, statutes, laws, rules and regulations governing the collection, transportation and disposal of solid waste, recyclables, bulky and e-waste. No plea of misunderstanding will be considered on account of ignorance thereof. The Contractor shall be in compliance with all applicable federal, state and/or local laws regarding employment practices. Such laws will include, but shall not be limited to workers' compensation, the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) and all OSHA regulations applicable to the work. In the event Contractors or Contractor discovers any provisions in the Contract documents, which are contrary to or inconsistent with any law, ordinance or regulation, they shall immediately report it in writing to the Director of Public Works.

4.2 Taxes.

4.2.1 Tax Payment. The Contractor shall pay all Federal, State and Local taxes and fees, which may be chargeable against the performance of the work. No additional compensation will be made to the Contractor for taxes or fees, except in the following situation: The Contractor may pass through to the City those new taxes and fees levied by the City Council specifically on garbage haulers after the receipt of bids.

4.3 Assignment.

4.3.1 Assignment. The obligations of the Contractor pursuant to the Contract are not to be transferred, subcontracted or assigned to any person or organization without the express written consent of the City. In the event of any such permitted assignment, the assignee shall comply with any conditions that the City may reasonably require for assignment of the Contract and shall accept such assignment and perform all work and other obligations of the Contractor as fully as if the Contract were originally made by the assignee. Any such assignment shall not relieve or excuse the Contractor from responsibility for performance to the City in the event the assignee does not fully perform all work and other obligations of the Contractor under the Contract.

4.4 Indemnity and Insurance.

4.4.1 Indemnity and Insurance. To the extent permitted by law, the Contractor shall indemnify and save harmless the City of Kannapolis its officers, agents, employees and assigns from and against all loss, cost, damages, expense and liability caused by an accident or other occurrence resulting in bodily injury, including death, sickness and disease to any person; or damage or destruction to property, real or personal; arising directly or indirectly from operations,

products or services rendered or purchased under the Contract; or violation of any Interlocal Agreement, state or federal rule, regulation or law, or any other provision of law regulating solid waste collection, hauling or disposal. To the extent such loss, cost damages, expense and liability are directly attributable to the negligent and/or willful misconduct of the City of Kannapolis its officers, agents and employees, the amount payable to the Contractor under the preceding sentence shall be proportionately reduced to reflect the comparative level of fault of the parties.

4.4.2 Damage. The Contractor shall be held responsible for any damage to customers' property, real or personal, which occurs by the Contractor or the Contractor's agent in the performance of the Contract. If the City, upon an independent investigation, finds that the Contractor has failed to completely reimburse the customer for the damaged property, the City may pay the customer any monetary amount it deems necessary to make the customer whole and deduct the same from the Contractor's monthly payment.

4.4.3 Insurance Requirements. The Contractor further agrees to purchase and maintain during the life of the Contract, with an insurance company rated not less than "A" by A.M. Best, acceptable to the City of Kannapolis, Division of Risk Management, and authorized to do business in the State of North Carolina, the following insurance:

- a. Automobile Liability. Bodily injury and property damage liability covering all owned, non-owned and hired automobiles for limits of not less than \$5,000,000 bodily injury each person, each accident and \$5,000,000 property damage, or \$5,000,000 combined single limit - bodily injury and property damage.
- b. Comprehensive General Liability. Bodily injury and property damage liability as shall protect the contractor and any subcontractor performing work under the Contract, from claims of bodily injury or property damage which arise from operations of the Contract whether such operations are performed by contractor, any subcontractor or anyone directly or indirectly employed by either. The amounts of each insurance shall not be less than \$5,000,000 bodily injury each occurrence/aggregate and \$5,000,000 property damage each occurrence/aggregate or \$5,000,000 bodily injury and property damage combined single limits each occurrence/aggregate. This insurance shall include coverage for products/completed operations, personal injury liability and contractual liability.
- c. Worker's Compensation and Employers Liability. Contractor shall meet the statutory requirements of the State of North Carolina.

4.4.4 Additional Insurance. The City of Kannapolis shall be named as an additional insured under the above liability policies for operations or services rendered under the Contract. The Contractor's insurance shall be primary of any self-funding and/or insurance otherwise carried by the City for all loss or damages arising from the Contractor's operations under the Contract.

4.4.5 Loss Caused by City. The Contractor shall not be liable for loss or damage caused by the City of Kannapolis, its employees, agents or assigns.

4.4.6 Certificate of Insurance. Certificates of such insurance with all required endorsements will be furnished to the City of Kannapolis and shall contain the provision that the City of Kannapolis will be given thirty (30) days written notice of any intent to amend or terminate by either the insured or the insuring company.

4.4.7 Self-Insurance. Should any or all of the required insurance coverages be self-funded/self-insured, a copy of the Certificate of Self Insurance or other documentation from the North Carolina Department of Insurance shall be furnished.

4.4.8 Subcontractor Insurance. The Contractor is advised that if any part of the work under the Contract is sublet, the subcontractor shall be required to meet all insurance requirements as listed above. However, this will in no way relieve the Contractor from meeting all insurance requirements or otherwise being responsible for the subcontractor.

4.4.9 No Commencement of Work Without Insurance. The Contractor shall not commence any work in connection with this Agreement until it has obtained all the required types of insurance and such insurance has been approved by the City. Nor shall the Contractor allow any subcontractor to commence work on its subcontract until all similar insurance required of the subcontractor has been obtained and approved.

4.4.10 No Liability for Deductible. The City shall be exempt from, and in no way liable for any sums of money, which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Contractor and/or subcontractor providing such insurance.

4.4.11 Hazardous Work. In case any class of employees engaged in hazardous work under the Contract at the site of the project is not protected under the Worker's Compensation Statute, the Contractor shall provide, and cause each Subcontractor to provide, adequate insurance satisfactory to the City, for protection of their employees not otherwise protected.

4.5. Equipment Storage.

4.5.1 Storage Areas. The Contractor shall be responsible for locating and providing storage areas for all collection equipment at no cost to the City. The equipment storage shall comply with all local and state ordinances throughout the Contract period.

4.6. Non-Discrimination Policy.

4.6.1 Non-Discrimination. The City of Kannapolis has a Policy Statement on Non-Discrimination in Service Activities which provides minorities and women equal opportunity to participate in all aspects of City contracting and purchasing programs, including but not limited to participation in procurement contracts for commodities and services as well as for contracts relating to construction, repair work, and/or leasing activities. It is further the policy of the City of Kannapolis to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, sex, religion or national origin and to conduct its contracting and purchasing programs so as to prevent such discrimination. The City of Kannapolis, in cooperation with other local, state and federal agencies, and with the assistance of minority groups and agencies, will actively seek and identify qualified minority and women business enterprises and offer them the opportunity to participate as providers of goods and services to the City. Included as Attachment G is the City's Policy Statement on Non-Discrimination.

4.6.2 Contractor Policy

- a. The Contractor agrees that it has adopted and will maintain and enforce a policy of nondiscrimination on the basis of race, color, religion, sex, age, national origin, or disability.
- b. The Contractor agrees that on written request, it will permit access during normal business hours to its records of employment, employment advertisements, application forms, and other pertinent data and records by the City, for the purpose of investigation to ascertain compliance with the nondiscrimination provisions of the Contract.
- c. The Contractor agrees that it will inform the City of any alleged violation(s) of employment practices which its employees file with the Equal Employment Opportunity Commission, Labor Department or any other federal or state compliance agency; also, the Contractor will inform the City of the final disposition of such cases.

4.7. Human Resource Provisions.

4.7.1 Character and Conduct of Employees:

- a. The Contractor's employees who normally and regularly come into direct contact with the public shall bear some means of individual identification such as uniform with name badges, name tags or identification cards.
- b. The Contractor shall assure that employees serve the public in a courteous, helpful and impartial manner. All employees of the Contractor in both field and office shall refrain from belligerent behavior and/or profanity, to the extent that such behavior negatively impacts the provision of service to Customers, and others with whom the Contractor and its employees come into contact, during the performance of the Contract. Correction of any such behavior and language shall be the responsibility of the Contractor.
- c. In the event a report is received alleging an employee(s) of the Contractor was wanton, discourteous, belligerent, profane or in any way intimidating, either physically or verbally, the Contractor shall submit a written report to the Director of Public Works the complete details of the incident. Said report shall include the nature of the incident, time, date and location, and name, address and telephone number of the person alleging the violation. The report shall also include the name and title of the employee and what disciplinary action, if any, was taken. If an employee of the Contractor is the subject of repeated or egregious allegations of the type described above, the City may request that the employee be barred from further work for the Contractor in connection with the Contract. Upon the City's request, the Contractor shall, within ten days, comply with the City's request for the duration of the Contract Time.
- d. Personnel shall make collection with as little noise and as little disturbance to the Customer as possible.

- e. No employee shall disturb or otherwise interfere with property that is impertinent to the proper execution of his duties.
- f. Care shall be taken to prevent damage to property, including shrubs, flowers and other plants.

4.7.2 Additional Contractor Liability. The Contractor shall be held responsible for any damage to Customers property, real or personal, which occurs by the Contractor or the Contractor's agent in the performance of the Contract. If the City, upon an independent investigation, finds that the Contractor has failed to completely reimburse the Customer for the damaged property, the City may pay the Customer any monetary amount it deems necessary to make the customer whole and deduct the same from the Contractor's monthly payment.

4.7.3 Drug-Free Workplace. The City of Kannapolis is a drug-free workplace employer. Contractor shall certify that it will provide a drug-free workplace during the performance of the contract. This requirement is met by:

- a. notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken for violations of such prohibition;
- b. establishing a drug-free awareness program to inform employees about (i) the dangers of drug abuse in the workplace, (ii) the contractor's policy of maintaining a drug-free workplace, (iii) any available drug counseling, rehabilitation, and employee assistance programs, and (iv) the penalties that may be imposed upon employees for drug abuse violations;
- c. notifying each employee that as a condition of employment, the employee will (i) abide by the terms of the prohibition outlines in (a) above, and (ii) notify the contractor of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction;
- d. notifying the City of Kannapolis within ten (10) days after receiving from an employee a notice of a criminal drug statute conviction or after otherwise receiving actual notice of such conviction;
- e. imposing a sanction on, or requiring the satisfactory participation in a drug counseling, rehabilitation or abuse program by an employee convicted of a drug crime;
- f. making a good faith effort to continue to maintain a drug-free workplace for employees; and
- g. requiring any party to which it subcontracts any portion of the work under the Contract to comply with the provisions of this subparagraph 4.7.4.

4.8 Approvals.

4.8.1 Consents and Approvals in Writing. Notwithstanding anything herein which may be to the contrary, all approvals or consents required or permitted pursuant to the Contract shall be in writing in order to be considered valid and effective.

4.9 Buy-Out-Clause.

4.9.1 Buy-Out. If in the event, the successful Contractor sells, transfers or relinquishes, whether voluntarily or by operation of law, its ownership interest in the corporation, partnership or proprietorship identified under this agreement shall terminate unless the City has granted prior written consent. Such consent shall not be unreasonably withheld. The successful Contractor shall promptly notify the City of any actual or proposed change in, transfer of or acquisition by another party of control of said corporation, partnership, or proprietorship. For purposes of this document, the word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. Any approval by the City of transfer or ownership or control shall be contingent upon the perspective controlling party becoming a signatory to the Contract and otherwise complying with all the terms and conditions herein. No sale, transfer, or acquisition by another party of control of said corporation, partnership, or proprietorship shall be approved unless the perspective controlling party submits a performance bond satisfactory to the City and in the amount specified under the Contract.

SECTION 5. ADMINISTRATIVE PROVISIONS

5.1 Collection Routes and Schedules.

5.1.1 Routes and Schedules. The Contractor shall submit detailed preliminary start-up route maps to the City of Kannapolis Director of Public Works no later than (20) working days prior to implementation of service and finalized route maps no later than sixty (60) days after the start of service. The Contractor shall supply a list of each service address with a designated route in Access or Excel. The Contractor shall submit to the City Public Works Department no later than sixty (60) days prior to implementation of service a detailed map identifying service day boundary lines (by street) in the Service Area. Any subsequent changes in the routing must be approved by the Director of Public Works twenty (20) workdays prior to implementation. All such changed routes must be documented in the same detail as the original maps supplied by the Contractor. In no event shall a change in a route or schedule result in a change of the scheduled day of service without the prior written approval of the Director of Public Works or designee.

5.2 Public Information.

5.2.1 Public Information. Notification of Customers in a timely manner about route and scheduling changes, as well as public education and community outreach programs, is the Contractor's sole responsibility. To ensure coordination of public information, all materials and information that will be disseminated to Customers must be pre-approved by the Director of Public Works before dissemination. It is the Contractor's responsibility to coordinate production and dissemination schedules to allow for reasonable review time by the Director of Public Works for revisions, and coordination of messages, as well as meeting City publication deadlines, as applicable. The public education program shall include information on recycling and waste reduction, in support of the City's, County's, and State's waste reduction programs and goals. The City of Kannapolis intends to take reasonable steps to make available to the Contractor its own

means of publicizing citywide routing and scheduling information, including the City's website, e-mail, Facebook, Twitter, newspaper advertisements, regularly scheduled public radio and television announcements. However, the primary means by which the City will notify customers will be via direct mail, hand delivery and Facebook announcements of change. The Contractor shall be required to pay a portion of the expense associated with those announcements, depending on the geographic area affected by the announcement, prorated by the number of units in its service area.

5.3 Service Administration.

5.3.1 Service Schedule. The Contractor shall provide regularly scheduled, once-per-week solid waste collection on the same day from the curb (or other Designated Collection Area) to each Unit within the Service Area. Recyclable, Bulky, White Goods, and Electronic collection service shall be every other week from the curb (or other Designated Collection Area) to each Unit within this Service Area.

5.3.2 Days of Collection. Scheduled days of collection are limited to Monday through Friday, with Saturdays reserved for making up collections missed because of scheduled holidays. No regularly scheduled collection shall be allowed on Sunday without the prior approval of the Director of Transportation. Collection of containerized refuse, recyclables and bulky waste shall be on the same day at each Unit in the Service Area.

5.3.3 Holidays. Holidays will be limited to Christmas Day and Thanksgiving Day unless the designated disposal facility site is closed on another Holiday. Collection will be suspended only on the observed holidays and routes will be run one day late – if Christmas Day is Friday the Friday routes shall be collected on Saturday. Since Thanksgiving Day is Thursday, the Thursday routes shall be collected on Friday and Friday routes collected on Saturday of that week. The observed holidays may or may not be the same as those designated by the City for City employees.

5.3.4 Offices and Equipment

a. Field Equipment. The Contractor(s) shall provide all equipment necessary for the effective collection and removal of Refuse and Bulky Items. Contractor agrees to provide office and maintenance facilities and to keep all equipment clean, neat in appearance, and in good repair for effective equipment maintenance services. Each vehicle shall have clearly visible on each side, the identity and telephone number of the Contractor and the identity of the City of Kannapolis. Contractor agrees to provide adequate back up equipment such that uninterrupted service shall be maintained at all times.

b. Office Equipment. The Contractor shall have available within their local office providing hardware, software and telecommunications equipment compatible with City hardware, software and telecommunications equipment in order to communicate electronically with the City. The Contractor shall be responsible for any and all costs and/or fees associated with the purchase, installation and maintenance of its hardware, software and/or telecommunications equipment. The Contractor shall ensure that all telecommunication and computer systems are functioning at least ten (10) working days prior to the start of service. The City will deduct charges from the Contractor's monthly invoice for all service calls made by the Contractor and/or the Contractor's representatives to the City's Information Technology Division.

c. Office & Maintenance Facility. The Contractor shall maintain an office and maintenance facility within twenty-five (25) miles of the City limits. The Contractor shall also maintain a local or toll-free telephone number and qualified attendants as may be necessary to receive or process complaints from the City or to receive instructions and directions from the City.

d. Care and Diligence. The Contractor shall exercise all reasonable care and diligence in collecting solid waste, recycling, bulky items, white goods, and e-waste. Every effort must be made to prevent spilling, scattering or dropping solid waste, recycling, bulky items, white goods, and e-waste during the collection process. However, in the event that solid waste, recycling, bulky items, white goods, and e-waste is spilled, scattered or dropped, the collector shall immediately clean up the material. Containers must be replaced in an upright position with container lids closed. If the container falls over or the lid is not closed while being serviced, the collector must immediately reset the container. The Contractor shall obey all applicable traffic laws of the State of North Carolina and the City. A description of specific restrictions within the Service Area is included as Attachment H. The Contractor acknowledges that collection easements are frequently co-located with other utility easements. Therefore, particular attention must be given to the location of water meters, mailboxes, transformers, wires, utility poles and irrigation structures. Authorization to use the easement does not abrogate the Contractor's responsibility to exercise caution in relationship to the property of other authorized users or owners. The Contractor shall be solely responsible for all property damage claims, rollout container damage claims and/or environmental cleanups resulting from the Contractor's vehicles, employees, actions or omissions. Contractor shall take reasonable care to prevent damage to rollout containers during collection. The City may deduct the cost of damage from any money due or to become due to the Contractor.

e. Collection Vehicles. The Contractor shall provide and maintain during the entire period of the Contract a fleet of solid waste collection vehicles sufficient in number and capacity to perform the work and render the service required by the Contract. The vehicles must contain the refuse, bulky waste and recyclables so that no material is spilled, leaked, or blown from the vehicle during its transit to the appropriate disposal site as specified by the City of Kannapolis. The fleet must be sufficient to handle the special requirements of adverse weather and holiday overloads. The Contractor may use new or used equipment so long as the equipment is capable of performing the required services in accordance with this Agreement. Collection equipment in this Agreement utilized to service the City of Kannapolis shall not be more than an average of five (5) years old upon commencement of this Agreement and shall not exceed ten (10) years of age throughout the Contract. In addition, all vehicles must be equipped with Air-Trak System and/or equivalent system.

(i) The Contractor's vehicles and other equipment must be fully automated, safe and serviceable. The vehicles must be clearly identified with the Contractor's name and local telephone number and with the City of Kannapolis logo and name. This identification shall be affixed to each vehicle and piece of equipment. The Contractor shall maintain all collection equipment in good repair at all times and free of excessive noise, odor, or emissions. All parts and systems of the collection equipment shall be operated and maintained properly.

Contractor shall take reasonable care to prevent damage to rollout containers during collection.

(ii) The Contractor shall supply the Director of Public Works with a daily master list of all equipment, including equipment identification numbers that shall be used in fulfilling the Contract and shall notify the City of additions or deletions as they occur. It is the City's intent to control the use of the Designated Disposal Facilities by ensuring that no materials from outside the Service Area are delivered to those Facilities. It is expressly forbidden for the Contractor to deliver any materials, even partial loads, not collected in performance of the Contract, to Designated Disposal Facilities and present them as materials collected as part of the Contract. The City therefore reserves the right to require the affixation of specific identification on Contractor vehicles and other vehicles used to perform services in the Contract. In addition, the City reserves the right to monitor the performance of the Contractor's duties, including the routes and collections made, Customer reports, trips to Designated Disposal Facilities and other destinations, the content of individual loads or portions of loads disposed of at Designated Disposal Facilities, and the Contractor's records at any time, in order to ensure the Contractor's compliance with the Contract.

(iii) Each vehicle used by or on behalf of the Contractor in the Service Area shall collect materials only from Units in the Service Area while in the performance of its duties under the Contract. In addition, each vehicle shall begin and end each working day empty, unless notification (via a telephone and/or fax) is given immediately to the City Manager of the exception.

f. Charges for Improper Disposal. Only those materials collected from Units within the Service Area will be allowed to be disposed of under the Contract, unless specially authorized by the City (such as removal of disaster debris). Presenting materials for disposal, or allowing materials to be disposed of, at a Designated Disposal Facility that are not collected in performance of the strictly defined tasks in the Contract is considered a default condition. The Contractor must physically remove the materials improperly disposed of within two (2) hours of notification by the City. For the first occurrence of presenting materials not collected as part of the Contract for disposal, or allowing them to be disposed of, at a Designated Disposal Facility, the Contractor will be charged \$5,000. For each subsequent occurrence, \$1,000 will be added to the charge (2nd occurrence: \$6,000, 3rd occurrence: \$7,000, etc.). The fifth occurrence will be considered a default condition, not subject to cure by removal of materials and payment of charges. Failure by the Contractor to physically remove materials within two (2) hours of notification by the City shall be counted and charged fees as a separate, additional occurrence of improper disposal.

g. Noise Ordinance Compliance. The Contractor agrees to comply with Chapter 11, Article II, Section 11-22 of the Kannapolis City Code.

h. Non-Residential Collections. The Contractor shall provide collection service to specifically Designated Non-Residential Locations. These may include but are not limited to fire stations or other public facilities or public buildings. A listing of these facilities is included as Attachment J. Each Designated Non-Residential Location shall be counted as one (1) Unit.

i. Time of Collection. The Contractor shall not start materials collection prior to 7:00 a.m. nor continue collections after 7:00 p.m. In an emergency, the Contractor may request authorization from the City Manager to work beyond 7:00 p.m.

j. Designated Disposal Facilities

(i) All solid waste and non-recyclable bulky items collected, as part of the Contract shall be delivered to:

Speedway Landfill (Republic Services)
5105 Morehead Road
Harrisburg, NC 28275
Phone: 704-393-6900
Hours: Monday through Friday 6:00 a.m. to 5:00 p.m.
Saturday 6:00 a.m. to 2:00 p.m.

Or:

Rowan County Landfill
789 Campbell Road
Woodleaf, NC 27054
Phone: 704-278-2211
Fax: 704-278-3771
Hours: Monday through Friday 7:30 a.m. to 4:00 p.m.
Saturday 8:00 a.m. to 2:00 p.m.

In the event of an emergency and the facilities above are unable to be used, the facility listed below may be used with the approval of the Public Works Director or Designee:

East Spencer Transfer
1000 N. Long Street
East Spencer, NC 28089
Phone: 704-212-6276
Hours: Monday through Friday 7:00 am to 4:30 pm

(ii) All Recyclables collected as part of the Contract, unless otherwise directed by the City's Director of Public Works or his designee to deliver to an alternate location, shall be delivered to:

Metrolina Recycling Center
1007 Amble Drive
Charlotte, NC 28206
Phone: 704-598-8595
Hours: Monday through Thursday 7:00 a.m. to 4:00 p.m.
Friday 7:00 a.m. to 4:30 p.m.

- (iii) All White Goods collected as part of the Contract shall be delivered to:

Cabarrus County Landfill
4441 Irish Potato Road
Concord, NC 28025
Phone: 704-920-2950
Hours: Monday through Friday 8:00 a.m. to 5:00 p.m.
Saturday 8:00 a.m. to 2:00 p.m.

- (iv) All Electronic Waste collected as part of the Contract shall be delivered to:

City of Kannapolis
Public Works Operations Center
1401 Bethpage Road
Kannapolis, NC 28081
Phone: 704-920-4200
Hours: Monday through Friday 7:00 a.m. to 4:00 p.m.

The Contractor shall observe the hours of operation of these facilities. The Designated Disposal Facilities may be changed in the City's sole discretion subject to reasonable adjustment of rates due to increased travel distance by Contractor.

k. Disposal. The Contractor shall be required to dispose of all such refuse collected at the designated solid waste disposal facility or landfill site. The City reserves the right to change or alter the disposal facility or landfill from time to time. Should the City change any Designated Disposal Facility to one in an area of greater distance than that previously designated and provided such new Designated Disposal Facility results in documented increased costs to the Contractor, the Contractor may request additional compensation from the City for its increased costs. Such argument for change in costs must be based on the increased distance (if any) from the Service Area and the Designated Disposal Facility, using the geographic center of the Service Area as a base point. Likewise, if the distance to the new disposal site is decreased, the City may negotiate a lower fee for collection. The Contractor shall submit a cost increase proposal in writing to the Public Works Director

l. Hauling. All refuse hauled by the Contractor shall be so contained, tied or enclosed that leaking, spilling or blowing is prevented. At no such time shall a vehicle be providing compaction while the vehicle is in motion. The Contractor shall be fully and solely responsible for any consequential cleanup.

m. Responsibility for Materials Collected. All actual refuse, recyclables, bulky and e-waste items collected under the Contract are the property of the Contractor. Upon placement of said materials collected in performance of the Contract into the Contractor's vehicle, transport of those materials to the Designated Disposal Facility becomes the sole and complete responsibility of the Contractor. The Contractor shall be responsible for safe transportation of all recyclable materials collected to the facility designated by the City of Kannapolis. Recyclable materials will be the property of the Materials Recovery Facility. Electronic Waste (E-Waste) materials will be the property of the City of Kannapolis.

The foregoing, however, shall not be construed to prejudice any rights the City may have to control the disposal of such refuse, including the designation of a disposal facility or the manner or type of refuse disposal. The foregoing, also, shall not be construed to prejudice any rights Contractor may have against any container customer who places in a container refuse other than nonhazardous solid waste, which is permitted to be collected in Contractor's vehicles, and disposed of in a nonhazardous solid waste sanitary landfill.

n. Work

(i) It is the Contractor's responsibility to supervise the work in progress and to provide direction to employees in the field. The City does, however, intend to monitor the Contractor's performance, through data tracking and analysis and through on-site contract monitoring and inspection. If the contract monitor records deficiencies, which must be corrected, the Contractor shall notify the City when these deficiencies have been corrected. The contract monitor will recheck the work to determine that it has been completed satisfactorily. If the City finds that the deficiencies previously noted were not corrected, a charge for the contract monitor's time and other associated costs for each inspection will be deducted from the Contractor's payment until all noted deficiencies have been corrected.

(ii) If the deficiencies have been corrected, no charge will be made. Repeat inspections will be made by the City until the work is determined by the City to be complete. The City shall have the right to inspect service areas to ensure quality work is being performed. While City employees may suggest possible solutions to problems or unusual situations, the Contractor retains the responsibility for collecting materials included in the Contract. Neither the contract monitor, nor any other City staff member, retains any liability for advice given during the performance of their duties. Contract monitor and City staff members' presence or actions in no way relieve the Contractor of liability and responsibility of any kind in connection with the Contract.

o. Service Deviation Plan. No later than ten (10) working days following execution of this Agreement, the Contractor shall submit an Emergency Plan to the Director of Public Works which shall detail those actions which the Contractor will take to deal with emergency situations such as extreme cold temperatures, snow/ice, fire, or natural disaster which would require a deviation from normal operating procedures. The Emergency Plan shall also include emergency phone numbers for the key Headquarters, and for key contact persons, such that a responsible contact person is available to the City at all times. The Emergency Plan must also include customer notification procedures.

p. Reporting Requirements. The Contractor shall be responsible for maintaining and submitting reports on a daily, monthly, and annual basis. The Contractor shall maintain and provide to the Director of Public Works, throughout the entire term of the agreement, a data base containing a complete file of service recipients coded by category to be determined by mutual agreement with the successful Contractor. The Contractor shall provide all reports via fax and/or electronic mail (e-mail) in a format approved by the Director of Public Works.

q. Monthly Reports

(i) Monthly reports shall be transmitted to the Director of Public Works or his designee(s) no later than the 10th Day of the month. Each monthly report shall consist of the following information for each collection service (refuse, recycling and bulky items):

- Vehicle identification number w/corresponding landfill permit number
- Prior month's unserved location(s), complaint resolution including time of resolution
- Daily landfill tickets
- Recycling load tickets from the designated disposal site
- Reports tracking the number of containers collected for recyclable materials

(ii) The formats and contents of the forms to this document shall be followed in all Contractor submittals to ensure that the City has parallel and comparable information on all collection areas, for preparation of citywide reports. The formats of additional reports, and software used in preparing them, shall be at the direction of the Director of Public Works.

(iii) The report shall include a cover letter that abstracts the report and highlights major accomplishments, problems, trends and other pertinent information during the preceding month.

5.4 Annual Report.

5.4.1 Annual Report. The Contractor shall submit to the City an annual report covering the immediate preceding Contract year. The report shall include the following information:

- a. A collated summary of the information contained in the weekly and monthly reports, including reconciliation of any and/or adjustments from prior reports.
- b. A discussion of highlights and other noteworthy experiences, along with measures to resolve problems, increase efficiency and increase participation.
- c. A description of all public information programs undertaken with audiences reached and media used.

5.4.2 Due Date. The report shall be due no later than thirty (30) calendar days after the twelfth month of each contract year.

5.4.3 Survival of Obligation. The obligation to submit an annual report shall survive the termination or expiration of the Contract. The Contractor shall submit an annual report for the final Contract year of this agreement no later than thirty (30) calendar days after the end of each year of the contract.

5.5 Penalties.

5.5.1 Withhold Payment. The City may withhold payment of balances due the Contractor until any report due under this Agreement is received by the City.

5.5.2 Contractor Cooperation. The Contractor shall cooperate fully with providing information relevant to reporting requirements. Failure to comply with reporting requirements shall constitute a major default and shall be subject to penalties or termination of the Contract.

5.5.3 Report Format. All reports shall be submitted in approved format to:

Director of Public Works or Designee
City of Kannapolis
401 Laureate Way
Kannapolis NC 28081

SECTION 6 CONTAINERIZED REFUSE COLLECTION

6.1 Scope of Work.

6.1.1 General. It is the purpose of this Contract to provide a framework for accomplishing the tasks which result in maintaining a sanitary environment for the residents of the City. This section addresses the collection of solid waste from the service area. The scope of work is to collect all Solid Waste properly placed out for collection within the service area as provided herein.

6.2 Materials to be Collected

6.2.1 Regular Collections. The Contractor shall collect all Solid Waste Recyclables in Rollout Containers properly placed on streets or easements as well as Bulky Waste and E-Waste properly placed on streets or easements.

6.2.2 Special Collections. Residents will on occasion place extra Solid Waste at the curbside for collection by the Contractor. This may be refuse placed for collection in bags or boxes, to the side of or in the vicinity of the Rollout Container. The Contractor must provide pickup of these items on the Customer's designated collection day. These collections will also be required in the following special situations: new Customers or Units, where Rollout Containers have not been delivered; the week following Christmas Day, and the week following Thanksgiving Day. The Contractor must be able to provide collection of additional small items on the Customer's designated collection day. In the event of an incorrect placement or overflow that is non-compliant with the City's Solid Waste Ordinance or volume does not comply with the standards of the Bulky Waste Collection, the Contractor shall provide a tag or other clearly explanatory printed notice to the Customer and notify the City within twelve (12) hours. Following notification by the Contractor, the City will investigate the matter and advise the Contractor of its decision and of any action that is required by the Contractor. If the City finds that the material set out did meet the City requirements, the Contractor will be notified by the City and must return and pick up the materials within 24-hours of notification. If the City finds that the material set out did not meet City requirements, the Contractor will not be required to return to the Unit until the next regularly scheduled pickup. If, at the next regularly scheduled pickup, the material set out meets the specification, the Contractor shall pick up the material.

6.2.3 Additional (Hourly) Collection and Disposal Services, Emergencies. The Contractor shall provide collection of waste or other materials on an hourly basis for work projects such as emergencies, festivals, disaster cleanups, pickups following neighborhood cleanups, etc. ("Additional Services") Specifically, such work will entail the Contractor providing a collection vehicle, driver and helper as well as all overhead and profit incidentals to collect and remove solid waste material and haul the material to a Designated Facility. Such work shall only be performed by the Contractor upon direction of the Public Works Director and is to provide for services beyond the normal scope of the contract. In the event of additional services, the Contractor shall make its equipment and human resources available to the City, at the request of the Public Works Director or his or her designee, at the hourly rate as shown in Attachment B.

6.2.4 Containers

a. Rollout Containers. The City will provide initially for each Unit one 96-gallon Rollout Container for Solid Waste Collection per household. A Unit resident may purchase one additional Rollout Container for Solid Waste Collection and will be required to pay for collection from the additional container. The Contractor will be provided a list of addresses of residents with second containers for billing purposes.

b. Normal Collections. Normal collection points for residential solid waste shall be curbside (adjacent to the roadway) accessible to mechanized solid waste collection equipment. Customers shall be notified by the Contractor, using materials pre-approved by the City Manager that: i) rollout Containers should be placed within two (2) feet of the curb with handles facing away from the street; ii) the container should be at least five (5) feet from trees, mailboxes, cars, other rollout containers, yard waste, and other obstructions; and iii) the collection vehicle should have clear access to the container.

c. Special Collections for Qualified. The Contractor shall continue backdoor services for those individuals who are unable to place their solid waste for collection in the usual manner due to severe physical disability or other qualified reason. A current list of such locations is included as Attachment I. New requests for backdoor service are to be forwarded to the Director of Public Works for investigation. If approved for this service, the City will notify the Contractor before the next regularly scheduled collection day. If at any time during the year the Contractor or the City has reason to believe the service is no longer required, the City shall conduct an investigation to determine whether the service is to be continued or discontinued. The Director of Public Works shall notify the Contractor of the result of the investigation. Rollout containers shall be carefully handled by the personnel and shall be thoroughly emptied and left at the premise where they are found, standing upright and with covers placed back on the rollout container. This work shall be done in a sanitary manner and any waste spilled by the Collector shall be immediately picked up by the Collector.

6.2.5 Collection Impediments. A number of collection impediments may require special effort to accomplish this level of service:

a. On-Street Parking. Certain neighborhood streets permit "on-street parking" which may present impediments to curbside collection services, especially automated services the Contractor shall notify the City of on-street parking problems but shall

perform collection services even if the curb is blocked. No additional fees shall be payable to the Contractor for services provided under these conditions.

b. Infrastructure Renovation/Streets Blocked by Construction. Periodically major renovation is necessary to maintain the infrastructure of the City. This includes such activities as replacing gas, water and sewer lines, surfacing or resurfacing streets, and replacing wiring for telephone, electricity, or cable television.

c. Prior Notification. If the Public Works Department is notified in advance of these activities, the Department will notify the Contractor. However, it is common for work to be initiated without prior notification. Alternate sanitation service must be provided during this period of disruption. The Contractor should evaluate each circumstance individually to determine the appropriate alternative. The Public Works Department shall be notified of the nature of the disruption, its location, and the alternative employed to provide service. No additional fees shall be payable to the Contractor for services provided under these conditions.

SECTION 7 BULKY WASTE COLLECTION

7.1 Scope of Work.

7.1.1 General. Contractor shall collect 5-yards every-other-week of bulky waste properly placed out for collection within the service area as provided herein for a total of 10-yards collected per month/per household.

7.1.2 Time and Place for Collection. On the same day as regular recycling collection the Contractor shall provide curbside collection of bulky waste and white goods. Service shall be provided to all customers in Units located within the service area, for the benefit of customers who are currently residing in the Units who have recently moved in and/or vacated Units. Specific regulations pertaining to the service are contained in the Kannapolis City Code, Chapter 7.

7.2 Unit Cost Disposal.

7.2.1 Unit Cost. The Contractor shall provide collection of bulky waste on the same day as regular Recycling Collection. Unit cost for bulky waste services are set out in Attachment B.

7.2.2 Disposal. Recyclable and non-recyclable bulky waste shall be delivered to designated disposal facilities, as specified in paragraph 5.3 herein.

SECTION 8 RESIDENTIAL RECYCLING COLLECTION

8.1 Scope of Work.

8.1.1 General. Contractor shall collect all recyclables properly placed out for collection within the service area as provided herein.

8.1.2 Recyclables. Contractor shall collect and remove all recyclables for each Dwelling Unit on an every-other-week basis (regardless of weather conditions, unless negotiated between the City and the Contractor for specific instances in which lives, and property would be endangered by collection) from all Dwelling Units. This includes only Units which receive City provided residential garbage service. Specific regulations pertaining to the service are contained in the Kannapolis City Code, Chapter 7.

8.1.3 Description. Recyclable materials to be collected will include but not necessarily be limited to: newsprint with inserts, brown, clear and green glass containers, aluminum beverage containers, steel cans, plastic bottles, corrugated cardboard, magazines, office papers, residential mixed paper (office papers, junk mail, catalogs and paperboard such as cereal/food boxes). See attachment for further description of recyclable materials.

8.2 Dwelling Unit Recycling.

8.2.1 Collection Schedule. Dwelling Unit curbside collection services will be provided on a day designated for collection schedule established by the Director of Public Works, including arrangements before and/or after holidays.

8.2.2 Rollout Containers. The City will provide one initial 96-gallon rollout container for recyclable collection, gray cart body with yellow lid.

8.2.3 Normal Collections. Normal collection points for residential recyclables shall be curbside (adjacent to the roadway) accessible to mechanized solid waste collection equipment. Customers shall be notified by the Contractor, using materials pre-approved by the City Manager that: i) rollout Containers should be placed within two (2) feet of the curb with handles facing away from the street; ii) the container should be at least five (5) feet from trees, mailboxes, cars, other rollout containers, yard waste, and other obstructions; and iii) the collection vehicle should have clear access to the container.

8.2.4 Special Collections for Qualified. The Contractor shall continue backdoor services for those individuals who are unable to place their recyclables for collection in the usual manner due to severe physical disability or other qualified reason. A current list of such locations is included as Attachment I. New requests for backdoor service are to be forwarded to the Director of Public Works for investigation. If approved for this service, the City will notify the Contractor before the next regularly scheduled collection day. If at any time during the year the Contractor or the City has reason to believe the service is no longer required, the City shall conduct an investigation to determine whether the service is to be continued or discontinued. The Director of Public Works shall notify the Contractor of the result of the investigation. Rollout containers shall be carefully handled by the personnel and shall be thoroughly emptied and left at requested designation noted as accessible by resident. This work shall be done in a sanitary manner and any waste spilled by the Contractor shall be immediately picked up by the Contractor.

8.3 Multi-family Recycling.

8.3.1 Collection Schedule. Multi-family recycling collection services shall be provided in accordance with the schedule established by the Director of Public Works including arrangements for collection before and/or after holidays.

8.3.2 Stationary Recycling Containers. Each multi-family residential facility will provide an exterior storage container.

8.3.3 Unit Cost. The unit cost for multi-family recycling is set out in Attachment B.

8.3.4 Disposal. Multi-family recyclables shall be delivered to a designated disposal facility as set out in paragraph 5.3 herein.

SECTION 9 VOLUNTARY COMMERCIAL SOLID WASTE AND RECYCLING COLLECTION

9.1 Scope of Work.

9.1.1 General. Subject to implementation by City Council and Notice to Proceed from the Director of Public Works, this Contract provides a framework for collection of Solid Waste and Recycling on a voluntary basis in the Service Area excluding bulky items, e-waste, yard waste and limb collection. A monthly fee will be charged by City for those services to residents and entities which elect the service. Commercial and Institutional Facilities are defined in Attachment C.

9.1.2 Collection Schedule. Collection shall be on the same day as regular solid waste collection and recyclables in the area. Collector shall provide curbside collection of Solid Waste and Recyclables in accordance with the schedule established by the Director of Public Works. Service shall be provided to all customers in the Service Area who elect this service. Solid Waste will be collected each week. Recyclables will be collected every other week.

9.1.3 Rollout Containers. Container options for commercial solid waste and recycling services shall be 96-gallon containers or 4-, 6- and 8-yard containers based upon the customer's needs as established by the Director of Public Works.

9.1.4 Normal Collections. Normal collection points for commercial recyclables shall be curbside (adjacent to the roadway) accessible to mechanized solid waste collection equipment. Customers shall be notified by the Contractor, using materials pre-approved by the City Manager that: i) rollout Containers should be placed within two (2) feet of the curb with handles facing away from the street; ii) the container should be at least five (5) feet from trees, mailboxes, cars, other rollout containers, yard waste, and other obstructions; and iii) the collection vehicle should have clear access to the container.

9.1.5 Unit Cost. The Unit Cost for Commercial Solid Waste and Recycling is set out in Attachment B.

9.1.6 Disposal. Commercial Solid Waste and Recyclables shall be delivered to designated disposal facilities as specified in paragraph 5.3 herein.

SECTION 10 ELECTRONIC WASTE (E-WASTE) COLLECTION

10.1 Scope of Work.

10.1.1 General. In accordance with the schedule established by the Director of Public Works including arrangements for collection before and/or after holidays. Contractor shall provide curbside electronics waste collection, which is composed of computer equipment, televisions, and residential consumer products that contain a circuit board. This category would include any printing device such as a printer, a scanner, a combination print/scanner/fax designed to produce hard paper copies from a computer; stereo equipment, telephones, cell phones, and similar recyclable products. E-waste does not include electronics from an automobile, an appliance or a large piece of commercial or industrial equipment, such as commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display device that is contained within, and is not separate from the larger piece of equipment, or other medical devices as that term is defined under the federal Food, Drug, and Cosmetic Act.

10.1.2 Collection Schedule. E-Waste shall be collected on the same day as regular household recycling.

10.2 Materials to be Collected. The Contractor shall furnish all labor, supervision, materials, permits, licenses, and equipment necessary to provide E-Waste collections for customers in Units within the Contract Area of the City of Kannapolis.

10.3 Place of Collection. Normal collection points for residential e-waste shall be at curbside (adjacent to the roadway) and shall be in accordance with the specific regulations pertaining to the service as contained in the Kannapolis City Code, Chapter 7.

10.4 Disposal of E-Waste. The Contractor shall take all e-waste collected to the Designated Disposal Facility as set out in paragraph 5.3.j(iv) herein.

SECTION 11 CUSTOMER COMPLAINTS AND NON-PERFORMANCE

11.1 Complaint Receipt and Handling.

11.1.1 Complaints. All Customer complaints will be initially directed to the City for handling. The Public Works Department will notify the Contractor of each complaint reported to the City in the Service Area. It shall be the duty of the Contractor to take whatever steps necessary to remedy the cause of the complaint and notify the Director of Public Works or his designee of its disposition within 24-hours after receipt of the complaint by the Contractor. The Public Works Department will provide to the Contractor information regarding the type and source of each complaint following its receipt by the City. The Contractor will not be required to respond to a reported missed service complaint when such complaint is received by the City later than 5:00 p.m. of the City business day following the regular service day. Contractor will provide City with a working, non-toll telephone number ("Complaint Contact Number") available for receiving calls or messages on a 24-hour basis for reporting missed service or other complaints. Contractor will notify City by 5:00 p.m. following the day of receipt of a complaint from City or a customer of the action Contractor has taken in resolution of it.

11.2 Damage Claims Notification & Resolution.

11.2.1 Damage Claims. The Contractor shall immediately notify the Director of Public Works or designee of any and all damage claims including hazardous material spills. Any and all damage claims shall be investigated within eight (8) working hours of notification by the City. The Contractor shall provide the Director of Public Works or designee a full explanation of the disposition of any complaint involving a customer's claim of damage to private property as the result of actions of the Contractor's employees, agents, or subcontractors prior to the customer's next regularly scheduled service day. Damage claims shall be resolved within sixty (60) calendar days after submission of a damage claim report to the City. If repairs are unable to be completed within this period, the Contractor shall notify the Director of Public Works or his designee in writing prior to the resolution date. The notification shall specify a date when repairs will be completed. If the City, upon an independent investigation, finds that the Contractor has failed to complete the repairs in a timely manner, the City may take any action it deems necessary to make the customer whole and deduct the same from the Contractor's monthly payment.

11.3 Public Information Regarding Complaint Procedures.

11.3.1 Public Information. The Contractor shall notify all customers about complaint procedures, rules and regulations on an annual basis and whenever there is a change of service, day(s) of collection, procedures, etc. Notice is to be in the form of printed matter distributed by the Contractor to all units served by the Contractor. All notices must be pre-approved by the Public Works Department prior to use. Public information shall include notice to customers of the Complaint Contact Number.

11.4 Failure to Remedy Complaints.

11.4.1 Failure to Remedy Complaints. Failure to remedy the cause of the complaint as provided for in the paragraphs above shall be considered a breach of the contract. The City will have the right to send a monitor out to check on the resolution of any complaints. If a contract monitor records deficiencies, they will notify the Contractor of such deficiencies. The Contractor shall notify the City when these deficiencies have been corrected. The contract monitor will recheck the work to determine that it has been completed satisfactorily. If the City finds that the deficiencies previously noted were not corrected, a charge for the contract monitor's time and other associated costs for each inspection will be deducted from the Contractor's payment until all noted deficiencies have been corrected. The foregoing does not preclude any other remedies associated with Failure to collect or other contractual requirements.

SECTION 12 MISCELLANEOUS

12.1 General.

12.1.1 Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the transactions contemplated herein and all prior or contemporaneous written or oral agreements with respect to the subject matter hereof are merged herein. No change, amendment, qualifications or cancellation hereof shall be effective unless in writing and executed on behalf of the parties hereto-by their duly authorized officers.

12.1.2 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their permitted successors and assigns. Neither of the parties

hereto shall have the right to assign its rights or obligations under this Agreement without the prior written consent of the other party.

12.1.3 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and which together shall constitute one and same instrument.

12.1.4 Time of the Essence. Time is of the essence as to every provision of this Agreement.

12.1.5 Licenses and Permits. The Contractor shall obtain all licenses and permits (other than the license and permit granted by the contract) and promptly pay all taxes required by the City, State of North Carolina, Federal, or Cabarrus and Rowan counties.

12.1.6 Independent Contractor Status. The Contractor and the City agree that the Contractor is an independent contractor and not an employee nor agent of the City. The Contractor shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder and all persons performing the same and nothing herein shall be construed as creating a partnership, agency, joint venture or other similar relationship between the City and Contractor. The Contractor agrees that it will not represent to anyone that its relationship between the City is other than that of an independent contractor, and the City and the Contractor may so inform any parties with whom they deal and may take any other responsible steps to carry out the intent of this section. The Contractor shall be fully and solely responsible for its own acts and omissions and those of its employees, officers, agents and subcontractors.

12.1.7 Force Majeure. It is mutually understood and agreed that the Contractor shall be relieved of its obligations under the Contract during any period or periods of time when acts of God, war or public enemy render impossible its performance under the Contract. In the event of such a Force Majeure, the Contractor shall give the City prompt telephone notification followed by written notice of the particulars and estimated duration of said Force Majeure. During such period or periods of time, a deduction in the proportional charge for collection and removal of refuse, yard waste, bulky waste and/or recyclables at the prevailing rates shall be made; provided, however, that the Contractor must make a reasonable effort to resume service as soon as possible in the event that an act of God or other catastrophe terminates or reduces service. Strikes, slowdowns, walkouts, lockouts, industrial disturbances or other disputes are not excused under this provision.

12.1.8 Dispute Resolution Process. Any claim, dispute, or other matter concerning the performance of the Contract or the interpretation of the agreement Contract shall be resolved in accordance with the City's Dispute Resolution Policy as provided in Attachment K.

12.1.9 City Not Liable For Delays. It is further expressly agreed that in no event shall the City be liable for or responsible to the Contractor, any subcontractor or to any other person for or on account of any stoppages or delay in the work herein provided for by injunction or other legal or equitable proceedings or on account of any delay for any cause over which the City has insufficient control to cause a different result.

12.1.10 Amendments to the Contract. Any changes in the Contract must be mutually agreed upon by the parties and must be incorporated by written amendments to the Contract. The Director of Public Works shall have the authority to amend the Contract on behalf of the City.

12.1.11 Waiver. A waiver of any breach of any provision of the Contract shall not constitute or operate as a waiver of any breach of such provision or any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of such provisions or any other provision.

12.1.12 Law to Govern. The Contract shall be entered into and performed in the State of North Carolina. The City and Contractor agree that the law of the State of North Carolina shall govern the rights, obligations, duties and liabilities of the parties to the Contract and shall govern the interpretation of the Contract. All litigation arising out of the Contract shall be brought in courts sitting in North Carolina, with venue in Cabarrus County.

12.1.13 Entirety of Contract: Title of Sections. The Contract embodies the entire agreement between the City and the Contractor. The section headings inserted herein are for convenience only and are not intended to be used as aids to interpretation and are not binding on the parties.

12.1.14 Severability. The invalidity of one or more of the phrases, sentences, clauses or sections contained in the Contract shall not affect the validity of the remaining portion of the Contract so long as the material purposes of the Contract can be determined and effectuated.

12.1.15 No Jury Trial. To the extent allowed by law, the City and Contractor waive and will waive trial by jury in any action, proceeding or a counterclaim brought by either of them against the other on any matter whatsoever arising out of or in any way connected with or related to the Contract or the relationship of the City and the Contractor under the Contract.

12.1.16 Portions of Existing Solid Waste Agreement Survive. The Existing Solid Waste Agreements shall remain in full force and effect throughout their remaining terms with extensions except to the extent that any such agreements or documents constituting a part of the Existing Solid Waste Agreement conflict with the provisions or any portion thereof in which case the terms, conditions and provisions of this Contract shall prevail.

IN WITNESS WHEREOF, the parties have executed, or caused to be executed by their duly authorized officials, this Contract in one or more counterparts on the respective dates indicated.

CITY OF KANNAPOLIS

Michael B. Legg
City Manager

Date

WASTE MANAGEMENT OF CAROLINAS, INC.

Tracey Shrader
Area Vice President

Date

This instrument has been pre-audited in the manner required by the
“Local Government Budget and Fiscal Control Act”.

Eric Davis, Finance Director

Kannapolis July 1, 2019 - Attachment B

RESIDENTIAL

<u>Current Services</u>		<u>\$/home</u>
MSW	1x/week	\$5.82
RCY	EOW	\$1.96
2nd Cart RCY	EOW	\$2.65
BULK	1x/week	\$1.65
WHITE GOODS	1x/week	\$1.65
ELECTRONICS	n/a	
Backdoor (up to 250)	1x/week	\$5.82
Backdoor (251 and up)	1x/week	\$10.07

<u>JULY 1 SERVICES</u>		<u>\$/home</u>
MSW	1x/week	\$5.94
RCY	EOW	\$2.00
2nd Cart RCY	EOW	\$2.70
BULK	EOW	\$1.10
WHITE GOODS	EOW	\$1.10
ELECTRONICS	EOW	\$0.00
Backdoor (up to 250)	1x/week	\$5.94
Backdoor (251 and up)	1x/week	\$10.27

Bulky (hourly)	per item	\$99.98
Dead Animal (small)	per item	\$17.02
Dead Animal (Lg Non Farm)	per item	\$34.05
Dead Animal Cart (Fire Station)	cart/mo	\$19.30

COMMERCIAL (City Bulk Pick up)

	1x/week	2x/week	3x/week	4x/week	5x/week
4 yd	\$48.14	\$96.29	\$144.44	\$192.59	\$240.73
6 yd	\$72.60	\$145.21	\$217.80	\$290.40	\$363.01
8 yd	\$96.92	\$193.84	\$290.76	\$387.68	\$484.61

COMMERCIAL (Business)

	1x/week	2x/week	3x/week	4x/week	5x/week
4 yd	\$95.31	\$181.02	\$270.91	\$362.00	\$441.45
6 yd	\$113.79	\$217.98	\$328.15	\$438.35	\$547.33
8 yd	\$127.67	\$255.34	\$383.01	\$510.67	\$638.35

Commercial Recycle

	1x/week
4 yd	\$95.31
6 yd	\$113.79
8 yd	\$127.67



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
Walter M. Safrit - City Attorney
TITLE Solid Waste Ordinance, Chapter 7, Article II,
Division 1

A. Action Requested by City Council

Motion to approve Resolution amending Chapter 7, Article II, Division 1 of The Solid Waste Ordinance.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In December 2018, Council approved modifications to the Solid Waste Program right-sizing and enhancing services to our citizens. The programmatic modifications required amending the Solid Waste Ordinance to coincide with the new services. These modifications include clarifying the services in the definitions portion of the Ordinance as well as address corrections for the location of new City Hall.

D. Fiscal Considerations

None

E. Policy Issues

Council's approval is required to modify the City Ordinance.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve the Resolution modifying Chapter 7, Article II, Division 1 of The Solid Waste Ordinance. (Recommended)**
2. Take no action
3. Table to future meeting.

ATTACHMENTS:

File Name

- ❑ Resolution_-_Amending_Solid_Waste_Chapter_7_(6-17-19).pdf
- ❑ Ordinance_Chapter_7_Div_1_of_the_Solid_Waste_Ordinance__(6-18-19).doc

**CITY OF KANNAPOLIS
RESOLUTION**

WHEREAS, the City Council for the City of Kannapolis desires to amend the Code of Ordinances to provide clarification of various services provided by the City to residents.

NOW, THEREFORE BE IT RESOLVED that the Ordinance Amending Chapter 7, Article II, "Solid Waste Collection and Disposal" attached hereto and incorporated herein is hereby approved and adopted.

Effective this the 24th day of June, 2019.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

CITY OF KANNAPOLIS

ORDINANCE

BE IT ORDAINED that the City Council for the City of Kannapolis does hereby amend the Kannapolis City Code by revisions to Chapter 7, "Garbage and Refuse", Article II, "Solid Waste Collection and Disposal", Division 1, "Generally" as follows (new provisions underlined):

"Chapter 7 - GARBAGE AND REFUSE^[1]

ARTICLE II. - SOLID WASTE COLLECTION AND DISPOSAL^[2]

DIVISION 1. - GENERALLY

Sec. 7-21. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Appliances see White Goods

Backdoor Service (special collections for qualified customers). Services provided for those individuals who are unable to place their solid waste and recyclables for collection in the usual manner due to severe physical disability or other qualified reason.

Bulk container means a waterproof metal container of not less than four (4) cubic yards designed for solid waste storage and to be lifted and emptied by mechanical means into a solid waste transportation vehicle.

Bulky wastes means large items of solid waste such as furniture and appliances, including stoves, refrigerators and water heaters and other items of like nature.

City means the City of Kannapolis, North Carolina.

City manager means the city manager of the city or his designated agent.

Commercial facility means any business establishment including by way of example but not limited to, stores, markets, office buildings, restaurants, hotels, motels, shopping centers, theatres, multi-family residential facilities. Home offices are not commercial facilities.

Commercial solid waste means solid waste resulting from the operation of a commercial, industrial, institutional, agricultural, or multi-family residential facility.

Dwelling unit, for the purpose of this chapter, unless otherwise stated by specific reference, shall mean one (1) occupied free-standing single-family dwelling and each single-family dwelling unit located in a duplex, triplex, multiplex having less than six (6) single-family dwellings, group home, townhouse, patio home, condominium, or cluster home. A dwelling unit shall be deemed occupied when either water or electric services are being provided to it.

Electronic Waste (E-Waste) – computer equipment, televisions, and residential consumer products that contain a circuit board. This category would include any printing device such as a printer, a scanner, a combination print/scanner/fax designed to produce hard paper copies from a computer; stereo equipment, telephones, cell phones, and similar recyclable products. E-waste does not include electronics from an automobile, an appliance or a large piece of commercial or industrial equipment, such as commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display device that is contained within, and is

not separate from the larger piece of equipment, or other medical devices as that term is defined under the Federal Food, Drug, and Cosmetic Act.

Garbage means all decomposable wastes, including animal and vegetable matter, animal parts and carcasses, but excluding sewage and human wastes.

Hazardous waste means waste or a combination of wastes in any form which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or which poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

Health director means the chief administrative official of the county health department or his authorized representative.

Industrial waste means sawdust, shavings, feathers, cartons, boxes, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

Institutional facility means any establishment engaged in public service, including by way of example but not limited to, hospitals, nursing homes, orphanages, churches, schools and colleges.

Medical waste means waste generated in connection with the testing, treatment or care of medical patients, who have or may have communicable diseases, such as bedding or clothes, used instruments or utensils, pathological specimens or other similar material.

Multi-family residential facility means a community of six (6) or more dwelling units constructed as one (1) or more common units and designated as one (1) tax parcel, such as an apartment building, public housing or mobile home park. Provided, however, duplexes, triplexes and multiplexes having less than six (6) dwelling units, townhouses, patio homes and condominiums are not considered multi-family residential facilities.

Occupant means any person who, alone or jointly with others, is in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

Person means any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.

Public works department means the public works department of the city.

Recyclables or Recyclable Materials – newsprint with inserts, brown, clear and green glass containers, aluminum beverage containers, steel cans, plastic bottles, corrugated cardboard, magazines, office papers, residential mixed paper (office paper, junk mail, catalogs and paper board such as cereal/food boxes) and other materials so designated by City and its Materials Recovery Facility (MRF).

Radioactive waste means any waste which emits ionizing radiation spontaneously.

Regulations means rules and procedures prescribed by the city council or city manager concerning the storage, collection, transportation and disposal of solid wastes.

Residential solid waste means solid waste resulting from the maintenance and operation of dwelling units.

Single Stream Recycling – process of recyclable materials collection from one container where all recyclable materials are placed without sorting the materials from the container to the collection vehicle to the disposal facility.

Solid waste means unwanted or discarded waste materials in a solid or semi-solid state including, but not limited to, garbage, ashes, refuse, rubbish, animal and agricultural waste, yard waste.

Solid waste collector means an employee of the city, or a solid waste collection agency operating under a contract with the city, who collects or transports solid waste.

Solid waste container means a receptacle, including a bulk container, used by any person to store solid waste for collection by the city or an authorized waste collection agency.

Storage means keeping or maintaining solid waste from the time of its production until the time of its collection.

Transportation means the transporting of solid waste from the place of collection to a solid waste processing facility or solid waste disposal area.

Yard waste means grass clippings, leaves, tree trimmings, shrubbery trimmings and other yard maintenance waste.

White Goods (Appliances) – household appliances including, but not limited to, refrigerators, ranges, washing machines, clothes dryers, water heaters, dishwashers and other similar domestic large appliances. Commercial large appliances are not included in this definition.

(Ord. of 7-28-86, Art. I, § 1; Ord. of 11-26-90; Ord. of 7-26-99, § 1; Ord. No. [2014-12](#), §§ 1—3, 4-28-14)

Cross reference— Definitions and rules of construction generally, § 1-2; definitions relative to housing regulations, § 8-2; definitions relative to motor vehicles and traffic regulations, § 10-3; definitions relative to water and sewers regulations, §§ 17-1, 17-71.

Sec. 7-22. - Policy, administration and enforcement.

- (a) Subject to the provisions of section 7-96, it is the policy of the city that solid waste disposal shall be provided only for dwelling units located within the city and shall not be provided for commercial, or institutional facilities. Yard waste disposal shall not be provided for establishments excluded pursuant to the provisions of section 7-53. Administration and enforcement of this chapter shall be the duty of the city manager or his designee.
- (b) Solid waste collection begins at 7:00 a.m. and containers not available for collection on the scheduled day will not be collected until the next regularly scheduled day. Containers shall be removed from the curb by the unit resident the day that they are serviced and shall not be stored in front of a dwelling unit. Any variations from these requirements require the approval of the director of public works or designee. Failure to remove the container from the curb the day that the container is serviced is deemed in violation of this section, which shall result in the following:
 - (1) As a result of a first violation, written warning of such violation shall be issued to the unit resident where the container is located with no monetary penalty.
 - (2) A second violation shall subject the offender to a civil penalty in accordance with the fee and penalty schedule as approved by city council. Such civil penalty shall be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within the time prescribed herein. A third written citation shall be issued to the unit resident where the containers are located, stating the amount of the penalty and that the penalty is to be paid to the Finance Director, Kannapolis City Offices, [401 Laureate Way](#), Kannapolis, North Carolina, or such other address as directed, within five (5) days. If the penalty is not paid within the time prescribed, the city may initiate a civil action in the nature of a debt and recover the sum of the penalty plus the costs of the action.
 - (3) Each and every day's violation of any provision of this article after the first violation shall constitute a separate and district offense.
- (c) The director of public works or designee shall determine that area considered to be the curb as it relates to the solid water collection pickup point.
- (d) Spilled material or overflow not caused by the solid waste collector shall be cleaned up immediately after such spillage or overflow by the unit resident or multi-family responsible party. Spilled materials caused by the solid waste collector shall be cleaned up immediately after such spillage occurs by such crew.

(Ord. of 7-28-86, Art. V, § 6; Ord. of 7-26-99, § 2; Ord. No. [2014-12](#), § 4, 4-28-14)

Sec. 7-23. - Regulations.

The city manager may make, amend, revoke and enforce reasonable and necessary regulations, not inconsistent with city ordinances, governing the storage, collection, transportation and disposal of solid waste including, but not limited to:

- (1) Preparation, draining and wrapping of garbage deposited in solid waste containers;
- (2) Specifications for solid waste containers including the type, composition, size and shape thereof;
- (3) Weight limitations on the combined weight of solid waste containers and the contents thereof and weight and size limitations on bundles of solid waste too large for solid waste containers;
- (4) Storage of solid waste in solid waste containers;
- (5) Sanitation, maintenance and replacement of solid waste containers;
- (6) Schedules of and routes for collection and transportation of solid waste;
- (7) Collection points of solid waste containers;
- (8) Collection, transportation, processing and disposal of solid waste;
- (9) Handling of special wastes such as sludges, ashes, agricultural, construction and demolition wastes, bulky wastes, tires, automobiles, dead animals, oils, greases and other materials.

(Ord. of 7-28-86, Art. III, § 7)

Sec. 7-24. - Solid waste storage.

The occupant of every dwelling unit and of every institutional, commercial or business, industrial or other establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for the storage of all solid waste to serve such dwelling unit or establishment during the intervals between regular collections and shall maintain such solid waste containers at all times in good repair and the area in which they are stored in a clean, neat and sanitary condition.

(Ord. of 7-28-86, Art. II, § 1)

Cross reference— Responsibilities of housing owners, occupants relative to cleanliness, rubbish and garbage, etc., § 8-3; maintenance of rubbish and garbage storage and disposal areas relative to control of insects, rodents, infestations, § 8-27(d), (e).

Sec. 7-25. - Dangerous items.

Any solid wastes which are dangerous to handle by solid waste collectors, such as glass, fluorescent tubes, vacuum tubes, light bulbs, sharp pieces of metal or hypodermic syringes, shall be securely wrapped and marked with a visible warning.

(Ord. of 7-28-86, Art. II, § 4)

Sec. 7-26. - Construction and demolition waste.

Construction and demolition wastes shall be collected, removed and disposed of by the contractor or builder, or in the event of their failure, by the occupant of the property.

(Ord. of 7-28-86, Art. II, § 7)

Sec. 7-27. - Industrial waste.

Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, operation or enterprise creating or causing the industrial waste.

(Ord. of 7-28-86, Art. II, § 8)

Sec. 7-28. - Contents of containers.

No person shall place any of the following items in a solid waste container:

- (1) Motor vehicle tires;
- (2) Bulky wastes;
- (3) Construction and demolition wastes, except as provided for in section 7-55;
- (4) Hazardous, radioactive or medical wastes;
- (5) Burning or smoldering materials or any other materials which would create a fire hazard;
- (6) Rocks, dirt, sod, paint, motor oil.

(Ord. of 7-28-86, Art. II, § 9; Ord. of 11-26-90)

Cross reference— Fire hazards, etc., § 5-41.

Sec. 7-29. - Access to containers.

Pedestrian routes for access and collection of solid wastes shall be improved and maintained to standards prescribed by the city manager for the safety of solid waste collectors and shall have at all points at least eight (8) feet of vertical clearance and four (4) feet of horizontal clearance. Access routes shall not be obstructed by locked gates, steps, bicycles or motor vehicles, and service will not be provided when dogs or other animals interfere with collectors.

(Ord. of 7-28-86, Art. II, § 10)

Cross reference— Animals, Ch. 3.

Sec. 7-30. - Collection schedule.

Except in cases of emergencies or circumstances over which the city has no control, the city shall collect and remove named solid wastes according to schedules and routes established by the city manager.

(Ord. of 7-28-86, Art. III, § 1)

Sec. 7-31. - Solid waste collectors.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

(Ord. of 7-28-86, Art. III, § 2)

Sec. 7-32. - Ownership of solid waste.

Upon collection of solid waste by the city, all such solid waste shall become the property of the city or its designated agent.

(Ord. of 7-28-86, Art. III, § 6)

Sec. 7-33. - Transportation of solid waste.

All solid waste transportation vehicles shall be clearly identified and maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid wastes shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or with a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle, which shall be secured whenever the vehicle is transporting solid waste, or as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in loading hoppers, unless securely covered.

(Ord. of 7-28-86, Art. III, § 5)

Sec. 7-34. - Methods of disposal.

Solid waste may be disposed of only in one (1) of the following ways:

- (1) In a sanitary landfill approved by the division of health services;
- (2) In an incinerator which has received all necessary local, state and federal permits;
- (3) In a solid waste container as provided herein;
- (4) By any other method approved by the division of health services.

(Ord. of 7-28-86, Art. III, § 4)

Sec. 7-35. - Prohibitions.

It shall be unlawful for any person to:

- (1) Deposit solid wastes in any solid waste container which is not the property of that person, without the consent of the owner of such container;
- (2) Fail to pay any service fees concerning the collection or disposal of solid wastes;
- (3) Leave outside any building, in a place accessible to children, an appliance such as a refrigerator, freezer or other container designed to be airtight, without first removing the lock or door from said appliance; provided, however, that this prohibition shall not apply to appliances which are crated, strapped or locked in such manner that a child cannot obtain access to the airtight compartment thereof;
- (4) Interfere in any manner with solid waste collectors or solid waste collection and transportation equipment;
- (5) Dispose of solid waste in any manner not authorized by the health director, division of health services or ordinances of the city;
- (6) Permit any dirt, rocks, sand, brick, broken concrete, lumber, tree trunks, limbs or trimmings, cinders, plaster, gravel or ashes or any other material to fall, be scattered or blown upon any street from any vehicle transporting such material; or to fail to remove such material immediately from the street if such material falls upon the street;
- (7) Place any solid waste or solid waste container in, upon or over any storm drain opening;

- (8) Place, discard, dispose of or leave any garbage or solid waste upon a street or highway within the city unless such garbage or solid waste is placed in a designated location or in a solid waste container;
- (9) Place, discard, dispose of or leave any garbage or solid waste upon private property within the city, without the written consent of the occupant thereof.

(Ord. of 7-28-86, Art. III, § 9; Ord. of 11-26-90)

State Law reference— Littering, G.S. § 14-399 et seq.

Sec. 7-36. - Penalties for violation of article.

Any person violating the provisions of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days or both. Each occurrence and/or each day's continuing violation shall constitute a separate offense.

(Ord. of 7-28-86, Art. V, § 7; Ord. of 11-26-90)

Cross reference— General penalty; continuing violations, § 1-14.

State Law reference— Enforcement of ordinances, G.S. § 160A-175.

Sec. 7-37. - Fees and charges.

- (a) For the service of collecting and disposing of refuse, the owner or occupant of all premises from which solid waste is collected by the City or City's contractor shall be charged such rates as may be established, from time to time, by the City Council on recommendation of the City Manager. Such charges shall be considered a debt owing to the City from the owner or occupant of the premises and other persons using the disposal area. No owner or occupants of a residential premises within the City limits shall be exempt from the collection and disposal service provided by the City or by individual collectors and licensees. Fees for the collection and disposal of solid waste by the City shall be charged to the owner or occupant of all premises in the amount specified in the fee schedule.
- (b) The collection fee will be billed in the same manner as water and sewer services. Per G.S. section 160A-314(b), payment made to this cumulative water, sewer, solid waste bill will first be applied to outstanding solid waste collection fees. Payment will be applied to water and wastewater charges only after the collection fee is paid in total.

(Ord. of 9-26-05)

Secs. 7-38—7-50. - Reserved.”

Adopted this 24th day of June, 2019.

Milton D. Hinnant
Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE East 1st Street Bridge Project

A. Action Requested by City Council

Motion to approve a Resolution opposing the replacement of the East 1st Street Bridge at US 29 (Cannon Boulevard) with an at-grade signalized intersection.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

On June 10, 2019, City Council received a presentation from NCDOT regarding their intent to remove the East 1st Street Bridge and replace it with an at-grade signalized intersection crossing US 29 (Cannon Boulevard).

After considering the potential traffic safety concerns, pedestrian safety, and the potential for increased congestion, the City believes the removal of the separated-grade structure crossing US 29 (Cannon Boulevard) for a signalized at-grade intersection is not in the best interest of the community.

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 opposing the replacement of the East 1st Street Bridge at US 29 (Cannon Boulevard) with an at-grade signalized intersection (Recommended).**
2. Take no action
3. Table to future meeting.

ATTACHMENTS:

File Name

▢ 2019_06-24_1st_Street_Bridge_Resolution.pdf

**RESOLUTION OPPOSING
THE REPLACEMENT OF THE EAST 1ST STREET BRIDGE
AT U.S. 29 (CANNON BOULEVARD)
WITH AN AT-GRADE SIGNALIZED INTERSECTION**

WHEREAS, the City of Kannapolis supports the replacement of the East 1st Street Bridge crossing US 29/Cannon Boulevard for traffic safety reasons; and

WHEREAS, the replacement of the East 1st Street Bridge will also provide a safer means for pedestrians crossing US 29/Cannon Boulevard as opposed to an at-grade signalized intersection; and

WHEREAS, the construction of an at-grade signalized intersection will further add to the congestion along US 29/Cannon; and

WHEREAS, based upon NCDOT estimates the construction costs of both the bridge replacement and an at-grade signalized intersection are virtually the same; and

WHEREAS, the City recognizes that the cost of the bridge maintenance over the life span of the project is higher than maintenance of an at-grade intersection; and

WHEREAS, the City also believes that the at-grade intersection will result in significantly higher local expenditures responding to traffic accidents as opposed to a bridge; and

NOW, THEREFORE, BE IT RESOLVED that the Kannapolis City Council opposes the North Carolina Department of Transportation's plan to remove the East 1st Street Bridge crossing U.S. 29 (Cannon Boulevard) and replace it with construction of an at-grade signalized intersection and respectfully requests that the bridge replacement option be reconsidered.

This the 24th day of June 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE The City of Kannapolis and the North Carolina
Department of Transportation 2nd Supplemental
Agreement – Transportation Improvement
Project C-5161

A. Action Requested by City Council

Motion to approve the 2nd Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5161 and authorize the City Manager to execute the Agreement.

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 2nd Supplemental Agreement for TIP Project C-5161 for the construction of a greenway along Irish Buffalo Creek from Orphanage Road to Rogers Lake Road including a connector to Oakwood Avenue. This section of the Irish Buffalo Creek Greenway will connect Vietnam Veterans Park to several neighborhoods bordering Irish Buffalo Creek and will include a section of greenway to be constructed by the developers of the Kellswater Bridge Community. The Irish Buffalo Creek Greenway is part of the Carolina Thread Trail regional trail network that will ultimately reach 15 counties and more than 2.3 million people.

The 2nd Supplemental Agreement is for additional funding which increases the federal participation for the Project up to \$2,576,000 and the local match to \$644,000. City Council entered into the original agreement with the NCDOT in January 2015 and executed the first supplemental Agreement in March 2016. 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 City was awarded federal CMAQ funding for this Project in the amount of \$2,576,000 to perform engineering, environmental, and construction of 2.7 miles of greenway from Orphanage Road to Rogers Lake Road. The estimated cost to complete construction and CEI is \$4,183,917.93. The balance of our federal funding is \$2,344,000.

Therefore, the City's portion to complete the Project is \$1,839,917.93. Kellswater Subdivision donated the land and will be providing the City \$411,627.83 which includes 5% contingency towards the Project cost as a part of their development agreement for Phase III of the Subdivision.

Funding for this Project will be paid through debt proceeds.

E. Policy Issues

City Council approval is required prior to the City entering into this 2nd Supplemental Agreement with the North Carolina Department of Transportation for Transportation Improvement Project C-5161.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Approve the 2nd Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5161 and authorize the City Manager to execute the Agreement. (Recommended)**
2. Take no action
3. Table to future meeting.

ATTACHMENTS:

File Name

- ❑ Irish_Buffalo_Creek_Greenway_TIP_#C-5161_2nd_Supplemental_Agreement.pdf
- ❑ Irish_Buffalo_Creek_Greenway_Map_C-5161.pdf

NORTH CAROLINA
CABARRUS COUNTY

2nd SUPPLEMENTAL AGREEMENT

DATE: 6/11/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: C-5161

AND

WBS ELEMENTS: PE 46226.1.F1

ROW _____

CITY OF KANNAPOLIS

CON 46226.3.3

FEDERAL-AID #: CMS-1034(20)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$440,000

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, the Department and the Municipality on 2/19/2015, entered into a certain Project Agreement for the original scope: design and construction of a 1.7 mile segment of the Irish Buffalo Creek Greenway and the Oakwood Connector, programmed under Project C-5161; and,

WHEREAS, on 4/18/16 the Department, with the concurrence of the Cabarrus-Rowan Metropolitan Planning Organization, allocated additional Congestion Mitigation and Air Quality (CMAQ) funds to this Project and,

WHEREAS, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality have requested to move Congestion Mitigation and Air Quality (CMAQ) funds from Project C-5603F to this Project.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

FUNDING

The Department's original participation was \$2,136,000. The Department agrees to reimburse the Municipality eighty percent (80%) of eligible costs up to an additional \$440,000 of Congestion Mitigation and Air Quality (CMAQ) funds. The Municipality will provide \$110,000 as their local match and all costs that exceed the total estimated funding, per the Revised Funding Table Below.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Congestion Mitigation and Air Quality (orig. agreement)	\$1,672,000	80 %	\$418,000	20 %
CMAQ (1 st supp. Agreement)	\$464,000	80 %	\$116,000	20 %
CMAQ (2 nd supp. Agreement)	\$440,000	80%	\$110,000	20%
Subtotal	\$2,576,000		\$644,000	
Total Estimated Funding		\$3,220,000		

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 2/19/2015, is ratified and affirmed as therein provided.

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: _____

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 _____ (Governing Board) of the City of Kannapolis as
attested to by the signature of _____, Clerk of the
_____ (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Kannapolis

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



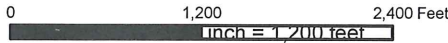
Irish Buffalo Greenway = 2.18 miles
 Oakwood Connector = 0.35 Miles
 Total Greenway = 2.53 Miles

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Irish Buffalo Greenway

Kannapolis\Projects\11501 General Consulting\Irish buffalo.mxd



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 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
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE The City of Kannapolis and the North Carolina
Department of Transportation Supplemental
Agreement – Transportation Improvement
Project C-5603F

A. Action Requested by City Council

Motion to approve the Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5603F and authorize the City Manager to execute the Agreement.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Due to the Federal government rescission of funding FY 2019, we will not be able to obtain construction authorization by September 30, 2019. Therefore, we have requested construction funding be transferred from Bethpage Road Sidewalk Project Phase 1 to the Irish Buffalo Creek Greenway Project. The Supplemental Agreement reflects the reallocation of federal funding. The City of Kannapolis will need to complete design and rights-of-way acquisition only at this time.

D. Fiscal Considerations

A Project Ordinance was adopted for the Bethpage Road Sidewalk Project Phase I April 9, 2018. The City's portion of the design and rights-of-way acquisition will be funded from General Fund.

E. Policy Issues

City Council approval is required prior to the City entering into this Supplemental Agreement with the North Carolina Department of Transportation for Transportation Improvement Project C-5603F.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Approve the Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5603F and authorize the City Manager to execute the Agreement. (Recommended)**
2. Take no action
3. Table to future meeting.

ATTACHMENTS:

File Name

- ☐ Bethpage_Road_Sidewalk_Project_C-5603F_Supplemental_Agreement.pdf
- ☐ Map.pdf

NORTH CAROLINA
CABARRUS COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 6/17/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: C-5603F

AND

WBS ELEMENTS: PE 43713.1.6

ROW 43713.2.6

CITY OF KANNAPOLIS

CON 43713.3.6

FEDERAL-AID #: CMAQ-1001(079)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

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, the Department and the Municipality on 5/9/2018, entered into a certain Project Agreement for the original scope: design, right of way acquisition, construction, and contract administration of approximately 2700 linear feet of sidewalk, curb and gutter, and associated storm drainage along the north side of Bethpage Road from South Main Street to existing sidewalk at Leonard Avenue; and along the south side of Bethpage Road from Westgreen Drive to Klondale Avenue., programmed under Project C-5603F; and,

WHEREAS, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality have requested to reduce CMAQ funds on the above-mentioned Project and to move the CMAQ funds to Project C-5161, and;

WHEREAS, the Municipality requested a scope change to remove construction and contract administration as part of the project.

WHEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

FUNDING

The Department's original participation was \$648,000. The Department agrees to reduce the reimburse to the Municipality by \$440,000 in CMAQ. The Municipality shall provide a local match for the reduced amount, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the revised total estimated cost.

ORIGINAL FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
CMAQ (orig. agreement)	\$648,000	80 %	\$162,000	20 %
Total Estimated Cost		\$810,000		

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
CMAQ (Supplemental)	\$208,000	80 %	\$52,000	20 %
Total Estimated Cost		\$260,000		

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 5/9/2018, is ratified and affirmed as therein provided.

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: _____

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 _____ (Governing Board) of the City of Kannapolis as
attested to by the signature of _____, Clerk of the
_____ (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Kannapolis

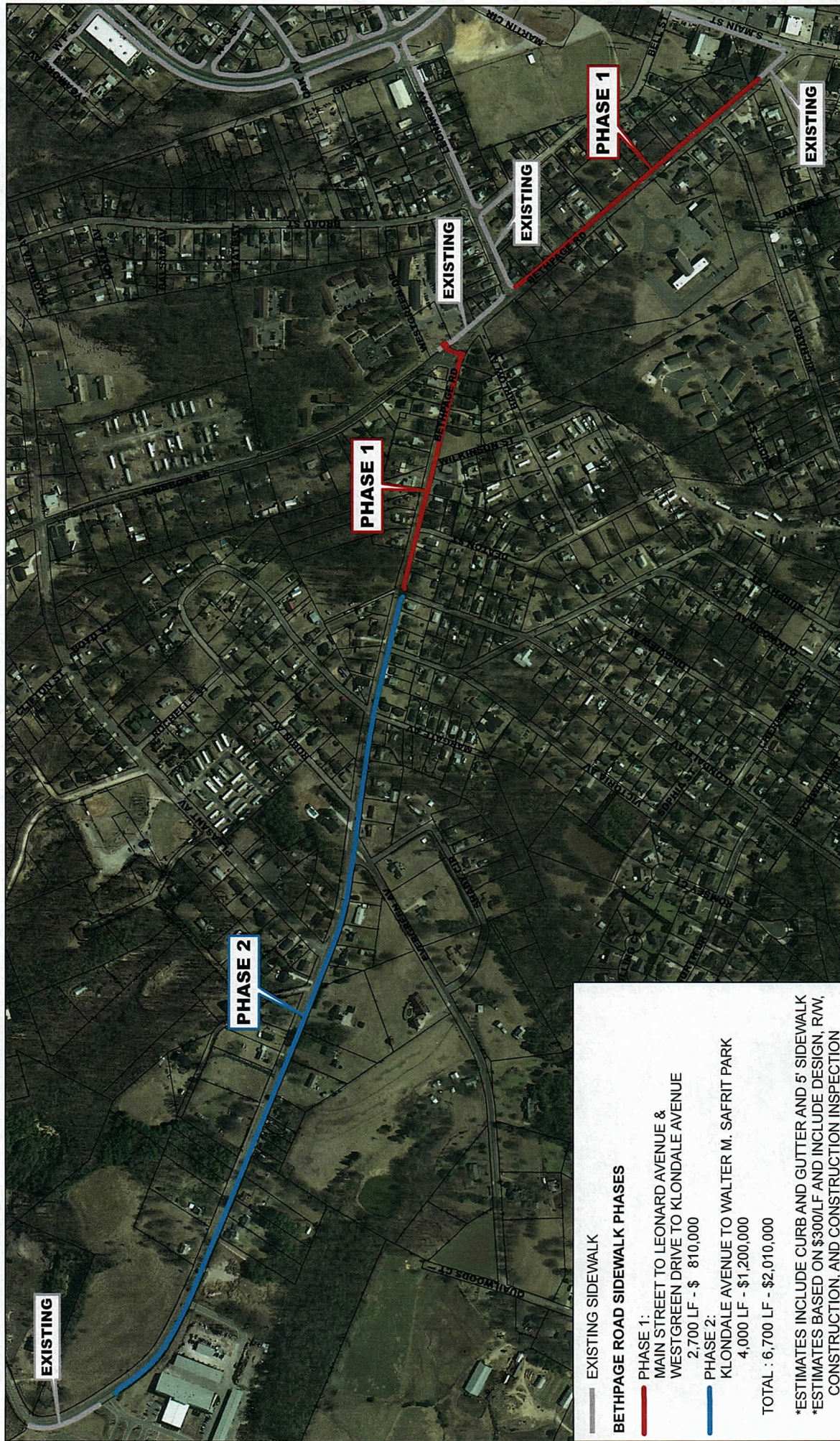
DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



—	EXISTING SIDEWALK
BETHPAGE ROAD SIDEWALK PHASES	
—	PHASE 1:
—	MAIN STREET TO LEONARD AVENUE & WESTGREEN DRIVE TO KLONDALE AVENUE
—	2,700 LF - \$ 810,000
—	PHASE 2:
—	KLONDALE AVENUE TO WALTER M. SAFRIT PARK
—	4,000 LF - \$1,200,000
—	TOTAL : 6,700 LF - \$2,010,000

*ESTIMATES INCLUDE CURB AND GUTTER AND 5' SIDEWALK
 *ESTIMATES BASED ON \$300/LF AND INCLUDE DESIGN, R/W, CONSTRUCTION, AND CONSTRUCTION INSPECTION

DISCLAIMER: This map is prepared from recorded deeds, plans, tax maps, surveys, platematic maps, and other public records. It is not intended to be used for legal purposes. The City of Kannapolis does not warrant the accuracy or reliability of the information contained on this map. As such, the City of Kannapolis is not responsible for any errors or omissions. The City of Kannapolis is not responsible for any errors or omissions. The City of Kannapolis is not responsible for any errors or omissions.



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Eric Davis, Finance Director
TITLE Approve Budget Amendments 19-21, 19-22, 19-23, & 19-24; Closing out Completed Capital Projects

A. Action Requested by City Council

Approve Budget Amendments 19-21, 19-22, 19-23, & 19-24; Closing out Completed Capital Projects

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In previous fiscal years, the City Council established Capital Project Funds to allow for the proper budgeting and accounting for these approved projects. Currently, these Capital Project Ordinances, are no longer required and can therefore be closed.

Budget Amendment 19-21: Mooresville Road Water Main Project: This project will be covered by the recently approved capital project ordinance covering multiple water and sewer projects that will be funded by a debt issuance later in fiscal year 2020.

Budget Amendment 19-22: Parking Deck: The Capital Project Fund is no longer required since the City will issue debt and acquire this asset upon the completion of project Vida. This Capital Project was created when our plan was to construct the facility ourselves.

Budget Amendment 19-23: College Station: The construction of this project is complete and the Capital Project Fund is no longer needed.

Budget Amendment 19-24: Davidson Road Water line and Sudbury Road Sewer Line: The construction of this project is complete and the Capital Project Fund is no longer needed.

D. Fiscal Considerations

Closing these Capital Project Funds prior to June 30th will allow us to streamline the audit for this fiscal year.

Also, any monies that were unspent in these Capital Project Funds will be transferred back to their corresponding operational funds and will be available for appropriation at a later date.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Approve Budget Amendments 19-21, 19-22, 19-23, & 19-24; Closing out Completed Capital Projects (Recommended).**
2. Do not approve Budget Amendments 19-21, 19-22, 19-23, & 19-24; Closing out Completed Capital Projects
3. 3. Table action to a future meeting

ATTACHMENTS:

File Name

- ☐ Irish_Buffalo_Creek_Greenway_19-21.pdf
- ☐ Council_Ba_19-22_Parking_Deck_Close_19-22.pdf
- ☐ Council_Ba_19-23_College_Station_Close_19-23.pdf
- ☐ Council_Ba_19-24_Davidson_Rd_Water_Close_19-24.pdf

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE MOORSEVILLE ROAD WATER MAIN
CAPITAL PROJECT FUND
Amendment # 19-21**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24th day of June 2019, that the following amendment to the Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

SECTION I - MOORSEVILLE ROAD WATER MAIN FUND

Decrease Contracted Architect 32500-48800	\$300,000
Decrease Capital-CIP 32500-59200	\$2,700,000
Decrease Proceeds From Debt Financing 32595-39000	\$3,000,000

This ordinance is approved and adopted this 24th day of June, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE PARKING DECK
CAPITAL PROJECT FUND
Amendment # 19-22**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24th day of June 2019, that the following amendment to the Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

SECTION I - PARKING DECK FUND

Decrease Contracted Architect 80500-48900	\$551,500
Decrease Capital-CIP 80500-59200	\$13,173,536
Decrease Proceeds From Debt Financing 80595-39000	\$13,863,062
Increase Transfer from Downtown Fund 80590-39200	\$135,166

SECTION II - DOWNTOWN FUND

Increase Transfer to Project Funds 89000-57200	\$135,166
Decrease Debt Issuance Cost 88000-58300	\$135,166

This ordinance is approved and adopted this 24th day of June, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE COLLEGE STATION
CAPITAL PROJECT FUND
Amendment # 19-23**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24th day of June 2019, that the following amendment to the Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

SECTION I - COLLEGE STATION FUND

Decrease Capital-CIP 82000-59200	\$1,172
Increase Investment Income 82000-39000	\$18,444
Decrease Transfer from Downtown Fund 82090-39220	\$19,616

This ordinance is approved and adopted this 24th day of June, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE DAVIDSON ROAD WATER MAIN & SUDBURY RD SEWER MAIN
CAPITAL PROJECT FUND
Amendment # 19-24**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24th day of June 2019, that the following amendment to the Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

SECTION I - DAVIDSON ROAD WATER MAIN & SUDBURY RD SEWER MAIN FUND

Decrease Debt Issuance Cost 33000-58300	\$7,963
Decrease Investment Income 33000-38000	\$15,769
Decrease Capital-CIP 33000-59200	\$621,512
Decrease Proceeds from Debt Financing 33095-39000	\$173,000
Increase Transfer to Water and Sewer Fund 33095-39000	\$440,706

This ordinance is approved and adopted this 24th day of June, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE Resolution to approve an Action Plan for the next phase of the Revitalization of Downtown Kannapolis

A. Action Requested by City Council

Motion to adopt Resolution to Approve an Action Plan for Phase II of the Revitalization of Downtown Kannapolis.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The first phase of the revitalization of downtown Kannapolis is well underway with the construction of the streetscape/infrastructure/linear park project, the beginning of the VIDA project and the construction of the Sports and Entertainment Venue (SEV). After some significant discussion and deliberation a plan for the second phase of the revitalization effort has been completed.

In an effort to communicate this next phase to the community and to ensure that all of City Council and City staff are committed to successfully navigating its implementation a formal adoption of the Phase II plan appears to be in order.

The recommended block-by-block Action Plan, an associated resolution and a corresponding block map are attached for City Council consideration.

Staff will provide City Council with a brief presentation of the Plan at the Monday night meeting.

D. Fiscal Considerations

Where known, specific budgets are included in the Action Plan. Funding sources are almost exclusively coming from existing and future one-time revenues such as cash reserves and proceeds from downtown (and non-downtown) land sales. As much as \$18.6 million in these revenues has been identified and some of the revenue generation strategies are included in the Action Plan. The timing related to when the expenditures are needed versus when the revenues are in place will be somewhat of a challenge in this next phase. This issue will need to be monitored closely as the effort progresses.

E. Policy Issues

None.

F. Legal Issues

None.

G. Alternative Courses of Action and Recommendation

1. **Motion to adopt Resolution to Approve the Action Plan for Phase II of the Revitalization of Downtown Kannapolis (recommended).**
2. Take no action.
3. Amend the action plan and adopt the Resolution.
4. Table the action to a future date.

ATTACHMENTS:

File Name

- ❑ Resolution_to_Approve_Phase_II_Downtown_Kannapolis_Revitalization_Action_Plan.pdf
- ❑ Downtown_Revitalization_Phase_II_Action_Plan.pdf
- ❑ DowntownBlocks_Plant4_v5-Blocks_Labeled.pdf

**RESOLUTION TO APPROVE AN ACTION PLAN
FOR PHASE II OF THE REVITALIZATION OF DOWNTOWN KANNAPOLIS**

WHEREAS, the City of Kannapolis, North Carolina, is committed to enhancing its downtown as the economic, civic, and cultural core of the community and purchased 50 acres of prime downtown real estate, including, vacant land, existing buildings, including ones with historic value, to accomplish its vision.

WHEREAS, the Kannapolis City Council approved a Master Development Plan to guide the redevelopment and revitalization of the downtown area; and

WHEREAS, the City Council has approved the following guiding principles for downtown Kannapolis and come to consensus on the guiding principles that will be utilized going forward;

WHEREAS, the City Council has approved the following guiding principles as statements about the values that will inform the redevelopment of downtown Kannapolis and provide a framework for the development of the downtown Master Development Plan:

1. Encourage maximum density of downtown uses. Create activity on the street, drive demand for additional activity and capture value; and
2. Create a mixed-use district that attracts diverse users and activities. Encourage day to night activity, attract new users, and expand the downtown market; and
3. Maximize demand generated by anchor amenities/game changers. Appropriately scale, phase and locate anchors to capture local and regional demand; and
4. Respect the historic integrity of downtown. Leverage our unique historic assets to add value and create a sense of place; and
5. Seek to maximize value for the Kannapolis community. Leverage public investment to attract private investment that improves the quality of life for Kannapolis citizens; and

WHEREAS, the City's goal for the downtown area is to promote its redevelopment through strategic public investments and partnerships with private investors. The City's long-term vision for the downtown area is a vibrant urban center that connects hubs of economic and cultural activity. The City's plan to achieve this vision involves returning the properties to their highest and best use. Ownership of the property is a natural and essential step in this transition; and

WHEREAS, Phase I of implementing the Master Development Plan is underway, including the replacement of aging infrastructure, completion of new streetscape improvements/linear park, construction of the Sports and Entertainment Venue and the approval of a Master Development Agreement for the mixed-use project Vida; and

WHEREAS, City Council has considered all potential alternatives for proceeding with a new phase of the revitalization effort and has reached a consensus a Phase II Action Plan; and

WHEREAS, this Action Plan is intended to be a balance of flexibility and certainty and its literal implementation will be dependent upon several factors including funding availability, response from private sector partners and changing community and City Council priorities.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Kannapolis, North Carolina approves the attached block-by-block Phase II Action Plan for the continued revitalization of Downtown Kannapolis.

This the 24th day of June 2019.

M. Darrell Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Downtown Kannapolis Revitalization Phase II Action Plan

Project	Target Start	Target Completion	2019-2021 Budget	Notes
Block 1				
Design and Construct First Floor Restroom Improvements at the Gem Theatre	May 2019	Dec 2019	\$550,000	Will be located in the space adjacent to the Gem on the east side.
HVAC Replacement and associated electrical upgrades at the Gem Theatre	April 2019	Sept 2019	\$880,000	
Immediate Stabilization of all of Block 1	May 2019	Sept 2019	\$1,700,000	Critical Stabilization to prevent further deterioration = 35% of required roof patching/replacement, structural, surface mold removal, dehumidifying, 10% of exterior envelope improvements.
Solicitation of Development Partners for Block 1-A: West Avenue	June 2019	Sept 2019	TBD	Will include former Restaurant 46 space. City participation to be determined. Estimated cost for secondary stabilization and renovations to leasable “cold dark shell: condition is \$1.37 million.
Solicitation of Development Partners for Block 1-B: Northern Main Street	June 2021	Sept 2021	TBD	City participation to be determined. Estimated cost for secondary stabilization and renovations to leasable “cold dark shell: condition is \$1.39 million.
Solicitation of Future Development Partners for Block 1-C: Southern Main Street (beyond June 2021)	Future	Future	Future	Estimated cost for secondary stabilization and renovations to leasable “cold dark shell: condition is \$2.29 million.

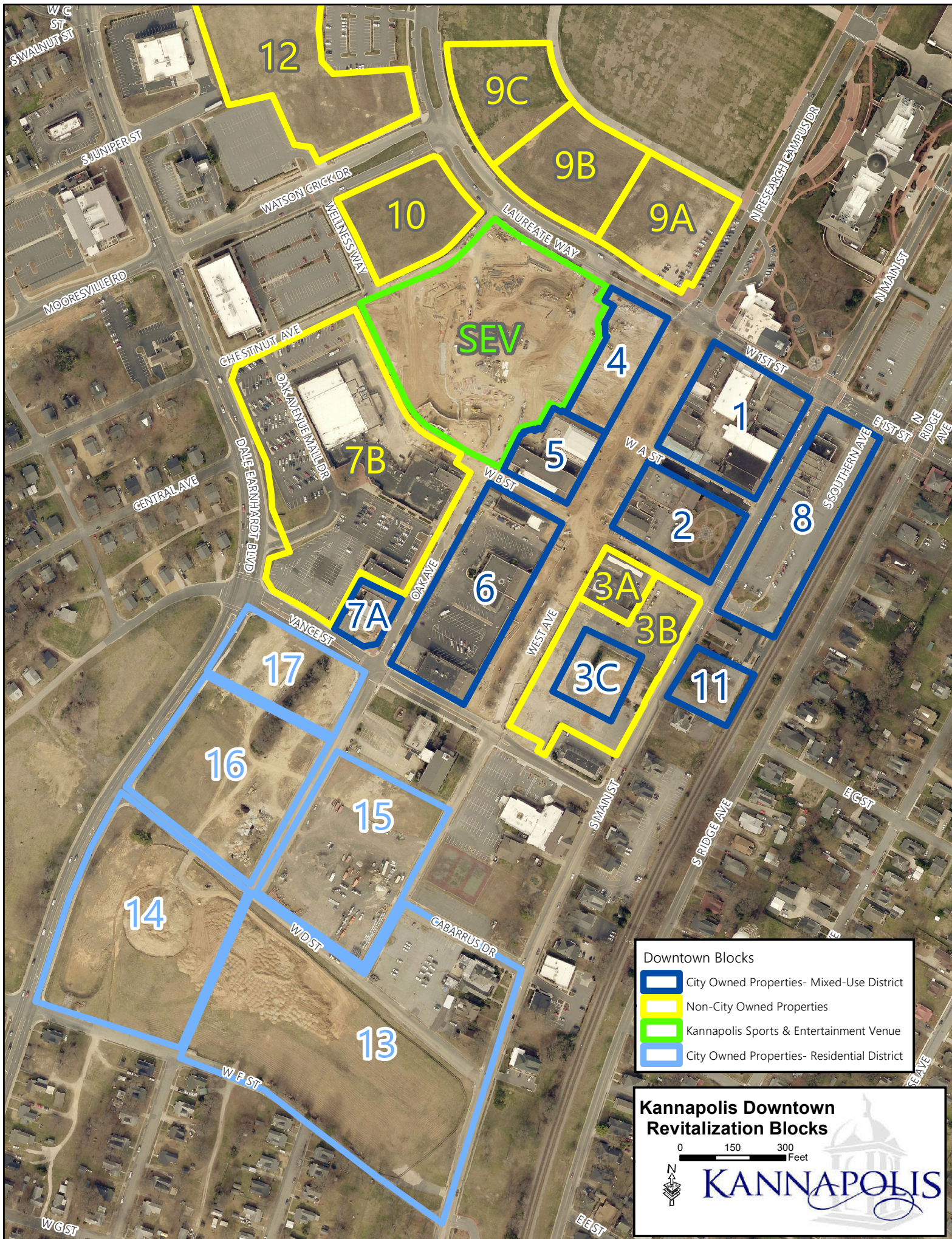
Project	Target Start	Target Completion	2019-2021 Budget	Notes
Future Gem Theatre Full Restoration and Renovation (beyond June 2021)	Future	Future	Future	Lobby renovation/expansion, marquee improvements, theatre house upgrades (seating, walls, ceilings, floors), HVAC phase 2/electrical upgrades. Estimated cost is \$3.825 million
Future Gem Theatre conversion to a Performing Arts Center (beyond June 2025)	Future	Future	Future	Only starts if movie business ends. Expansion for performing arts center, equipment upgrade, 2nd floor shell renovation, new elevator. Estimate cost is \$3.8 million.
Block 2				
Immediate Stabilization of all of Block 2-A: West Avenue	June 2019	August 2019	\$566,000	Critical Stabilization to prevent further deterioration = 35% of required roof patching/replacement, structural, surface mold removal, dehumidifying, 10% of exterior envelope improvements.
Immediate Stabilization of the former Music Hall of Fame	May 2019	August 2019	\$28,000	Critical Stabilization to prevent further deterioration = 35% of required roof patching/replacement, structural, surface mold removal, dehumidifying, 10% of exterior envelope improvements.
No changes to the Dale Earnhardt Tribute Plaza	NA	NA	NA	
Explore the Sale or Development partnership for the former Music Hall of Fame building.	June 2020	June 2021	\$3,000	Secure appraisal.

Project	Target Start	Target Completion	2019-2021 Budget	Notes
Solicitation of Future Development Partners for Block 2-A: West Avenue (beyond June 2021)	Future	Future	Future	Estimated cost for secondary stabilization and renovations to leasable “cold dark shell” condition is \$1.98 million.
Block 6				
Immediate Stabilization of the former Swanee Theatre	June 2019	June 2020	\$210,000	Critical Stabilization to prevent further deterioration = 35% of required roof patching/replacement, structural, surface mold removal, dehumidifying, 10% of exterior envelope improvements.
Explore the Sale or Development partnership for the former Swanee Theatre	May 2019	Dec 2019	\$3,000	Secure appraisal.
Future Private Development (beyond June 2021)	Future	Future	Future	No short-term changes to the balance of the block (Wells Fargo and Lee Warehouse buildings).
Block 3				
LMG construction of VIDA – a Mixed Use Project.	April 2019	January 2021	\$14,300,000	Will include 286 apartments, a hotel, brewery, restaurants, retail and a City-owned parking deck. Funding for the purchase of the completed parking deck to come from debt issuance in late 2020 with debt service to be included in the FY 2021 budget. City will own the deck, but all other property will be privately owned. \$60 million private investment anticipated.

Project	Target Start	Target Completion	2019-2021 Budget	Notes
Block 4				
Develop a Memorandum of Understanding with Baseball Team owner Temerity and a third-party developer (to be identified) for the development of Block 4.	May 2019	Sept 2019	TBD	Privately funded, multi-story mixed use project, to include team facilities leased by the City per the SEV Lease agreement with Temerity. City's role beyond team facilities lease to be determined. From the MOU a Master Development Agreement will be reached. Project will take a minimum of 18 months to complete once construction begins.
Block 5				
Construct Temporary Team Store	June 2019	March 2020	TBD	Funding from SEV contingency. Budget to be established once preferred solution identified.
Future Private Development (beyond June 2021)	Future	Future	Future	Likely a multi-story mixed use project or an office building with ground level retail/restaurant space.
Block 7A				
Sell Oak Avenue building (former City Hall Offices)	May 2019	Dec 2019	\$3,000-\$20,000	Secure appraisal. Will result in projected revenue of at least \$600,000 to be re-invested in implementation of the Downtown Action Plan. If not sold by Oct 2019 complete cosmetic improvements (paint, etc.) and revisit options.
Block 8				
Demolition of existing buildings.	July 2019	Sept 2019	\$250,000	Demolition, stabilization of stream tunnel under buildings and install temporary ground cover (grass)

Project	Target Start	Target Completion	2019-2021 Budget	Notes
Construction of surface parking lot.	Jan 2021	June 2022	\$1,225,000	Construct parking lot on entire property (including remainder of steam tunnel stabilization)
Block 13				
Solicitation of Development Partner (SDP) for a for-sale Townhome project.	May 2109	July 2019	\$2,600,000	9.0 acres with expected density of at least 12 units per acre. Including City commitment to a portion of street and utility improvements. subject to negotiation with selected development partner. Will include land sale proceeds to the City.
Block 14				
Solicitation of Development Partner (SDP) for Medium Density multi-family project	July 2019	Oct 2019	\$780,000	5.1 acres with expected density of at least 30 units per acre. Including City commitment to a portion of street and utility improvements subject to negotiation with selected development partner. Might be an active adult (55 and older age-targeted) project. Will include land sale proceeds to the City.
Blocks 15-17				
Future Development (beyond June 2022)	Future	Future	Future	9.5 acres with expected density of at least 40 units per acre. Possibly including a hotel site. Will include land sale proceeds to the City.
Other				
Secure Temporary Baseball Team Offices	June 2019	Sept 2019	TBD	City obligation in SEV Lease with team owner Temerity. Would be for the duration of the construction of permanent team store and team offices on Block 4 (minimum of Sept 2019 through March 2021). Options

Project	Target Start	Target Completion	2019-2021 Budget	Notes
				include leasing space from Castle and Cooke on Oak Avenue, the current Barton Malow office space or other existing City-owned buildings downtown. Budget and funding to be determined.
Sell Lane Street Baseball Stadium Property	May 2019	Dec 2020		Secure appraisal and hire broker
Sell Wyrick Property	May 2019	Dec 2020		Secure appraisal and approach targeted developers. Hire broker if necessary
Sell College Station Outparcels	May 2019	Dec 2020		Broker hired. Property on the market.
Sell 1.6 acres at Gateway Business Park	May 2019	Dec 2020		Broker hired. Property on the market.





Downtown Blocks

-  City Owned Properties- Mixed-Use District
-  Non-City Owned Properties
-  Kannapolis Sports & Entertainment Venue
-  City Owned Properties- Residential District

Kannapolis Downtown Revitalization Blocks

0 150 300 Feet



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Eric Davis, Finance Director
TITLE Budget Ordinance for FY 2019-2020

A. Action Requested by City Council

Motion to adopt a Budget Ordinance for FY 2019-2020

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The City Council has heard multiple presentations from the City Manager regarding the upcoming fiscal year 2019-2020 budget. A Public Hearing on the recommended budget for FY 2019-2020 was held on June 10, 2019, in accordance with the North Carolina General Statutes. This budget has not changed since the City Council last discussed this item.

D. Fiscal Considerations

The Budget Ordinance provides a spending plan for the City for the next 12 months.

E. Policy Issues

None

F. Legal Issues

Adoption of the Budget Ordinance is required before June 30th of each year.

G. Alternative Courses of Action and Recommendation

- 1. Adopt Budget Ordinance for FY 2019-2020 (Recommended)**
2. Table Action to a future meeting (must be adopted by June 30, 2019)

ATTACHMENTS:

File Name

 Budget_Ordinance_FY2020.pdf

**AN ORDINANCE ADOPTING A BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA FOR THE
FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina, meeting in open session this 24th day of June, 2019, that the following fund revenues and departmental expenditures, together with certain restrictions and authorizations are hereby adopted.

SECTION I – GENERAL FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Ad Valorem taxes	\$ 27,267,110
Sales taxes	10,500,000
Intergovernmental	6,552,238
Miscellaneous	5,703,652
Appropriated Fund Balance	<u>6,000</u>
TOTAL	<u>\$50,029,000</u>

SECTION II - WATER AND SEWER FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Charges for Services	\$17,325,000
Other Revenues	1,950,000
TOTAL	<u>\$19,275,000</u>

SECTION III – STORM WATER FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Storm Water Fees	\$ 3,050,000
Miscellaneous	<u>0</u>
TOTAL	<u>\$ 3,050,000</u>

SECTION IV – ENVIRONMENTAL FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

User Fees	\$ 3,275,000
Transfer from Other Funds	845,700
Solid Waste Disposal Tax	<u>32,300</u>
TOTAL	<u>\$ 4,153,000</u>

SECTION V – PUBLIC TRANSIT SYSTEM FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Motor Vehicle Privilege Tax	\$ 760,000
Transfer from General Fund	<u>104,000</u>
TOTAL	<u>\$ 864,000</u>

SECTION VI – SEPARATION PAY FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Transfer from General Fund	\$ 490,000
TOTAL	<u>\$ 490,000</u>

SECTION VII – DOWNTOWN FUND: The City Council does estimate that the following revenues will be available during the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Property Leases	\$ 757,824
Transfer from Other Funds	\$ 6,145,376
Miscellaneous	\$ 100,800
TOTAL	<u>\$ 7,004,000</u>

SECTION VIII - GENERAL FUND: A total of \$50,029,000 is hereby authorized to be expended from the departmental accounts of the General Fund as follows:

General Government	\$ 6,755,102
Community Development	771,326
Police	8,833,987
Fire	8,253,291
Parks and Recreation	3,030,340
Public Works, incl. Powell Bill	4,421,075
Other	7,728,750
Contingency	250,000
Debt Service	<u>9,985,130</u>
TOTAL	<u>\$50,029,000</u>

SECTION IX - WATER AND SEWER FUND: A total of \$19,275,000 is hereby authorized to be expended from the Water and Sewer Fund as follows:

General Management Services Fee	\$1,765,800
Billing and Collections – Water and Sewer	928,721
Distribution - Water and Sewer	2,842,216
WSACC – Sewage Treatment	3,185,467
Water Treatment Plant	3,004,814
Transfer to Other Funds	1,926,824
Debt Service	<u>5,621,158</u>
TOTAL	<u>\$19,275,000</u>

SECTION X – STORM WATER FUND: A total of \$2,994,000 is hereby authorized to be expended from the Storm Water Fund as follows:

Personnel	\$ 900,157
Operations	629,600
Debt Service	1,201,641
General Management Services Fee	<u>318,602</u>
TOTAL	<u>\$ 3,050,000</u>

SECTION XI – ENVIRONMENTAL FUND: A total of \$4,153,000 is hereby authorized to be expended from the Environmental Fund as follows:

Personnel	\$ 306,334
Operations	3,614,631
Debt Service	232,035
General Management Services Fee	<u>0</u>
TOTAL	<u>\$ 4,153,000</u>

SECTION XII – PUBLIC TRANSIT SYSTEM FUND: A total of \$864,000 is hereby authorized to be expended from the Public Transit System Fund as follows:

Contracted Services	\$ <u>864,000</u>
TOTAL	\$ <u>864,000</u>

SECTION XIII - SEPARATION PAY FUND: A total of \$465,000 is hereby authorized to be expended from the Separation Pay Fund as follows:

Salaries-Separation Pay	\$ <u>490,000</u>
TOTAL	\$ <u>490,000</u>

SECTION XIV - DOWNTOWN FUND: A total of \$7,004,000 is hereby authorized to be expended from the Downtown Fund as follows:

Operations	\$ 2,693,422
Debt Service	\$ 4,310,578
TOTAL	\$ <u>7,004,000</u>

SECTION XV - TAX RATE ESTABLISHED: An Ad Valorem Tax Rate of \$0.63 per \$100 property valuation is hereby established as the official tax rate for the City of Kannapolis for the fiscal year 2019-2020. This rate is based on an estimated valuation of \$4,337,823,300 and an estimated 98 percent collection rate, which was at least the collection rate experienced during the 2018-2019 fiscal year. Allocation of the 2019-2020 tax rate will be as follows:

GENERAL FUND	\$.63
TOTAL TAX RATE	\$.63

SECTION XVI - SPECIAL AUTHORIZATION - CITY MANAGER:

a. The City Manager is hereby authorized to transfer funds from one line item to another line item within each Fund of said budget with the exception of the general contingency account. Utilization of any contingency appropriation shall be accomplished with City Council approval only.

b. Authorization is hereby given to the City Manager to withhold or postpone the expenditure of any funds appropriated in this ordinance when it appears to the City Manager that it would be in the best interest of the City for such expenditure to be withheld. This provision shall not in any way limit or restrict the right of the City Council to direct immediate disbursement of any appropriated funds when City Council is of the opinion that the funds should be expended regardless of the position taken by the City Manager.

SECTION XVII - SPECIAL AUTHORIZATION – STAFFING AUTHORIZATION:

Funds allocated in this budget ordinance are meant to fund the employment of 367 Full Time positions for fiscal year 2020.

This Ordinance is approved and adopted this 24th day of June, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Jason May, Assistant to the City Manager
TITLE Fiscal Year 2019-2020 Fee Schedule

A. Action Requested by City Council

Motion to adopt a Fee Schedule for Fiscal Year 2019-2020

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Each Year the City Council adopts an updated Fee Schedule for City operations. Attached is a summary of the changes as well as the Schedule itself.

D. Fiscal Considerations

Adoption of this fee schedule implements fees for the coming fiscal year for all operations.

E. Policy Issues

Adopting this schedule, with suggested changes, locates all of our fees into one adopted document.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

- 1. Approve Fiscal Year 2019-2020 Fee Schedule (Recommended) |**
2. Do not approve Fiscal Year 2019 - 2020 Fee Schedule (Not Recommended)
3. Table action to a future meeting (Not Recommended)

ATTACHMENTS:

File Name

2020_Fee_Schedule.pdf



Fiscal Year 2020 Fee Schedule

Adopted June 24th, 2019

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Admin

Public Records

Copies of Documents (per sheet)	10 cents
Copies of Ordinances (each)	\$10
Thumb Drive with Data	\$ 5

Legal Notices

Legal Advertisements & Newspaper Ads.	Fee \$300 or actual cost, Whichever is greater.
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HR

Employee Notices

Wage Garnishment Notice (each)	Fee \$14.35
Employee ID Badge replacement	\$10.00

Police

Police Permits and Services

Fingerprinting	In-Town Residents	Fee \$15.00
	Out-of-Town Residents	\$25.00
Sound Permits		\$25.00
Pawn Brokers Permits		\$275.00

Planning and Zoning

Zoning Map Amendment	<u>Fee</u>
Processing	\$500.00
Notification of Affected Property Owners:	
1-20	\$25.00
21-50	\$75.00
51-100	\$175.00
Over 100	\$300.00
Conditional Zoning Map Amendment	\$600.00
<i>* plus applicable notification fee</i>	
Conditional Use Permit	\$600.00
UDO Text Amendment	\$400.00
Variance, Appeal, Nonconformity Adjustment	\$300.00
Site Plan Review	\$200.00
<i>* plus \$100 per additional acre</i>	
<i>* Multi-Family Residential & Non-Residential</i>	
Grading Permit (<i>without Site Plan</i>)	\$50.00
<i>* plus \$25 per additional acre</i>	
Driveway Permit	\$25.00
Zoning Clearance Permit:**	
Residential 1F	\$25.00
Residential 2F	\$25.00
Multi-family (<i>5 units or less</i>)	\$250.00
Multi-family (<i>more than 5 units</i>)	\$300.00 or \$.04/SF
<i>* whichever is greater</i>	
Accessory (<i>Residential and Non-Residential</i>)	\$25.00
Non-Residential	\$30.00
Temporary Use	\$50.00
Temporary Construction Trailer	\$50.00
Home Occupation	\$50.00
Signs	\$40.00
Certification Letter	\$25.00
<i>* Zoning, Watershed, Floodplain, etc.</i>	
**Clearance permit fees are for each item separately even if combined in a single zoning clearance permit application.	

SUBDIVISION FEES.

Plat Exception	No Charge
Minor Subdivision Plat Review	\$50.00
Minor Subdivision Plat Revision	\$40.00

Preliminary Major Subdivision Plat Review	\$400.00 (<i>plus \$30 per lot</i>)
Preliminary Major Subdivision Revision	\$50.00 (<i>Minor Amendment</i>)
Final Subdivision Plat Review	\$200.00
Final Subdivision Plat Revision	\$40.00

PUBLICATION FEES.

Land Use Plan	\$25.00
Unified Development Ordinance	\$50.00
Zoning Map	\$20.00

** All fees established are due and payable at the time of product delivery or upon initial submittal of any item or items to be reviewed, processed or approved. All fees are non-refundable with the following exception: 75% of processing and notification fees for map amendments listed in Part 1 of this ordinance may be refunded if an application is withdrawn within seven (7) days following a pre-hearing neighborhood meeting.

** There will be a \$25.00 returned check fee for any check received by the City.

Fire

REQUIRED CERTIFICATE OF COMPLIANCE

	<u>Fee</u>
Certificate of Compliance	
1-1,000 SF	\$20.00
1,001-20,000 SF	\$50.00
20,000-50,000 SF	\$100.00
50,000-70,000 SF	\$200.00
Every 20,000 SF over 70,000 SF is an additional	\$50.00
Certificate of Compliance Re-inspections	\$ 50.00
Plan Review	
Construction	\$50.00+ .025/sf
Up-Fit	\$50.00+ .025/sf
Site Plan	\$50.00
Re-review fee	\$50.00
<i>* applied on third submittal & each re-submittal thereafter</i>	
Hydrant flow test (fee per hydrant)	\$150.00
Temporary Power Inspection	\$50.00
Load Merchandise Inspection	\$50.00
(1) For multi-tenant building, fees are per tenant.	
(2) For multiple building owned by the same owner(s), fees are per building as defined by the NC Building Code, Vol. 1.	
(3) Individuals or companies that have not secured permits or Certificates of Compliance prior to beginning work or occupying the structure shall be charged double the listed amount.	

- (4) Re-inspections of the sprinkler system, fire alarm system, or building for Certificate of Compliance will result in an additional fee per inspection.

REQUIRED CONSTRUCTION PERMITS

	<u>Permit Fee</u>	<u>Test Fee</u>
Automatic Fire Extinguishing Systems (Ansul/Sprinkler)	\$150.00	\$150.00**
Compressed Gases	\$150.00	\$150.00
Fire Alarm & Detection Systems	\$150.00	\$150.00**
Fire Pumps	\$150.00	\$150.00
Flammable & Combustible liquids	\$150.00	\$150.00
Hazardous Materials	\$150.00	\$150.00
Industrial Ovens	\$150.00	\$150.00
Spraying or Dipping Operations	\$150.00	\$150.00
Standpipe Systems	\$150.00	\$150.00

NOTE: Any system installation prior to plan review and/or a permit being issues will incur a double fee.

Any structure over 70,000 SF x .002 + \$150 **
(DOES NOT INCLUDE HOOD SYSTEM/ANSUL)

REQUIRED OPERATION PERMITS

	<u>Fee</u>
Amusement Buildings	\$150.00
Carnivals and Fairs	\$300.00
Covered Mall Buildings	\$150.00
Exhibits and Trade Shows	\$2,500/yr or \$150.00/event
Explosives (blasting)	\$100/1-day or \$300/90-days
Liquids Use, Dispensing, Storage, Transportation	\$150.00
UGST/AGST Install, Alter, Remove, Abandon	\$250.00/site
Change in Liquid in Tanks	\$150.00
Liquid Dispensing – AGST/UGST to Vehicles	\$150.00
Liquid Dispensing – Tanker to Vehicles	\$150.00
Pyrotechnic Special Effects Material (Fireworks)	\$300.00/day & site
Spraying or Dipping	\$150.00
Tents & Canopies	\$50.00/tent

REQUIRED OTHER CHARGES/FEES

	<u>Fee</u>
Environmental Site Assessment Research	\$25.00 per hour (<i>one hour minimum</i>)
Fire Flow request/Special Request (fee per hydrant)	\$150.00/hydrant
Stand-by firefighters	\$20.00/hr per firefighter
<i>* when required by fire official or requested by occupant</i>	
After Hours Inspection – Special Request	\$35.00/hr (<i>minimum of 2 hours</i>)
After Hour Plan Review – Special Request	\$150.00/submittal
Other inspections by request	\$100.00

Knox/Lock Box Maintenance (Found with incorrect key)	\$100.00
Re-inspections (third visit or additional inspections)	\$50.00
State License Inspection Fee (ABC, State Bar, etc.)	\$100.00
Daycare & Nursing Home License Inspection Fee	\$ 75.00
Group Home License Inspection Fee (annually)	\$75.00
Foster License Inspection Fee (annually)	\$20.00 (<i>second visit \$50.00</i>)
Fire Incident Report Copy(s)	\$1.00 (<i>per report</i>)
Fire Extinguisher Recharge use for class	Current Market Rate per Ext.
Fire Extinguisher Program (Training Class)	\$ 50.00/On-site (Fire Station/City Hall)
Fire Extinguisher Program (Training Class)	\$75.00/Off-site at Requested Business

ANNUAL FIRE INSPECTION PROGRAM

	<u>Fee</u>
First Inspection (initial)	\$0.00
Second Visit Re-inspection	\$0.00
Third Visit Re-inspection	\$50.00
Fourth Visit Re-inspection	\$100.00

Additional Re-inspections will increase at \$50 per inspection until violations are corrected.

HAZARDOUS MATERIALS FEES:

Solids (lbs)	Liquids (gals)	Gases (SCF)	<u>Fee</u>
< 501	< 56	< 201	\$50.00
501 – 5,000	56 – 550	201 - 2000	\$150.00
5,001 – 25,000	551 – 2,750	2,001 – 10,000	\$200.00
25,001 – 50,000	2751 – 5500	10,001 – 20,000	\$250.00
50,001 – 75,000	5501 – 10,000	20,001 – 40,000	\$300.00
>75,000	> 10,000	>40,000	\$300.00
pound **(plus .01/per gallon//scf in excess of listed amount)			
NOTE: Excluding LPG/Medical gases			
LPG (Excludes LPG used ONLY for heating and cooking)			\$150.00/tank
Medical Gasses			\$150.00/tank
Radioactive Materials any amount			\$125.00

STAND-BY PERSONNEL/EQUIPMENT

	<u>Fee(work hrs.)</u>	<u>Fee(Overtime)</u>
Ladder/Hazmat	\$125.00/\$95.00	
Engine/Tanker	\$95.00	
Crash Truck/ Heavy Rescue	\$95.00	
Rescue Units	\$95.00	
Mobile Command Unit/Bus	\$30.00	
USAR	\$28.00	
Light Vehicles (Cars/Pick-ups)	\$17.00/\$27.00	
Trailers	\$10.25	

Mules/ATV	\$8.00	
Assistant Chief/Division Chief	\$35.87	\$53.81
Battalion Chief	\$23.39	\$35.08
Fire Captain	\$21.21	\$31.82
Engineer	\$17.45	\$26.18
Firefighter	\$15.07	\$22.61
Risk Reduction Personnel	\$25.49	\$38.24

Based on Stand-by per quarter hour, minimum 2 hours.

HAZMAT SUPPLIES

Item	Rate
Level "A" (enclosed, splash, and vapor protection)	
Large-XLarge	1775.00
2XLarge	1975.00
Level "A" Suits (Flash protection)	
Large – Xlarge	2495.00
XXLarge	2695.00
Level B Suits (Splash protection)	
S- XLarge	170.50
2XL to 4XL	207.00
Tyvek Disposable Coveralls	17.00
Butyl Gloves	76.25 pair
Silver Shield Gloves	10.95 pair
Nitrile Gloves	5.30 pair
Rain fair Latex Nuke Boots (yellow over boots)	6.00 pair
Chem-Tape (for sealing gaps in suits at sleeve, ankle, hood and storm flap)	42.00
Pipettes	1.00 ea
Boom 8 x 10	72.64
Boom 3 x 10	10.77
Boom 3 x 4	6.40
Absorbent	15.00/bag
Absorbent pads 17"x19" (Universal, oil only and Haz-Mat)	.75 ea
Absorbent Pillows 16"	5.07 each
Absorbent Padding Roll (Universal) 30"x150'	105.00 roll
Pail of Acid Neutralizer 40 lb.	132.95
Pail of Base Neutralizer 40 lb.	360.00
Soda Ash 50lb. bag	45.25
55 gallon drums	99.00
Overpack Drum	189.00
20 gallon containment Pool	82.00
66 gallon containment Pool	120.00
100 gallon containment Pool	193.95
150 gallon containment Pool	206.95
Drain seal/inlet guard	78.40

Item	Rate
3'x2' Magnet Drain Cover	95.60
2'x2' Magnet Drain Cover	63.80
Large Wooden Cone Plug	10.00
Small Wooden Cone Plug	5.00
Plug N Dike	28.00
Flow Stop Football	88.00
Flow Stop Golfball	46.00
Foam Class B (Thuderstorm)	37.00/gallon
Foam Class A	12.75/gallon
Drager CMS Chips	
Acetic Acid 2 -50 ppm	77.95
Acetone 40-600 ppm	81.25
Ammonia 2-50 ppm	55.31
Ammonia 10-150 ppm	55.31
Benzene 10-250 ppm	147.91
Benzene 0.2-10 ppm	144.65
Carbon Dioxide 200-3000ppm	55.52
Carbon Dioxide 1000-25000ppm	55.52
Carbon Monoxide 5-150ppm	53.70
Chlorine 0.2-10 ppm	55.31
Formaldehyde 0.2-5 ppm	75.85
Hydrochloric Acid 1-25 ppm	70.17
Hydrogen Peroxide .2-2 ppm	79.49
Hydrogen Sulfide 2-50 ppm	55.31
Methanol 20-500 ppm	89.20
Nitrogen Dioxide .5-25 ppm	55.24
Nitrous Fumes (NO + NO2) 0.5-15ppm	53.70
Perchloroetheylene 5-500 ppm	64.74
Petroleum Hydrocarbons 100 – 3000ppm	78.53
Petroleum Hydrocarbons 20-500ppm	79.42
Phosgene .05-2.0ppm	89.20
Phosphine 1-25 ppm	66.91
Sulfur Dioxide 0.4-10 ppm	55.24
Trichloroethylene 5 – 100 ppm	64.00
Vinyl Chloride 0.3-10 ppm	70.87
Drager and GasTec Detector Tubes	
Acetaldehyde 100-1000ppm	66.71
Acetic Acid 5-80ppm	62.81
Ammonia 5-700ppm	55.75
Carbon Dioxide 0.5-20% Vol	88.30
Chlorine 0.3 – 5ppm	66.03
Chlorine 50-500ppm	63.97

Item	Rate
Chlorobenzene 5-200ppm	63.97
Clan Lab Simultaneous Test Set	75.92
Cyanogen Chloride .25-5ppm	85.03
Haz-Mat Simultaneous Test Set 1 (inorganic)	127.16
Haz-Mat Simultaneous Test Set 2 (inorganic)	127.16
Haz-Mat Simultaneous Test Set 3 (organic)	127.16
Hydrocyanic Acid 2-150ppm	58.26
Hydrogen Cyanide 0.36-120 ppm	78.51
Hydrogen Flouride .5-90ppm	67.44
Nitrogen Dioxide 0.1-30ppm	80.12
Nitrogen Dioxide 0.5-125 ppm	52.97
Organic Arsenic Qualitative	80.26
Organic Basic Nitrogen Comp 1mg/ m3	85.73
Phenol 0.4-187 ppm	80.97
Phosphoric Acids Esters Up to .05ppm	104.94
Thioether 1mg/ m3	86.08
Vinyl Chloride 0.25-54 ppm	80.26
Decon Pools/Burms	360.00 ea
Chemical Classifiers Strips	10.00 ea
PH Papers	10.00 roll
Chemical Agent Detection Paper/Tape	50.00 ea
35 gallon trash can	30.00
Drum Sampler Tube	7.00 ea
Decon Solution	88.00/gallon
Tarp	57.00 ea
Mercury Spill Kit	24.00 ea
1 lb of 8p nails	3.47
1 lb of 16p nails	4.20
1 lb of 3" deck screws	9.94
4' x 8' 7/16" OSB Sheathing	7.25
4" x 6" x 12' Lumber	22.00
4" x 4" x 16' Lumber	21.00
2" x 4" x 16' Lumber	7.00

Parks

VILLAGE PARK SHELTERS

	<u>½ Day Rental</u>	<u>Full Day Rental</u>
Shelter A		
Resident	\$25	\$40
Non-Resident	\$32	\$55
Shelter B		
Resident	\$45	\$80
Non-Resident	\$55	\$100
Shelter C		
Resident	\$25	\$40
Non-Resident	\$32	\$55
Shelter C- Saturdays - 2 hour rental		
Resident	\$15	
Non-Resident	\$20	
Shelter D		
Resident	\$35	\$60
Non-Resident	\$45	\$80
Shelter E		
Resident	\$25	\$40
Non-Resident	\$32	\$55
Rental of all 4 shelters		
Resident	\$110	\$144
Non-Resident	\$200	\$270

OTHER FEES

Excessive Cleaning (see policy): \$30/hr

Police Officer: If required, rate will be provided during application submission

HOURS

Business Hours: 8:00AM – 5:00PM (Mon – Fri)

After Business Hours: Nights and Weekends

Holidays: Any designated City holiday

VILLAGE PARK AMPHITHEATER

Refundable Security Deposit: \$500

Resident for-profit:	\$550
Resident non-profit:	\$350
Non-Resident for-profit:	\$1,050

Non-Resident non-profit:	\$800
Staffing (2 staff required):	\$25/per hour (3hr minimum)
Parking:	\$12/per hour per person

EXTRA FEES

Set-up	\$200
Clean-up	\$300
Sound	\$250

** each additional hour after 5 hours is \$50/hour*

SPLASH PAD

\$1.50/per person per day
children 1 year of age and under are free

TRAIN

\$1.50/per person per ride
children 1 year of age and under are free

CAROUSEL

\$1.50/per person per ride
children 12 months of age and under are free

PUNCH CARDS

Punch Card of 12	\$15.00
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Water and Sewer Fees

WATER RATES	Inside City		Outside City
Individual Water Service: (less than 2 inch) (Note 1)			
• Tier 1 per 1,000 gallons (0-7,000 gals)	\$ 6.80		\$ 7.95
• Tier 2 per 1,000 gallons (over 7,000 gals)	\$ 7.09		\$ 8.30
• Irrigation per 1,000 gallons	\$ 7.09		\$ 8.30
* Base monthly charge (Note 2)	\$ 6.95		\$ 8.15
* monthly rate for unmetered service – residential only (Note 3)	\$ 47.60		\$ 55.65

Private Water Systems (more than one user):

• Tier 1 per 1,000 gallons (0-7,000 gals)	\$ 6.80		\$ 7.95
• Tier 2 per 1,000 gallons (over 7,000 gals)	\$ 7.09		\$ 8.30
• Irrigation per 1,000 gallons	\$ 7.09		\$ 8.30
* base monthly charge per user as determined by number of dwelling units or commercial spaces on site, occupied or vacant	\$ 6.95		\$ 8.15

Commercial Water Service

• Tier 1 per 1,000 gallons (0-7,000 gals)	\$ 6.80	\$ 7.95
• Tier 2 per 1,000 gallons (over 7,000 gals)	\$ 6.80	\$ 7.95
• Irrigation per 1,000 gallons	\$ 7.09	\$ 8.30
*base monthly charge	\$ 6.95	\$ 8.15

Fire Line Service :

* monthly service rate (2 inch)	\$ 47.60	\$ 55.65
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SEWER RATES	Inside City		Outside City
Individual Sewer Service:			
* per 1,000 gallons water used	\$ 6.70		\$ 6.70
* base monthly charge	\$ 3.80		\$ 3.80
* monthly rate for unmetered service – residential only	\$ 46.90		\$ 46.90

Private Sewer Systems (more than one user):

* per 1,000 gallons based on master meter	\$ 6.70	\$ 6.70
* base monthly charge per user as determined by number of dwelling units or commercial spaces on site, occupied or vacant (Note 2)	\$ 3.80	\$ 3.80

(Note 1) Water rates for customers with 2 inch meter or larger shall pay inside City rates.

(Note 2) All City customers will pay the base charge in addition to the per 1,000 gallon charge. Master metered customers will pay the base charge times the number of units served in addition to the per 1,000 gallon charge. Residential water customers using metered service for irrigation purposes only, shall not (during periods when level II or higher water restrictions are in effect) be billed a minimum bill for zero (-0-) usage.

(Note 3) Unmetered service is based upon an average bill of 7,000 gallons usage within a given month.

WATER TAP AND CONNECTION FEES	Inside City		Outside City	
Individual Water Tap Fees:				
* 3/4" service (installation by City)	\$ 800.00	*	\$ 800.00	*
* 1" service (installation by City)	\$ 800.00	*	\$ 800.00	*
* 1-1/2" service (installation by City)	\$ 1,200.00	*	\$ 1,200.00	*
* 2" service (installation by City)	\$ 1,200.00	*	\$ 1,200.00	*
* Larger than 2" (installation by customer or City)	All Cost Borne By Customer		All Cost Borne By Customer	

Fire Line Service Tap:

* All sizes (installation by the customer)	All Cost Borne By Customer		All Cost Borne By Customer
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Tap on of New Water Main to Existing:

* All sizes (installation by the customer)	All Cost Borne By Customer		All Cost Borne By Customer
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Individual Water connection fees: These fees were derived from meter factors as developed in the American Water Works Association Standards Manual. (See Note A)

Water meter Size

* 3/4" service	\$ 1,350.00		\$ 1,350.00
* 1" service	\$ 3,000.00		\$ 3,000.00
* 1-1/2" service	\$ 6,000.00		\$ 6,000.00
* 2" service	\$ 9,600.00		\$ 9,600.00
* 3" service	\$ 18,000.00		\$ 18,000.00
* 4" service	\$ 30,000.00		\$ 30,000.00
* 6" service	\$ 60,000.00		\$ 60,000.00
* 8" service	\$ 96,000.00		\$ 96,000.00
* 10" service	\$ 138,000.00		\$ 138,000.00

(Note A)

- (1) Tap fee and connection fee shall be per lot or per unit to be served.
- (2) Master metered developments shall pay a connection fee for each lot or individual unit served or fee for meter size whichever is greater.
- (3) Connection fee due from residential developers shall be paid before issuance of the zoning clearance permit. (Tap fees are waived where developer has installed water systems in accordance with City Ordinance.)
- (4) Connection fee is due from commercial and industrial developers before zoning permits can be issued by the City.
- (5) Connection fee for residential customers where a tap fee is also due shall be paid before tap is installed by the City.
- (6) Residential and commercial developers who have preliminary plats approved by the City before December 18, 2000 shall be exempt from paying the connection fee.
- (7) Commercial and industrial developers who are not required to obtain plat approval shall be exempt from paying the connection fee if zoning permits have been issued by the City prior to December 18, 2000. (Manufactured home parks and multi-family apartment complexes are included as commercial developers).
- (8) All applicable fees must be paid before receiving City water service.

SEWER TAP AND CONNECTION FEES	Inside City		Outside City
Individual Sewer Service Tap Fees:			
* 4" service (installation by the City) (includes any size pumped by customer)	\$ 1,200.00		\$ 1,200.00
* 6" or larger or where utility encasement may be required (installation by customer or City)	All Cost Borne By Customer		All Cost Borne By Customer

Tap on of New Sewer Line to Existing:

* All sizes (installation by the customer)	All Cost Borne By Customer		All Cost Borne By Customer
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Individual Sewer Connection Fees: These fees were derived from meter factors as developed in the American Water Works Association Standards Manual. (See Note B)

Water meter Size

* 3/4" service	\$ 1,000.00		\$ 1,000.00
* 1" service	\$ 1,625.00		\$ 1,625.00
* 1-1/2" service	\$ 3,250.00		\$ 3,250.00
* 2" service	\$ 5,200.00		\$ 5,200.00
* 3" service	\$ 9,750.00		\$ 9,750.00
* 4" service	\$ 16,250.00		\$ 16,250.00

* 6" service	\$ 32,500.00		\$ 32,500.00
* 8" service	\$ 52,000.00		\$ 52,000.00
* 10" service	\$ 74,750.00		\$ 74,750.00

(Note B)

- (1) Tap fee and connection fee shall be per lot or per unit to be served.
- (2) Master metered developments shall pay a connection fee for each lot or individual unit served or fee for meter size whichever is greater.
- (3) Connection fee due from residential developers shall be paid before issuance of the zoning clearance permit. (Tap fees are waived where developer has installed sewer systems in accordance with City Ordinance.)
- (4) Connection fee is due from commercial and industrial developers at the time of application for service.
- (5) Connection fee for residential customers where a tap fee is also due shall be paid before tap is installed by the City.
- (6) Residential and commercial developers who have preliminary plats approved by the City before December 18, 2000 shall be exempt from paying the connection fee.
- (7) Commercial and industrial developers who are not required to obtain plat approval shall be exempt from paying the connection fee if zoning permits have been issued by the City prior to December 18, 2000. (Manufactured home parks and multi-family apartment complexes are included as commercial developers).
- (8) All applicable fees must be paid before receiving City sewer service.

SERVICE FEES AND DEPOSITS	Inside City		Outside City
Service Disconnect / Administrative Fee	\$ 30.00		\$ 30.00
Service Deposit (Non-Property Owners)			
* Water or sewer; water and sewer – secured	\$ 75.00		\$ 75.00
* Water or sewer; water and sewer – unsecured	\$ 225.00		\$ 225.00
Returned Payment Item			
* Each	\$ 25.00		\$ 25.00

HYDRANT METER FEES	Inside City		Outside City
Construction Hydrant Meter (refundable)	\$ 750.00		\$ 750.00
Fire Hydrant Use Account (refundable)	\$ 250.00		\$ 250.00
Annual Hydrant Use Permit Fee * Per vehicle	\$ 25.00		\$ 25.00

**NORTHWEST CABARRUS SERVICE AREA
CAPITAL COST RECOVERY FEES**

Water meter Size	Water	Sewer
* 3/4" service	\$ 450.00	\$ 967.00
* 1" service	\$ 1,125.00	\$ 2,418.00
* 1.5" service	\$ 2,250.00	\$ 4,835.00
* 2" service	\$ 3,600.00	\$ 7,736.00
* 3" service	\$ 6,750.00	\$ 14,505.00
* 4" service	\$ 11,250.00	\$ 24,175.00
* 6" service	\$ 22,500.00	\$ 48,350.00
* 8" service	\$ 36,000.00	\$ 77,360.00
* 10" service	\$ 51,750.00	\$ 111,205.00

*The above fees are in addition to the normal capital cost recovery fees (also known as "connection fees") currently charged by the City of Kannapolis for service connection. In the case of new development, the current fees are due at the time of zoning clearance permit issuance. Conversely, the capital cost recovery fees described above for the Northwest Cabarrus Services Areas shall be paid in full to the City of Kannapolis prior to obtaining individual zoning clearance permits. These fees may be modified by City Council at any time without prior notification.

**WATER & SEWER SYSTEM
ADMINISTRATIVE FEES**

Non-payment administrative service disconnect fee	\$ 30.00
Re-connection Fee (after normal business hours)	\$100.00
Physical notification of non-payment bill	\$ 0.00
Unauthorized / illegal connection or re-connection	\$300.00
Locking Devices cut or damaged	\$300.00
Meter Yokes damaged	\$300.00
Tampering, altering, removing, or replacing meter	\$400.00
Water meter bypass	\$300.00
Re-read / No Error	\$ 50.00
Meter Test Fee	\$100.00

**WATER & SEWER SYSTEM
ADMINISTRATIVE FEES**

Continued

Repeat trip fee (starting with trip #3)	\$ 50.00
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MUNICIPAL WATER AND SEWER RATES

City of Concord (*Water and Sewer Services*)
 City of Landis (*Water Rate per 1,000 gallons*)

Per Contract
 Per Contract

Storm water

STORMWATER RATE TIER SCHEDULE

<u>Impervious Area Size (per Equivalent Residential Unit)</u>	<u>Fee</u>
Tier 1 – < 1,200 square feet	\$5.75
Tier 2 – 1,200 – 3,250 square feet	\$7.25
Tier 3 - > 3,250 square feet	\$8.75
Commercial – Per 3,250 square feet	\$7.25

Environmental

<u>Residential Environmental Fees (per occupied dwelling)</u>	<u>Fee</u>
Recycling/ Solid Waste	\$15.60
Additional Trash Bin Fee	\$2.50
Additional Recycle Cart	\$2.50
Garbage Ordinance Violation	\$50.00

Commercial Environmental Fees

Container Size (MSW)	1X per Wk	2X per Wk	3X per Wk	4X per Wk	5X per Wk
4 Yd	\$93.44	\$177.47	\$265.60	\$354.90	\$432.79
6 Yd	\$111.56	\$213.71	\$321.72	\$429.75	\$536.60
8 Yd	\$125.17	\$250.33	\$375.50	\$500.66	\$625.83
Container Size (Recycle)	1X per Wk				
4 Yd	\$98.87				
6 Yd	\$113.30				
8 Yd	\$128.75				

Event Space Rentals

- A \$100.00 security deposit is required for all meetings
- A \$250.00 security deposit for all parties, receptions, and banquets

Rate Table				
RATES ARE PER HOUR	Reservation Deposit %	Business Hours Rate	After Hours Rate	Security Fee Refundable
CITY HALL & POLICE HEADQUARTERS				
Laureate Center – Section A	25 %	\$ 75	\$ 85	\$ 100 - \$ 250
Laureate Center – Section B	25 %	\$ 75	\$ 85	\$ 100 - \$ 250
Laureate Center – Section C	25 %	\$ 75	\$ 85	\$ 100 - \$ 250
Laureate Center – Section A & B	25 %	\$ 150	\$ 175	\$ 100 - \$ 250
Laureate Center – Section B & C	25 %	\$ 150	\$ 175	\$ 100 - \$ 250
Laureate Center – Section A, B, & C	25 %	\$ 200	\$ 225	\$ 100 - \$ 250
Kitchen	25 %	\$ 25	\$ 35	\$ 100 - \$ 250
Council Conference	25 %	\$ 50	\$ 60	\$ 100 - \$ 250
The Gallery*	25 %	\$ 25	\$ 35	\$ 100 - \$ 250
Shell Space	25 %	\$ 15	\$ 20	\$ 100 - \$ 250
Terrace – Section A**	25 %	\$ 20	\$ 25	\$ 100 - \$ 250
Terrace – Section B**	25 %	\$ 20	\$ 25	\$ 100 - \$ 250
Terrace – Sections A & B**	25 %	\$ 30	\$ 40	\$ 100 - \$ 250
ADDITIONAL FACILITIES				
Cabarrus Bank Building	25 %	\$ 60	\$ 65	\$ 100 - \$ 250
Train Station – Conference A	25 %	\$ 55	\$ 60	\$ 100 - \$ 250
Village Park Multi-Purpose	25 %	\$ 50	\$ 55	\$ 100 - \$ 250
Village Park Patio	25 %	\$ 15	\$ 20	\$ 100 - \$ 250
Public Works Training Room	25 %	\$ 45	n/a	\$ 100 - \$ 250
Veterans Park Gazebo	25 %	\$ 25	\$ 30	\$ 100 - \$ 250
Dale Earnhardt Plaza	25 %	\$ 20	\$ 25	\$ 100 - \$ 250

* Gallery areas cannot be rented unless space in the Laureate Center is rented.

** Outside Terrace Areas cannot be rented unless inside space is rented.

- Extended Time Rental – 15% discount when any room or combinations of rooms are rented for 12+ hours during a single booking
- Multi-Space Rentals – 20% discount when all first floor spaces at City Hall and Police Headquarters are rented. *(Includes: Laureate Center Sections A, B, & C, Kitchen, Council Conference Room, The Gallery, Shell Space and Terrace A & B)*
- Permanent Tenant Rate – 20% discount when any room or combinations of rooms are rented monthly for a time span of two (2) or more hours each month and an annual agreement with twelve (12) monthly meetings scheduled.
- Dance Floor: \$450
- Stage: \$50 per 3'x6' section (\$450 for complete unit)



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Downtown Signage and Wayfinding Package

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

The completed signage and wayfinding package for the Downtown Streetscape Project will be presented to City Council for feedback. Assuming a City Council consensus, Staff intends to immediately proceed to bidding this package.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

None. General City Council feedback and consensus to proceed is requested by Staff.

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE CPA 2019-01 - Amendment to Move Kannapolis
Forward 2030 Comprehensive Plan - Future
Land Use and Character Map

A. Action Requested by City Council

Amend Move Kannapolis Forward 2030 Comprehensive Plan - Future Land Use and Character Map as detailed in CPA-2019-01, consisting of the addition of approximately 334 acres north of Old Beatty Ford Rd., on the east and west side of Interstate 85, and assignment of "Primary Activity Center – Interchange" Character Area (see attached map).

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

On December 17, 2018, City Council passed Resolution #2018-56 requesting from the General Assembly of North Carolina special local legislation to annex into the City of Kannapolis various properties adjacent to Interstate 85 in Rowan County. On April 29, 2019, the General Assembly of North Carolina passed Session Law 2019-12 (Senate Bill 63) extending the City's Extraterritorial Jurisdiction to the subject parcels, with an effective date of annexation of June 30, 2020. The annexation is to facilitate the proposed development of the properties as a mixed-use project, consisting of office, retail and residential uses. The parcels subject to such legislation equal approximately 334 acres and consist of Rowan County Parcels: 147-028, 147-068, 147-029, 147-070, 147-047, 147-069, 147-025, 139-077, 147-031, 135-068, 147-088, 135-090 and 135-091.

These parcels are located adjacent or in close proximity to the future Interstate-85 Exit 65 (Old Beatty Ford Rd.) currently under construction. (See attached map). In order to ensure that future development is consistent with the 2030 Move Kannapolis Forward Comprehensive Plan, staff is recommending that the subject parcels be added to the Move Kannapolis Forward 2030 Comprehensive Plan and that a future land use designation be applied to these parcels. Staff is proposing that a Future Land Use and Character Area designation of "Primary Activity Center - Interchange" be applied to the subject area (see attached map). The Primary Activity Center -

Interchange allows for a mixture of uses including but not limited to retail, office, light manufacturing, as well as a mix of residential product types. This same Character Area has also been assigned to the area adjacent to Exit 58 (Cannon Blvd.), Exit 60 (Dale Earnhardt Blvd.), and Exit 63 (Lane St.).

At its June 5, 2019 meeting, the Planning and Zoning Commission assigned a Kannapolis zoning district designation of "AG:" - Agricultural to the subject property. This designation is intended to serve as a placeholder zoning until an actual rezoning application is submitted to the City. This zoning designation was based upon a "Statement of Consistency" with the Move Kannapolis Forward 2030 Comprehensive Plan, and the assignment of a Future Land Use designation of "Primary Activity Center - Interchange" to this property. At this meeting, the Planning and Zoning Commission also voted unanimously to recommend the assignment of a "Future Land Use" designation of "Primary Activity Center - Interchange" by City Council.

D. Fiscal Considerations

None

E. Policy Issues

City Council has final authority to adopt and amend long range land use plans. The proposed amendment to the 2030 Comprehensive Plan will provide a Future Land Use Map designation to property that is to be annexed into the City limits, which has already been assigned a zoning designation of AG - Agricultural.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Motion to approve CPA-2019-01 as recommended by Planning and Zoning Commission (Recommended)**
2. Refer amendment back to Planning and Zoning Commission for further consideration and recommendation.
3. Take no action.
4. Table action to a future meeting.

ATTACHMENTS:

File Name

- ❑ 1._General_Assembly_of_North_Carolina_Session_Law_2019-12_(Senate_Bill_63).pdf
- ❑ 2._Map_of_Parcel_to_be_designated_in_2030_Move_Kannapolis_Forward.pdf
- ❑ 3._Future_FLU_CPA_2019_01.pdf

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 63
RATIFIED BILL**

**AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF
THE CITY OF KANNAPOLIS.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is added to the corporate limits of the City of Kannapolis:

Tract 1

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northwest corner of Jane Elizabeth and Michael Lance Casey, recorded in Book 1261, Page 618, said point being on the southern right of way line of Backwoods Lane, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,986.54 feet and E: 1,537,405.46 feet, said point being the POINT OF BEGINNING; thence with the western line of said Casey South 09°39'03" West 562.18 feet to an iron pipe located on the northern right of way line of Beatty Ford Road (NCDOT Project: W-5516), a variable width public right of way; thence along the northern right of way line of said Beatty Ford Road South 89°46'14" West 120.46 feet to an iron pipe on the northern line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768; thence following the northern line of said Roberts North 86°38'01" West 275.35 feet to an iron pipe; thence South 08°16'21" West 17.46 feet to an iron pipe on the northern right of way line of Beatty Ford Road; thence along the northern right of way line of said Beatty Ford Road the following twenty-six calls: South 89°46'14" West 102.31 feet to a right of way monument; North 78°16'33" West 194.21 feet to a right of way monument; South 89°45'18" West 219.89 feet to a right of way monument; South 84°24'31" West 160.81 feet to a point; South 78°48'27" West 132.46 feet to a right of way monument; South 89°47'42" West 255.04 feet to a right of way monument; North 83°54'05" West 316.93 feet to a right of way monument; South 76°49'15" West 133.16 feet to a right of way monument; North 82°39'13" West 191.45 feet to a right of way monument; South 79°05'32" West 137.66 feet to a right of way monument; North 78°02'56" West 214.82 feet to a right of way monument; South 81°19'36" West 101.20 feet to a right of way monument; North 82°38'28" West 150.80 feet to a right of way monument; South 89°43'16" West 265.51 feet to a right of way monument; South 73°12'14" West 192.85 feet to a right of way monument; North 89°52'49" West 55.10 feet to a right of way monument; North 70°21'37" West 117.05 feet to a point; South 73°32'58" West 143.63 feet to a right of way monument; South 89°45'17" West 71.93 feet to a right of way monument; North 79°48'00" West 249.13 feet to a right of way monument; North 89°49'34" West 27.99 feet to a right of way monument; South 76°43'29" West 202.22 feet to a right of way monument; North 89°50'55" West 75.16 feet to a point; North 00°13'44" West 70.00 feet to a point; North 88°19'45" West 603.34 feet to a point; South 89°46'16" West 591.99 feet to a point on the eastern right of way line of Interstate 85; thence along the eastern right of way line of said Interstate 85 North 20°59'51" West 314.11 feet to a point; thence with a curve to the right having an arc length of 542.18 feet, a radius of 11,378.98 feet, and a chord bearing and distance of North 04°00'03" East 542.13 feet to a point at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 830, Page



668; thence leaving the right of way of Interstate 85 and with the southern line of said Morris South 87°47'21" East 1.92 feet to an iron pipe; thence South 87°47'21" East 155.50 feet to a rebar at the southwest corner of Jamie Lee and Deborah Helms Morris, recorded in Book 729, Page 915; thence with the southern line of said Morris South 87°49'20" East 836.49 feet to a rebar at the southwest corner of Joshua L and Alisha G. Vanover, recorded in Book 1122, Page 761; thence with the southern line of said Vanover South 87°28'13" East 262.83 feet to a rebar at the southwest corner of Cecil G. and Betty G. Keller, recorded in Book 566, Page 340; thence with the southern line of said Keller the South 87°27'14" East 272.32 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 562, Page 646; thence with the southern line of said Garmon South 87°24'28" East 272.17 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 625, Page 878; thence South 87°27'09" East 273.24 feet to a rebar at the southwest corner of Stephen M. and Cathy Jo Garmon, recorded in Book 612, Page 967; thence with the line of said Garmon South 87°27'47" East 476.63 feet to a pipe found planted in stone; thence North 02°29'49" East 318.00 feet to a rebar at the southwest corner of Barbara Rainwater Lentz, recorded in Book 1034, Page 820; thence South 85°45'30" East 1,442.85 feet to a rebar on the western line of Tammy L. Efird, recorded in Book 1117, Page 961; thence with the western line of said Efird South 03°53'01" West 197.16 feet to a rebar; thence South 79°51'08" East 1,453.95 feet to the POINT OF BEGINNING, containing 4,513,597 Square Feet, 103.618 Acres, more or less.

Tract 2

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at an iron pipe located on the western line of Mark Alvin and Joy Lane Roberts, recorded in Book 1259, Page 768, said point being on the southern right of way line of Beatty Ford Road (NCDOT Project: W-5516), said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,370.91 feet and E: 1,536,904.69 feet, said point being the POINT OF BEGINNING; thence leaving the right of way of Beatty Ford Road and with the western line of said Roberts South 08°14'15" West 71.30 feet to an iron pipe at the northwest corner of Terry O. Basinger, recorded in Book 1258, Page 10; thence with the western line of said Basinger South 08°16'21" West 156.53 feet to an iron pipe at the northwestern corner of Larry Wayne and Barbara Beaver Basinger, recorded in Book 1256, Page 787; thence with the western line of said Basinger South 08°10'18" West 155.84 feet to an iron pipe at the northwest corner of Norman R. Basinger, recorded in Book 1258, Page 318; thence with the line of said Basinger South 08°16'09" West 148.73 feet to an iron pipe; thence South 86°39'37" East 696.71 feet to an iron pipe at the northwest corner of Julius Ray and Phillis Diane Nesbit Rivers, recorded in Book 1162, Page 436; thence with the line of said Rivers South 02°53'05" West 605.29 feet to a rebar at the southwest corner of Galen L and Patricia Burris, recorded in Book 566, Page 885 and being the common with the northwest corner of Justin Michael Sr. and Tracey Morrison, recorded in Book 1068, Page 720, said point being in the right of way of Bruner Sloop Road; thence crossing Bruner Sloop Road and following the western line of said Morrison South 02°08'20" West 21.70 feet to an iron pipe; thence South 02°14'02" West 513.89 feet to a rebar on the eastern line of Ernest Lester and Evelyn B. Cole, recorded in Book 1115, Page 743; thence with the northern line of said Cole North 84°26'06" West 1,345.98 feet to a rebar; thence South 04°03'36" West 324.86 feet to a rebar on the northern line of Earlene Honbarrier Wallace, recorded in Book DC#78, Page 447; thence with the northern line of said Honbarrier North 84°20'22" West 1,354.84 feet to a rebar at the northeastern corner of Thomas Franklin Corl, recorded in Book 1216, Page 4; thence with the northern line of said Corl North 83°54'31" West 285.75 feet to an iron pipe; thence North 05°08'31" East 10.15 feet to a rebar; thence North 84°51'29" West 505.27 feet to an iron pipe; thence North 14°41'40" East 89.75 feet to a rebar; thence North 84°54'48" West 80.00 feet to a rebar; thence South 14°41'43" West 99.86 feet to an iron pipe, recorded Paul Jeffrey and Donna Richardson Fritts, recorded in Book 987, Page 101; thence with the northern line of said Fritts North 84°51'29" West 122.06

feet to a stone on the eastern line of Floyd W and Frances J Propst, recorded in Book 1249, Page 426; thence with the line of said Propst North 06°01'59" East 546.59 feet to an iron pipe; thence North 85°54'04" West 1,010.54 feet to an iron pipe; thence South 02°02'05" East 287.08 feet to an iron pipe at the northeast corner of Ralph E. Archie Trustee, recorded in Book 1058, Page 582; thence with the northern line of said Archie Trustee North 87°56'32" West 399.89 feet to an iron pipe at the northeast corner of David and Linda Leonard, recorded in Book 1304, Page 445; thence with the northern line of said Leonard North 88°04'29" West 324.40 feet to a point on the eastern right of way line of Interstate 85 (NCDOT TIP Project I-3802B); thence with the eastern right of way line of said Interstate 85 the following 4 calls: with a curve to the right having an arc length of 236.25 feet, a radius of 1,080.00 feet, and a chord bearing and distance of North 17°11'54" East 235.78 feet to a point; North 32°28'49" East 470.08 feet to a point; North 17°09'26" East 241.87 feet to a point; North 01°55'53" East 323.82 feet to a point on the southern right of way line of the aforementioned Beatty Ford Road; thence with the southern right of way line of said Beatty Ford Road the following twenty-seven calls: North 76°21'18" East 236.62 feet to a point; North 89°46'16" East 515.00 feet to a point; North 00°13'44" West 70.00 feet to a point; North 89°48'04" East 65.11 feet to a right of way monument; South 77°52'00" East 209.91 feet to a right of way monument; North 86°20'13" East 29.35 feet to a right of way monument; North 80°10'04" East 259.29 feet to a right of way monument; North 89°46'58" East 90.00 feet to a right of way monument; South 77°27'35" East 46.14 feet to a right of way monument; North 85°30'09" East 140.51 feet to a right of way monument; South 53°46'57" East 93.10 feet to a right of way monument; North 86°54'08" East 200.23 feet to a right of way monument; North 73°05'27" East 104.38 feet to a right of way monument; South 60°11'28" East 109.78 feet to a right of way monument; North 70°06'41" East 58.33 feet to a right of way monument; South 84°53'47" East 50.22 feet to a right of way monument; North 86°52'14" East 200.14 feet to a right of way monument; North 77°04'23" East 159.05 feet to a right of way monument; South 83°18'22" East 249.83 feet to a right of way monument; North 76°15'29" East 151.07 feet to a right of way monument; South 69°05'05" East 111.45 feet to a right of way monument; North 82°19'31" East 348.77 feet to a right of way monument; North 89°48'26" East 250.15 feet to a right of way monument; South 82°38'16" East 302.74 feet to a right of way monument; North 89°48'06" East 149.98 feet to a point; North 74°50'05" East 155.24 feet to a right of way monument; North 89°46'35" East 193.31 feet to the POINT OF BEGINNING, containing 7,532,704 Square Feet, 172.927 Acres, more or less.

Tract 3

Being that certain parcel of land lying and being situate in Rowan County, North Carolina and being more particularly described as follows: Beginning at a rebar located at the northeast corner of Gladys Beaver Tate, recorded in Book 1053, Page 117, said point being on the southern line of Oscar Eugene and Irene Moose, recorded in Book 1258, Page 316, said point having North Carolina state plane coordinates (NAD83/2011) of N: 653,045.35' and E: 1,530,500.33 feet, said point being the POINT OF BEGINNING; thence with said southern line of Moose South 89°22'52" East 1,146.92 feet to an iron pipe; thence South 89°22'52" East 0.42 feet to a point on the western right of way line of Interstate 85; thence with the western right of way line of Interstate 85 with a curve to the left having an arc length of 728.25 feet, a radius of 11,662.84 feet, and a chord bearing and distance of South 02°57'30" East 728.13 feet to a point; thence along a spiral having the following six (6) chords: (1) South 04°48'01" East 23.01 feet; (2) South 04°53'56" East 24.47 feet; (3) South 04°59'05" East 26.46 feet; (4) South 05°03'05" East 26.40 feet; (5) South 05°05'43" East 26.34 feet; and (6) South 05°06'58" East 24.26 feet; thence with a curve to the left having an arc length of 90.32 feet, a radius of 23,026.00 feet, and a chord bearing and distance of South 05°13'55" East 90.32 feet to the northeast corner of Charles Ray Ryner, recorded in Book 753, Page 434; thence leaving the right of way of Interstate 85 and following the northern line of said Ryner North 88°04'29" West 19.68 feet to an iron pipe; thence North 87°52'54" West 485.52 feet to an iron pipe at the northeast corner of Vaughn H. and Nancy

A. Wilhelm; North 87°27'06" West 907.72 feet to an iron pipe; thence North 13°01'11" East 9.30 feet to an axle on the eastern line of Deborah Beaver Brown, recorded in Book 884, Page 774; thence with the eastern line of said Brown North 13°01'11" East 501.70 feet to an iron pipe on the southern line of Linda S. Brooks, recorded in Book 1245, Page 953; thence North 76°06'05" East 120.88 feet to an iron rod; thence North 03°55'04" West 368.99 feet to a rebar; thence North 03°59'32" West 25.94 feet; to the POINT OF BEGINNING, containing 1,178,923 square feet, or 27.06 acres, more or less.

Additional tracts:

The following territory described by Rowan County Property Identification Number:

1. 147 068 (North of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
2. 147 028 (Northwest of and immediately adjacent to property 147-068; immediately adjacent and to the East of China Grove Road)
3. 147 070 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; West and immediately adjacent to the I-85 right-of-way)
4. 147 029 (South of and immediately adjacent to the new Old Beatty Ford Road right-of-way; immediately adjacent and to the East of China Grove Road)
5. 135 091 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)
6. 135 090 (West of and immediately adjacent to the property 135 068 which is part of Tract 2, as described in this act, south of the new Old Beatty Ford Road right-of-way)

SECTION 1.(b) This section becomes effective June 30, 2020. Property in the territory described in this section as of January 1, 2020, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2020.

SECTION 2. The City of Kannapolis may exercise extraterritorial jurisdiction in the territory described in Section 1 of this act.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of April, 2019.

s/ Philip E. Berger
Presiding Officer of the Senate

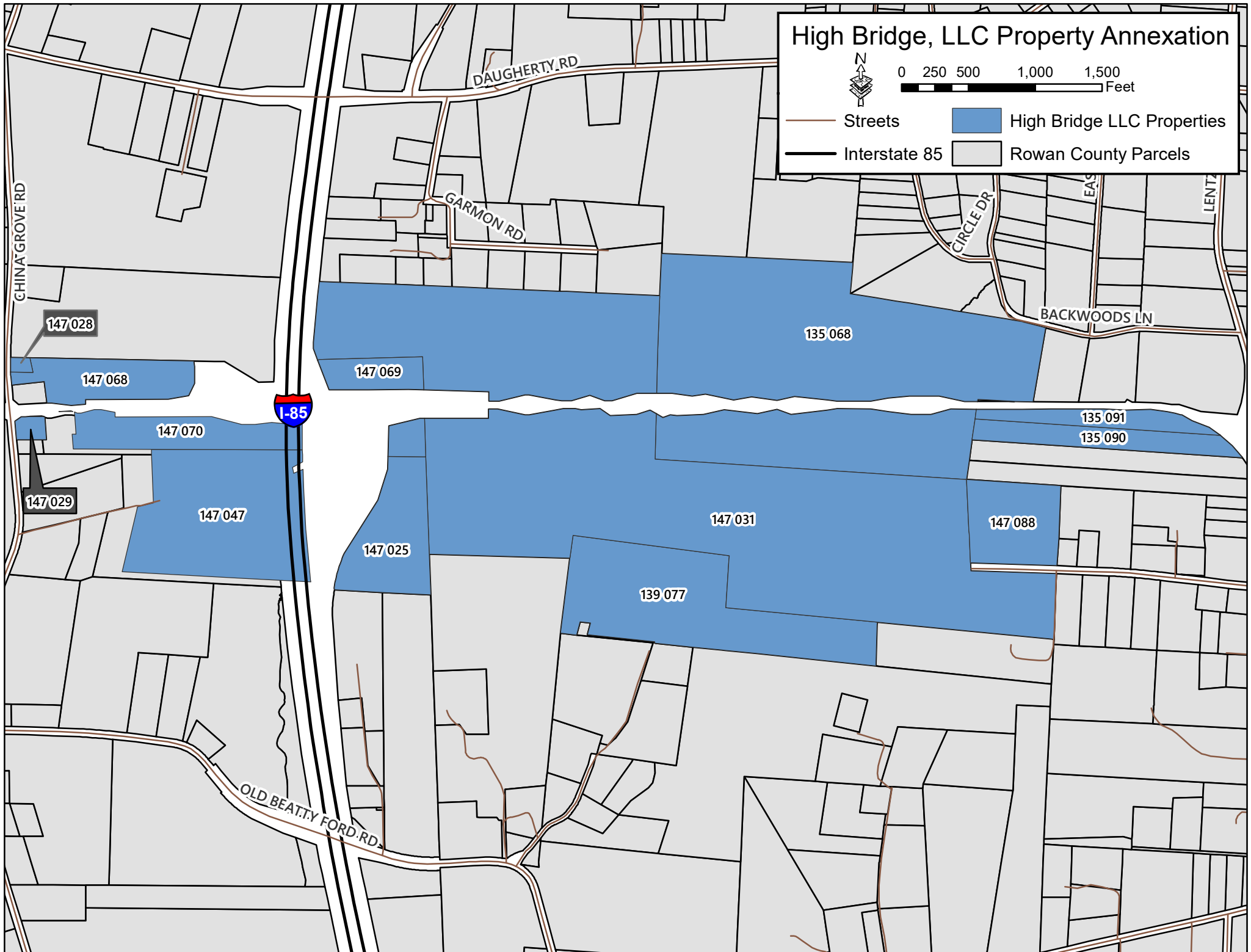
s/ Tim Moore
Speaker of the House of Representatives

High Bridge, LLC Property Annexation



0 250 500 1,000 1,500 Feet

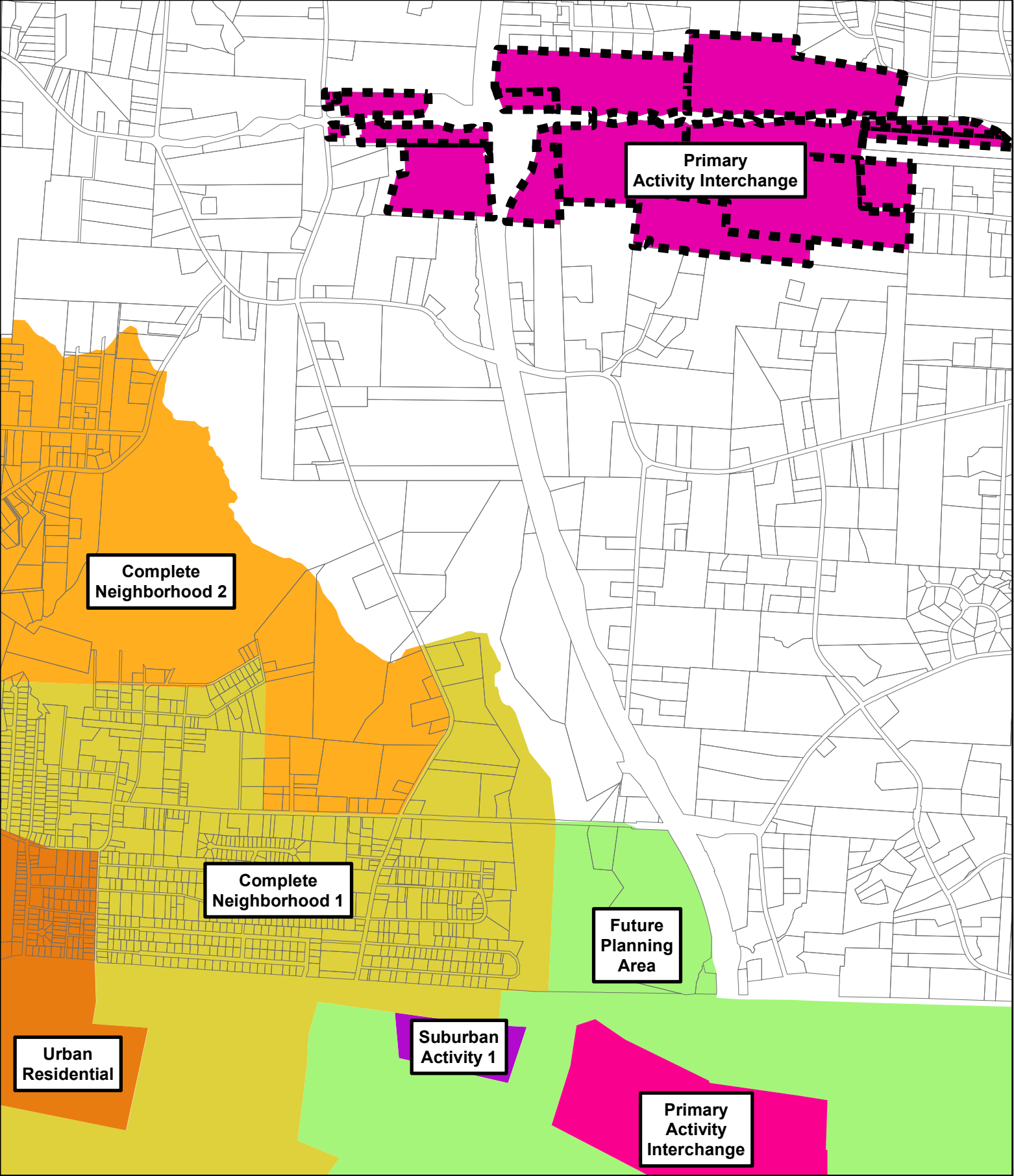
- Streets
- High Bridge LLC Properties
- Interstate 85
- Rowan County Parcels





Kannapolis 2030 Future Land Use Map

Case Number: CPA-2019-01
Applicant: City of Kannapolis





**City of Kannapolis
City Council Meeting
June 24, 2019
Staff Report**

TO: Mayor and City Council
FROM: Sherry Gordon, Community Development
Program Administrator
TITLE Community Improvement Commission
Appointments

A. Action Requested by City Council

Appointments to the Community Improvement Commission

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

On April 22, 2019 City Council dissolved the Citizens Advisory Commission for Community Development and established the Community Improvement Commission. This Commission is charged by the City Council with addressing the current and future needs of our community in order to achieve sustainable growth. It shall serve as an advisory body to the City Council on all matters related to the City's HUD grants and other community development initiatives, including hearing code enforcement cases.

In accordance with the Ordinance establishing a Community Improvement Commission, all appointed members shall serve a three-year term except for the initial appointment where three members shall be appointed to serve one year; three members shall be appointed to serve two years, and three members shall be appointed to serve three years, resulting in a staggered term schedule.

Following Staff review, it is recommended to appoint the following members to serve for three year terms: Yolanda Thompson, Mark Goodnight and Theron Smoutherson.

Appoint the following members to serve for two year terms: Veleria Levy, Teresa Dalsing and Machica Davis.

Appoint the following members to serve one year terms: Kirk Tutterow, Jacqueline Anthony and Amos McClorey.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Motion to appoint Yolanda Thompson, Mark Goodnight and Theron Smoutherson to a three year term. Veleria Levy, Teresa Dalsing and Machica Davis to a two year term and Kirk Tutterow, Jacqueline Anthony and Amos McClorey to serve a one year term (Recommended)**
2. Appoint members of City Council's choosing.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

- ☐ Ordinance_establishing_Community_Improvement_Commission_4-22-2019.pdf
- ☐ Applications_on_File_06-19-2019.pdf

**CITY OF KANNAPOLIS
ORDINANCE**

BE IT ORDAINED that the City Council for the City of Kannapolis does hereby amend the Kannapolis City Code by the addition of Chapter 2, Article II, "Board and Commissions" as follows:

"Division 1. Establishment of Board and Commissions.

The City Council may establish such Boards and Commissions as it deems necessary or proper to serve as an advisory body to the Council for any City functions which shall have an appointment process is open and accessible to all interested citizens who desire to become involved in City government.

Sec. 2-16. Community Improvement Commission

- (a) Dissolution of Citizens Advisory Commission for Community Development. The Citizens Advisory Commission for Community Development established by Ordinance on April 22, 2008, is hereby dissolved.
- (b) Creation and Purpose. The Community Improvement Commission is hereby created and charged by the City Council with addressing the current and future needs of our community in order to achieve sustainable growth. It shall serve as an advisory body to the City Council on all matters related to the City's HUD grants and other community development initiatives. The Commission is charged also with the following powers and duties:
 - (1) To represent citizens in the annual planning, assessing, and reviewing the Community Development program, including allocation of available funding.
 - (2) To prioritize and recommend community development needs and projects.
 - (3) To recommend improvements, changes, and amendments to the Community Development program.
 - (4) To assist with community outreach regarding fair housing, the Community Development program, and other related projects and programs.
 - (5) To consider, review, evaluate and report to Council the advisability of adopting an Ordinance to vacate, remove, or demolish a dwelling which is subject to an Order of the housing inspector to do so pursuant to the provisions of Kannapolis Code Section 8-9.1.
 - (6) To consider, review, evaluate and report to Council the advisability of adopting an Ordinance to vacate, remove or demolish a non-residential building which is subject to an Order of the non-residential maintenance standards inspector to do so pursuant to the provisions of Kannapolis Code Section 4-40.1.
- (c) Officers and Duties. Shall consist of nine (9) voting members all of whom shall be residents of the City of Kannapolis. All members shall be appointed by the City Council. Officers of the Commission shall consist of a Chairperson, a Vice Chairperson and a Secretary. Where possible appointments shall be made in such a manner to ensure that a significant majority of members have a background and/or demonstrated personal interest in, and understanding of, local socio-economic, neighborhood and urban redevelopment issues. Where practical, Commission members shall be appointed to provided representation for low and moderate

income persons, minority groups, the business community, civic groups who are concerned about the Community Development program, and the elderly and handicapped.

All appointed members shall serve a three-year term except for the initial appointments where three members shall be appointed to serve one year, three members shall be appointed to serve two years, and three members shall be appointed to serve three years, resulting in a staggered term schedule. Members may be reappointed to serve additional terms. However, priority may be given to citizens who have not previously served on the Commission.

- (1) Chairperson. The Commission shall elect a Chairperson from among its appointed members. The candidate for each office receiving a majority vote of the entire membership of the Commission shall be declared elected. This may be done by written ballot or open election. The term of office shall be one year, beginning in July each year. The Chairperson shall be eligible for re-election. The Chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time.
- (2) Vice Chairperson. A Vice Chairperson shall be elected by the Commission from among its appointed members in the same manner and for the same term as the Chairperson. The Vice Chairperson shall serve as Acting Chairperson in the Chairperson's absence and at such times shall have the same powers and duties as the Chairperson.
- (3) Secretary. The City Clerk or their designee shall serve as Secretary. The Secretary shall keep the minutes of every Commission meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting. All plans, reports and recommendations of the Commission must be approved by at least a majority of the appointed Commission members. A record of each vote, decision, recommendation, and other official action shall be kept as part of the minutes, including the names of members who are absent or fail to vote. The Secretary does not act in the capacity of a Commission member.

(d) Rules of Conduct For Members.

- (1) Removal. Members of the Commission may be removed for any reason by the City Council including violation of the rules stated below or violation of the Policy for Boards, Committees and Commission established by the City Council
- (2) Attendance. Faithful attendance at all Commission meetings and conscientious performance of the duties required as a Commission member shall be considered a prerequisite of continuing membership on the Commission. Absence from three consecutive regular Commission meetings, or lack of participation in three consecutive duties shall be grounds for the City Council to terminate the appointment of such person. The Chairperson shall notify the Commission if a member has missed three consecutive regular meetings or has not participated in three consecutive duties, and a vote will be taken by the members to recommend a replacement to City Council. Vacancies in the offices on the Commission shall be filled immediately for the unexpired term by the regular election procedure.
- (3) Voting. All members shall vote on all issues brought before the Commission by show of hands unless excused by a majority of the Commission members.

- (4) Conduct. Members of the Commission shall not seek to influence a decision, participate in any action, or cast a vote involving any matter before the Commission which may result in a private benefit to themselves, their immediate relatives or their business interests. In applying this rule a Commission member who believes that a conflict of interest may exist shall declare that possible conflict and ask to be excused from deliberation on the issue in question. A majority vote of the remaining Commission members shall be required to excuse a member from deliberation from a conflict of interest.
- (e) Meetings.
 - (1) Regular Meetings. Meeting shall be held as often as necessary to perform the function for which the Commission has been created. A meeting schedule shall be set each year by the City staff coordinating the Commission.
 - (2) Quorum. A quorum shall consist of five (5) of the members of the Commission for the purpose of taking official action.
 - (3) Conduct of Meetings. All meetings shall be open to the public. Roberts Rules of Order will govern the meetings. The order of business at regular meetings shall be as follows:
 - (1) Attendee sign in
 - (2) Approval of Minutes
 - (3) Old Business
 - (4) New Business
 - (5) Adjournment
- (f) Sub-Committees. Sub-Committees may be developed by the Commission for purposes and terms which the Commission deems productive. The Commission may dissolve a sub-committee or create a new one at any time as it deems necessary. Sub-committees will meet independently of the Commission but will include members of the Commission, with a Commission member chairing the committee and reporting back to the Commission on their actions.”

BE IT FURTHER ORDAINED that the City Council does hereby amend the Kannapolis City Code Chapter 8 “Housing” with the addition of Sec. 8-9.1 as follows:

“Sec. 8-9.1 Referral of Certain Actions to the Community Improvement Commission.

- (a) In the event the housing inspector issues an order to vacate, remove or demolish a dwelling, the matter shall be submitted within fifteen days thereafter to the Planning Director or his designee for presentation to the Community Improvement Commission at its next meeting which shall consider, review and evaluate the order and advise City Council of its findings by a written report presented to the City Clerk no later than thirty days thereafter. The report shall contain a conclusion as to at least the following questions:
 - (1) Is there a substantive basis for the housing inspector’s order to vacate, remove or demolish the dwelling?
 - (2) Has the owner been given a reasonable opportunity to bring the dwelling into conformity with the housing code?


- (3) Does the Commission recommend additional time for the owner to conduct repairs or improvements necessary to bring the dwelling into conformity and, if so, what period of time is recommended?
- (b) The Commission shall have the authority to meet with members of City staff, the property owner or such other persons it deems relevant to the matter being considered.”

BE IT FURTHER ORDAINED, that the City Council does hereby amend the Kannapolis City Code Chapter 4, Article II, “Nonresidential Building Maintenance Standards” with the addition of Sec. 4-40.1 as follows:

“Sec. 4-40.1 Referral of Certain Actions to the Community Improvement Commission.

- (a) In the event the Inspector issues an order to vacate, remove or demolish a building, and there is no appeal pursuant to Sec. 4-40, the matter shall be submitted within fifteen days thereafter to the Planning Director or his designee for presentation to the Community Improvement Commission at its next meeting which shall consider, review and evaluate the order and advise City Council of its findings by a written report presented to the City Clerk no later than thirty days thereafter. The report shall contain a conclusion as to at least the following questions:
- (1) Is there a substantive basis for the Inspector’s order to vacate, remove or demolish the building?
- (2) Has the owner been given a reasonable opportunity to bring the building into conformity with the nonresidential building code of the City?
- (3) Does the Commission recommend additional time for the owner to conduct repairs or improvements necessary to bring the building into conformity and, if so, what period of time is recommended?
- (b) The commission shall have the authority to meet with members of City staff, the property owner or such other persons it deems relevant to the matter being considered.”

Adopted this the 22nd day of April, 2019.


Milton D. Hinnant
Mayor

ATTEST:


Bridgette Bell, MMC, NCCMC
City Clerk

BOARDS & COMMISSIONS
APPLICATIONS ON FILE
06-19-2019

Name: Jeffrey P. Newton

Date Applied: 02-15-2018

Address: 2688 Keady Mill Loop, Kannapolis, NC 28081

Daytime Phone: 704-935-2634

Work/Cell: 757-641-7898

Email: jnewton2002@yahoo.com

County Residence: Cabarrus

Current Employer: None. Retired.

Professional Background: Retired US Navy Officer (25+ years); division manager, program manager and project manager for various government contractors (23+years) specializing in reliability maintenance

Occupation/Title: N/A

Educational Background: BS Liberal Studies; MPA Human Resource Management

Civic Background: Community & Civic Involvement: On Landscape Committee for small HOA in early 1980's

Other Board, Commissions, or Committees on which you are currently serving: None

List three people who are not related to you: Chrystal Phelps, Mary Jane Quesnel, Beth Simmons

Boards/Commissions applied for:

PERSONNEL ADVISORY BOARD (1st Choice)

Please explain why you want to be a member of this commission: Throughout my US Navy and civilian careers I dealt with many personnel issues and learned most importantly to listen, ask informed questions, and based on the facts, determine the outcome that benefited both my employer and the employee. I feel these traits would make me a valuable member of the board.

What experience or education have you had relative to this Board? I hold a MPA as well as a MS in Human Resources Management from Troy University. I was manager with hire/fire authority for different companies and am used to working as a team member to reach viable solutions. I have worked with diverse groups of people throughout my entire career.

PARKS & RECREATION COMMISSION (2nd Choice)

Please explain why you want to be a member of this commission: I enjoy spending time outside and find the Kannapolis park system extensive and viable. I would like to be a part of this program to help it to continue to grow. Amenities like a strong park system benefit the community and help people determine where they want to live and grow their families.

Why do you believe Parks and Recreation is important to the City of Kannapolis: Readily available open spaces are a must to bring communities together. In my short time in Kannapolis, my wife and I have enjoyed visiting the different parks and really enjoyed the Christmas lights and theme at Village Park. As a veteran, I find the Veterans Park a fitting tribute.

What are three Parks and Recreation priorities you believe the City should address? More walking trails similar to Irish Buffalo Creek; continued expansion/upgrading of existing parks; and exploring ways to get more green areas into new and existing developments.

Name: Gene Overcash

Date Applied 04-06-2018

Address: 1001 Orangewood Street, Kannapolis, NC 28081

Daytime Phone: Home-704-932-4619 Work-704-938-6121 Cell-980-622-4512

Email: govercash@curb.com

County Residence: Cabarrus

Current Employer: Mike Curb – Curb Motorsports Museum

Occupational/Title: Museum Manager

Professional Background: 71-94 G&S Metal, Catawba College, YMCA, Self Employed Landscaping

Educational Background: AL Brown HS, Rowan Tech – Kannapolis Fire Department

Civic Background: Community & Civic Involvement: NCMHOF induction ceremony, Curb Museum, Kannapolis Fire Department (20 yrs.)

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Danny Scott, Larry Phillips, Donie Parker

Boards/Commissions applied for:

PLANNING & ZONING COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: Helping make City bigger and better place to live. Keep Kannapolis safe and growing the right way. Learn more about the City, plans and some way to get involved with the growth.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue: More business in City, Building the correct community, Bring more people to the City.

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision? To be able to help with the growing of downtown and not only baseball, with the help of bringing entertainment to the city with music.

Name: Jamie Newman

Date Applied: 05-04-2018

Address: 306 Oakshade Avenue, Kannapolis NC28083

Daytime Phone: 704-605-7503

Work/Cell: 704-920-1325

Email: jamie.newman@cabarrushealth.org

County Residence: Cabarrus

Current Employer: Cabarrus Health Alliance

Professional Background: Experience in Human Resources in manufacturing, retail, local government and healthcare; executive selection and development; business consulting; retail management.

Occupation/Title: Human Resources Manager

Educational Background: Master of Arts in Industrial and Organizational Psychology; Bachelor of Arts in Psychology; Certified Senior Profession in HR (SPHR); SHRM Certified Professional.

Civic Background: Community & Civic Involvement: Executive Board Member for Sow Much Good; fundraising for Operation Homeless; volunteer Career Counseling for CMS; Volunteer Faithful Friends; Community Relations Chairperson for Cabarrus Regional Society for HR Management (CRSHRM); VP CRSHRM.

Other Board, Commissions, or Committees on which you are currently serving: Current President of Cabarrus Regional Society for HR Management

List three people who are not related to you: Dianne Berry, Erin Shoe, Claudia Wilder

Boards/Commissions applied for:

PERSONNEL ADVISORY BOARD (1st Choice)

Please explain why you want to be a member of this commission: I would like to increase my involvement in local government and I believe serving on this board would be the ideal opportunity because I would be able to make meaningful contributions. HR is my chosen field and employee relations is of particular interest to me. Working with employees to find resolutions that are fair, within policy, and benefit both organization and the employee is challenging and always an interesting endeavor. I would enjoy the opportunity to serve the City of Kannapolis and its employees in this capacity.

What experience or education have you had relative to this Board? A master's degree in industrial and organizational psychology uniquely prepares me to deal with HR related issues from the legal, business and human perspectives. I have attained HR certifications from HRCI and SHRM, which are both recognized as standards in the field that signify an understanding of best practices, employment law and human resources management. I have worked in manufacturing, retail, healthcare and local government, and have experiences in business to business consulting with senior leaders, all of which have given me the opportunity to work with many types of employees at different organizational levels.

**CURRENTLY SERVES AS THE CITY'S REPRESENTATIVE ON
THE ROWAN-KANNAPOLIS ABC BOARD**

Name: Mark Goodnight

Date Applied: 04-30-2018

Address: 909 N. Main Street, Kannapolis, NC 28081

Daytime Phone: 704-938-9259

Work/Cell: 704-773-0818

Email: markgoodnight2018@gmail.com

County Residence: Rowan

Current Employer: Allen Tate Realtors

Professional Background: Real Estate Broker last 15 years

Occupation/Title: Real Estate Broker

Educational Background: 1981 graduate of UNCC with BA in Business

Civic Background: Community & Civic Involvement: Boy Scouts, Habitat, church

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Dale Bullock, Wilmer Melton, Ryan Dayvault

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (Only Choice)

Why are community development/revitalization issues important to the City of Kannapolis? Because of all new development in the downtown area. This will affect us for years to come.

What do you consider to be three major community issues for our City? Employment, housing, recreation

How should the City address the community's needs as it evolves economically? Will need community involvement to stay on track with development.

Name: Teresa (Tess) Dalsing

Date Applied: 04-30-2018

Address: 901 Central Drive, Kannapolis, NC 28083

Daytime Phone: N/A

Work/Cell: 704-591-9173

Email: tess51070@gmail.com or tess.dalsing@allentate.com

County Residence: Cabarrus

Current Employer: Allen Tate Realtors

Professional Background: Counseling and administrative

Occupation/Title: Real Estate/Broker

Educational Background: MS in child psychology

Civic Background: Community & Civic Involvement: Esther House domestic violence-group counselor and school speaker, raceway-various fundraisers.

Other Board, Commissions, or Committees on which you are currently serving: None.

List three people who are not related to you: John Kindom, Justin Colasacco, Susan Billar

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (1st Choice)

Why are community development/revitalization issues important to the City of Kannapolis? I work and live in the Kannapolis community. I am raising three boys in this community. It is important to be involved in the community and to encourage others to do the same. It takes active community members to make a difference within a community and I can do just that.

What do you consider to be three major community issues for our City? I believe that poverty, drug abuse and our educational system are three major factors that could use more exposure, education, resources and funds.

How should the City address the community's needs as it evolves economically? The City needs to stay actively involved within the community in order to stay abreast of what needs are current. The City and its community will continually evolve and the City needs to stay involved in order to keep matters current.

PERSONNEL ADVISORY BOARD (2nd Choice) No response to questions

PLANNING & ZONING COMMISSION (3rd Choice)

Please explain why you want to be a member of this commission: I have recently moved to the Kannapolis area and would like to be involved in the day-to-day happenings. I have a MS in child psychology and I have always done everything I can do to help others. The community development commission would be a great way to give back, help others in the Kannapolis community and get to know others in the Kannapolis area.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue. I believe that education, poverty and drug abuse are the three most important issues facing the Kannapolis/Charlotte area at that this time. The commission could look at ways to create programs or strengthen existing programs for the community. Programs aimed towards prevention, programs that [provide resources to those in need and programs that support our local teachers and build up the educational process.

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision? I would like to be an active part in creating programs for Kannapolis that I will offer the necessary resources for those having economic hardships. I would like to be a part of educating the community on the current drug epidemic and assist in creating programs for prevention, intervention and healing.

PARKS & RECREATION COMMISSION (4th Choice) No response to questions

BOARD OF ADJUSTMENT (5th Choice)

Please explain why you want to be a member of this commission: While this is not my first pick, I could still benefit from this board because I am a local Realtor. I not only could offer my own expertise toward each zoning request, but I would learn more that could benefit my own personal career.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue. N/A

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing this vision? N/A

Name: Kristian Aiken

Date Applied: 03-15-2019

Address: 216 Small Street, Kannapolis, NC 28083

Daytime Phone: Home-704-668-3752 Work-Cell (Same)

Email: Kristian.aiken@gmail.com

County Residence: Cabarrus

Current Employer: QC DATA

Occupational/Title: Engineer

Professional Background: Engineer

Educational Background: Mechanical and civil engineering and management

Community & Civic Involvement: GPAA Matthews Gold Club Member

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Brooke Thomas 704-606-4319; Robert Mitchski 980-429-3702; Chris Petty 704-548-9951

Boards/Commissions applied for:

PARKS & RECREATION COMMISSION

Please explain why you want to be a member of this commission: To be a part of the community. I believe in active healthy family fun activities

Why do you believe Parks and Recreation is important to the City of Kannapolis: It is important because it gives the community a place to come together and create healthy relationships throughout the community.

What are three Parks and Recreation priorities you believe the City should address? 1-Existing park maintenance and upgrades; 2- a safe place for children; 3- additional activities and additional parks

Name: Travis S. Gingras

Applied 03-15-2019

Address: 1189 Daybrook Drive, Kannapolis, NC 28081

Daytime Phone: 704-956-1862

Work/Cell: 704-875-1615

Email: trav.gingras@gmail.com

County Residence: Cabarrus

Current Employer: HensonFoley Design, Inc.

Professional Background: Bachelors of Science in Civil Engineering – University of Vermont

Occupation/Title: Civil Engineer

Educational Background: Associates of Science in Civil/Environmental Engineering Technology- UVM

Community & Civic Involvement: Active member of Cabarrus County Chamber

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Jay Henson-landscaper-704-875-1615; Tim Foley-civil engineer-704-875-1615; Ron Adkins-retired-704-224-4754

Boards/Commissions applied for:

PLANNING & ZONING COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I would like to be a member of the Planning and Zoning Commission because I would like to become more active and involved in my community. My wife and I have bought and owned a home in Kannapolis for 3 years and absolutely love that the city is doing. Because my background as an Engineer, I am very familiar with the planning and zoning process and can bring a lot of practical work experience to the board.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue: I think the three most important issue our community faces today is Senior Living options, high paying income jobs and public transportation. This Commission can play a role in all of these issues. The Commission may not be able to directly bring businesses into the city, but can be open to all ideas and work across lines both developers and adjacent owners to meet everyone's needs.

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision? The vision of Kannapolis I picture, is a robust and busy downtown. Busy as in plenty of things to do, that is within walking distance. People can park a car and be able to walk to the activities they have planned. Outside of the downtown area, is pockets of neighborhoods that flow seamlessly into each other. Kannapolis needs to be made into the destination where the community wants to live, work and play.

Name: Chris Puckett

Applied 03-22-2019

Address: 848 Lantern Way. Kannapolis, NC 28081

Daytime Phone: N/A

Work/Cell: 704-298-5872

Email: ch2realty@gmail.com

County Residence: Cabarrus

Current Employer: Lantern Realty & Development

Occupation/Title: Realtor/Owner

Educational Background: Masters Degree-Mountain State U

Community & Civic Involvement: Kiwanis Club of Kannapolis

Other Board, Commissions, or Committees on which you are currently serving: Planning & Zoning

List three people who are not related to you: Paula Severt – Realtor 704-232-3433; Deana Petty-Realtor 704-258-8068; Ryan Dayvault – Council 704-791-5843

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (Only Choice)

Why are community development/revitalization issues important to the City of Kannapolis? I am lifelong resident of Kannapolis and I want to see all people represented during the transformation of my hometown.

What do you consider to be three major community issues for our City? Affordable housing; senior housing; community connectivity/transportation

How should the City address the community's needs as it evolves economically? Proper and equal representation for all demographics. Provide more ways to get all of Kannapolis involved in decision making.

Name: Machica Davis

Applied 04-01-2019

Address: 1771 Mission Oaks Street, Kannapolis, NC 28083

Daytime Phone: N/A

Work/Cell: 704-273-0411

Email: mrochelledavis@gmail.com

County Residence: Cabarrus

Current Employer: ACN, Inc.

Occupation/Title: Senior Provisioning Specialists

Professional Background: Customer service representative at ACN 2009, Research Analyst 2011, Provision I- 2013, Senior Provisioning Specialist's 2014-present. 10 years at ACN, Inc.

Educational Background: Bachelor of Science Degree in accounting (December 1994) Winston Salem State University; Concord High School 1986-1990, Rowan Cabarrus Community College 2003

Community & Civic Involvement: Living Water Church of God Community Outreach via Jimmy Murphy Christmas Give-a-Way and Opportunity House

Other Board, Commissions, or Committees on which you are currently serving: Currently not serving on any other boards

List three people who are not related to you: Ted Blackwelder- Facilities Supervisor 704-999-6493; Riva Green-Preschool teacher, 860-922-7334; Wynona Bell-Operations Supervisor, 704-260-3000

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (Only Choice)

Why are community development/revitalization issues important to the City of Kannapolis?

Community development issues are important to the City of Kannapolis because they are concerned for the economic, social, environmental and cultural aspects of the community.

What do you consider to be three major community issues for our City? Economic, social and cultural.

How should the City address the community's needs as it evolves economically? Continue to build and

address the living conditions and economic status of disadvantaged communities while continuing to provide jobs that can compete to provide more than the minimum wage. Solicit companies that will provide such jobs.

Name: Thomas Gilanyi

Applied 04-29-2019

Address: 403 N. Cannon Blvd, Kannapolis, NC 28081

Daytime Phone: N/A

Work/Cell: 917-968-3306

Email: tgilanyi@gmail.com

County Residence: Cabarrus

Current Employer: Wells Fargo N.A.

Occupation/Title: Remediation/Regulatory Communications Specialists/Attorney

Educational Background: New York Law School – JD; UCLA-BA

Community & Civic Involvement: Volunteer lawyer for Arts (VLA) 2009-2010

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Agnes Lazaruis, CFO 352-598-5499; James DeVoe, Leasing Agent, 917-270-2658; Gay Gallman, Laurinburg-Maxton Airport COB, 910-280-0174

Boards/Commissions applied for:

PLANNING & ZONING COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I would like to be a part of this commission because I think this is an exciting time in the history of Kannapolis and I would love to use my skills and education to serve the community.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue: Opioid addiction, low tax base and underemployment. The commission plays a role by planning growth opportunities that can rise wages, increase tax revenue and improve quality of life.

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision? My vision is for the City to grow into a thriving community with a high quality of life for its citizens. The commission's role is to properly recognize and plan economic growth opportunities for the long term.

Name: Theron Smoutherson

Applied 03-21-2019

Address: 614 N. Juniper Avenue, Kannapolis, NC 28081

Daytime Phone: 704-925-1075

Work/Cell: 980-621-8494

Email: theron1970@gmail.com

County Residence: Rowan

Current Employer: Youth Pastor at Lakeview Baptist Church

Occupation/Title:

Educational Background: Graduated A.L. Brown. Some college

Community & Civic Involvement: N/A

Other Board, Commissions, or Committees on which you are currently serving: N/A

List three people who are not related to you: Bobby Vannoy-Carolina Stamp, 980-521-3122; Chris Harmon, Landis, 704-273-6195; Pastor Jeff Cole, Rockwell, 704-239-7909

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (1)

Why are community development/revitalization issues important to the City of Kannapolis? To bring people back together

What do you consider to be three major community issues for our City? Everybody seems so separated, to bring the city together again.

How should the City address the community's needs as it evolves economically? More affordable activities

PARKS & RECREATION COMMISSION (2)

Please explain why you want to be a member of this commission: To help the City create for young and old

Why do you believe Parks and Recreation is important to the City of Kannapolis: To help with activities for everybody

What are three Parks and Recreation priorities you believe the City should address? More affordable programs for youth and adults. Expand on current parks and activities

BOARD OF ADJUSTMENT (3)

Please explain why you want to be a member of this commission: To help my City in any way possible

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue. Same as above

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing this vision? Same as above

PLANNING & ZONING COMMISSION (4)

Please explain why you want to be a member of this commission: To be a part of shaping Kannapolis

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe this commission can play a role in addressing each issue: Places for kids that don't cost a lot, better places for neighborhoods to get together

What is your vision for the City of Kannapolis and what do you consider this commission's role to be in accomplishing that vision? To plan the City for everybody

Name: Alyce Quinn

Date Applied: 05-13-2019

Address: 2485 Acadia Ct. Kannapolis, NC 28083 (Forest Ridge Apt)

Daytime Phone: N/A

Cell: 704-467-2678

Email: alycequinn42@gmail.com

County Residence: Cabarrus

Current Employer: Retired

Occupation/Title: General Electric Co. Hickory, NC as a Transform Manufacturer

Educational Background: 2 year community college, Bus Adm; Customer Account Manager for all large utilities in Western USA. Customer Service Sales & Account Management

Civic Background: Support a child at Emmanuel Orphanage in Haiti and help to supply the Orphanage with food, equipment, healthcare, clothing for all residents.

Community & Civic Involvement: Church activities that support the City and any citizen concerns through the church i.e. homeless and senior citizens.

Other Board, Commissions, or Committees on which you are currently serving: Member of Forest Ridge HOA. Member of Gold Wing Road Riders Association to educate and promote motorcycle safety and support chapters, in our effort to provide community support to needy by yearly Chapter fund raisers in all communities we represent.

List three people who are not related to you: Kathy Zimmerman, Teacher; Mark Hill, Choir Dir, 1st Baptist; Councilmember Roger Haas.

Boards/Commissions applied for:

PARKS & RECREATION COMMISSION (2nd Choice)

Please explain why you want to be a member of this commission: Community involvement, community appearance, community safety and community reputation.

Why do you believe Parks and Recreation is important to the City of Kannapolis: Did not answer

What are three Parks and Recreation priorities you believe the City should address? Did not answer

COMMUNITY IMPROVEMENT COMMISSION (1ST Choice)

Please explain why you want to be a member of this commission: As a homeowner and Kannapolis citizen, I want our community to be safe-no Sanctuary cities. Citizens of all income levels should maintain their property and dwelling to pleasing physical appearance and safety for all inhabitants and visitor. Every citizen must live in accordance with all city ordinances.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? Did not answer

What do you consider to be three major neighborhood or housing issues in the City? 1) HOA's with extreme exclusions against owner ability to improve properties to the owner design and maintenance. Many with exclusions that are 90% impossible to make changes. 2) Properties with trash accumulating and/or junk vehicles, autos that are inoperable and unsightly that diminish the appearance of other homes when need to sell their homes. 3) reasonably priced housing for low and moderate income families that cannot afford to buy a home. Many apartments and older rental homes are grossly over-priced for the value they receive from rental homes and apts.

PERSONNEL ADVISORY BOARD (3rd Choice)

Please explain why you want to be a member of this commission: Community involvement, community appearance, community safety and community reputation

What experience or education have you had relative to this Board? N/A

Name: Kisha Best

Date Applied: 05-21-2019

Address: 222 Fir Avenue Kannapolis, NC 28081

Daytime Phone: 704-891-0427

Cell: 704-891-0427

Email: kishabest@hotmail.com

County Residence: Cabarrus

Current Employer: Self-Employed (Uber/Lyft) Amazon

Occupation/Professional Background: Teacher

Educational Background: AAS- Early Childhood Edu/Attending UNCC

Community & Civic Involvement: Member of Elevation Church

Other Board, Commissions, or Committees on which you are currently serving: None

List three people who are not related to you: Micaela Mahoney (Homemaker), Kannapolis, Gene Caldwell (Retired) Kannapolis, William Brown (Sales) Charlotte

Boards/Commissions applied for:

PARKS & RECREATION COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I would like to be a member of this commission because I visit several of the parks weekly and would love to be a part of the decision process that makes them what they are.

Why do you believe Parks and Recreation is important to the City of Kannapolis: Parks and Recreation is important to the City of Kannapolis because it provides places that people (residents) can gather and enjoy themselves or city planned activities.

What are three Parks and Recreation priorities you believe the City should address? Beauty and Innovation, Community Benefit, Civic Involvement

Name: Bryan Davenport

Date Applied: 05-30-2019

Address: 919 N. Juniper Avenue, Kannapolis, NC 28081

Daytime Phone: 910-620-5561

Cell: N/A

Email: jdavenp8@outlook.com

County Residence: Rowan

Current Employer: Mecklenburg County

Occupation/Professional Background: Environmental Health Specialist

Educational Background: Bachelors of Science in Public Health

Community & Civic Involvement: N/A

Other Board, Commissions, or Committees on which you are currently serving: None

List three people who are not related to you: Jeremy Michelone, SEHS, 3205 Freedom Drive; Daniel Ortiz, Health Director, 3205 Freedom Drive; Jeremy Michael, Health Manager, 3205 Freedom Drive.

Boards/Commissions applied for:

PARKS & RECREATION COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I want to contribute and give back to the community. Working with Parks and Recreation, this would be a great opportunity to achieve that goal.

Why do you believe Parks and Recreation is important to the City of Kannapolis: People want to have a place where they can come and relax, spend time with the family or just for fresh air, reading a book. Parks play a vital role in helping the city grow.

What are three Parks and Recreation priorities you believe the City should address? Being new to the area, this is something I would have to research.

Name: Kirk Tutterow

Date Applied: 06-03-2019

Address: 1606 Eastwood Drive, Kannapolis, NC 28083

Daytime Phone: 704-933-1127 (Work) **Cell:** 980-255-0620

Email: kingtutt65@gmail.com

County Residence: Cabarrus

Current Employer: Trinity United Methodist Church

Occupation/Professional Background: Trinity United Methodist Church Pastor since 1995

Educational Background: Avery County HS; BA UNC Greensboro; Master of Divinity – Boston University School of Theology

Community & Civic Involvement: Kannapolis Community Development Board – Kannapolis Rotary (former member)

Other Board, Commissions, or Committees on which you are currently serving: Racial Equity Cabarrus- Steering Committee.

List three people who are not related to you: Dr. Clark Forehand, Pastor, 1311 E. First St, Kannapolis; Dr. Chip Buckwell, Kannapolis City Schools; Mr. Buddy Amerson, NC Dept of Labor, 105 S. East Avenue, Kannapolis.

Boards/Commissions applied for:

COMMUNITY IMPROVEMENT COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I have served previously on the Community Development Commission and want to continue working with the disadvantaged find ways to improve lives.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? 1) I have experience as scholar pastor working in community development and advocacy. 2) I have no experience in code enforcement, but I have worked with people trapped in poverty and help them figure out how to help themselves.

What do you consider to be three major neighborhood or housing issues in the City? 1) absentee Landlords; 2) adequate affordable housing, 3) food insecurity and food deserts for folks without transportation.

Name: Veleria Levy

Date Applied: 06-04-2019

Address: 1064 Westlake Drive, Kannapolis, NC 28081

Daytime Phone: 704-293-3504 (Work) Cell: 704-550-1900

Email: vlevy2@gmail.com

County Residence: Rowan

Current Employer: AVITA Pharmacy

Occupation/Professional Background: Regional Sales Executive

Educational Background: BS NC A&T State University

Community & Civic Involvement: Former member Rowan Co Human Relational Council, Kannapolis Community Development Commission, Center for Faith & the Arts, Leadership Rowan Grad & IOPL Fellow

Other Board, Commissions, or Committees on which you are currently serving: Rowan Chamber Government Affairs Committee, NAACP, Delta Sigma Theta, Inc., NCCAN Board, Gemstones & COMPASS Board Member, Chamber Minority Business Council.

List three people who are not related to you: Elaine Spalding, President RCCC 704-933-4221; Perla Nunes, Duke Baseline Program Leader, 201 DE Blvd, 704-250-5858; Alisha Byrd, President Gemstone 704-798-6436

Boards/Commissions applied for:

COMMUNITY IMPROVEMENT COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: Many times our low to moderate income residents are left out and have little or no voice. I would like to be a voice and make sure that we are bringing positive change to our neighborhoods that help everyone and have programming that will benefit all.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? As an active member of the Community Development Commission, I was able to work with HUD funding and allocate grant funding. To build our community you have to take into consideration what we can do with dilapidated structures; some can be and should be restored, some should be demolished.

What do you consider to be three major neighborhood or housing issues in the City? 1) Our current trajectory of growth could leave some out; 2) affordable and accessible housing; 3) Access to public transportation and safety in neighborhoods.

Name: Bobbie L. Hague

Date Applied: 06-10-2019

Address: 423 West Avenue, Kannapolis, NC 28081

Daytime Phone: Cell: 704957-7583

Email: so-b-it1@hotmail.com

County Residence: Cabarrus

Current Employer: Retired

Occupation/Professional Background: Information Technology

Educational Background: Morgan State University – Computer Programming Institute of Delaware, Inc

Community & Civic Involvement: Cabarrus County Democratic President; Cabarrus County Literacy Council, Carolina Cardinals Optimist Club

Other Board, Commissions, or Committees on which you are currently serving: Artists Music Guild Executive Director; WNC Conference AME Church Parliamentarians

List three people who are not related to you: Brenda Sides-retired teacher, Charlotte; Tena Armstrong-retired banker, Charlotte; Ingrid Nurse – Social Worker, Concord.

Boards/Commissions applied for:

COMMUNITY DEVELOPMENT COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I want to see fair opportunities for all communities in Kannapolis (poor & affluent) and want to insure that those persons who have little resources receive the same treatment as those with money.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? My tenacity and determination when it comes to a project that I am really adamant about. My ability to work with the people of the City.

What do you consider to be three major neighborhood or housing issues in the City? Fishertown – getting them annexed. Cabarrus Arms – making sure it is a safe place to live. Little Texas – getting the low income housing needed in that neighborhood

Name: Yolanda E. Thompson

Date Applied: 06-12-2019

Address: 2308 Coach House Lane, Kannapolis, NC 28081

Daytime Phone: 704-933-8370

Cell: 980-621-0081

Email: yolaniedcor@outlook.com

County Residence: Cabarrus

Current Employer: RHA Health Services – CAP Program

Occupation/Title: Social Worker

Professional Background: B.A. Criminal Justice

Community and Civic Involvement: Previously mentored teen girls group. Sisters of Distinction (SOD). Currently new business owner with plans to start Youth Program.

Other Board, Commissions, or Committees on which you are currently serving? N/A

List three people not related to you: Kim Middlebrooks, SW Supervisor; James Bowman, Owner Moose Pharmacy; Sherry Gordon, Community Development, Kannapolis.

Boards/Commissions applied for:

COMMUNITY IMPROVEMENT COMMISSION (Only Choice)

Please explain why you want to be a member of this commission: I was born and raised in Kannapolis and love the community. Having served the county for over 25 years as a SW, I have deep ties and compassion for those struggling to achieve desired goals of basic human necessities.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? Throughout my service to the county, I worked primarily with low to moderate income households. Those duties include housing and all of the challenges of locating affordable housing. That position also included working with local housing authorities. Trainings regarding local housing policy was constant.

What do you consider to be three major neighborhood or housing issues in the City?As a new business owner of structures build in 1935, I have become familiar with some local codes. 1) Affordable housing is the number issue as rent cost increase while cost of living and minimum wagers remain low or the same. 2) Landlord responsibility to maintain their properties that adversely affect the landscape of the City. 3) Continuance of programs designed to assist the elderly with upkeep of their properties.

Name: Jacqueline L. Anthony

Date Applied: 06-17-2019

Address: 1563 Kingston Drive, Kannapolis, NC 28083

Daytime Phone: 704-352-7248 (Work/Cell)

Email: jantdesigns@gmail.com

County Residence: Cabarrus

Current Employer: Kannapolis African-American Museum & Cultural Center (Volunteer)

Occupation/Title: Real Estate/Administrative Professional

Educational Background: B.A. Morgan State University – Political Science

Community and Civic Involvement: Former member of the Community Development Commission

Other Board, Commissions, or Committees on which you are currently serving? KAA_MaCC (President/CEO); Women's Home & Overseas Missionary Society-The A.ME.

List three people not related to you: Rev. Dr. Grant Harrison, Jr.; Talmadge Brown; Dr. Dwight B. Canon.

Boards/Commissions applied for:

COMMUNITY IMPROVEMENT COMMISSION (First Choice)

Please explain why you want to be a member of this commission: As a former member of the Community Development Commission, I would like the opportunity to continue the work (i.e. make recommendations on matters that will be presented to City Council for approval) to benefit residents and nonprofit business owners in our City.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? I was a former member of the Citizens Advisory Commission for Community Development that provided input of the City's community development program including expenditure of funds and community outreach. I was appointed a second term in June 2013 and re-elected Chair of the Commission (2013-2014). Overall, I served from 2008-2018. In my professional career, I worked as an Executive Assistant in Real Estate management at the Charlotte Housing Authority (achieved Public Housing Management Certification); and worked in Facilities & Real Estate/Design & Construction and Architectural services at the Johns Hopkins University.

What do you consider to be three major neighborhood or housing issues in the City? Eradicating dilapidated housing; upgrading housing to meet current code requirements; and enforcement of housing codes especially renovation of rental properties.

Name: Amos McClorey

Date Applied: 06-18-2019

Address: 1413 Cooper Avenue, Kannapolis, NC 28081

Daytime Phone: 704-938-4500 (Home) Work/Cell 704-560-1877

Email: McCloreyA@yahoo.com

County Residence: Cabarrus

Current Employer: Retired Phillip Morris, USA

Occupation/Title: Tobacco Workers Union President

Educational Background: High School; Bachelor Business Admin (BBA)

Community and Civic Involvement: President of NAACP/ Church Trustee/ United Way Board Logan Community Day Car Chairman/Academy Learning Center

Other Board, Commissions, or Committees on which you are currently serving?

List three people not related to you: Rev. Lee Wagoner (Retired)' Deborah Beatty/ Judge Juanita Boger Allen

Boards/Commissions applied for:

COMMUNITY IMPROVEMENT COMMISSION (First Choice)

Please explain why you want to be a member of this commission: I want to make Kannapolis a better place. After serving for 6 years on the old Board, I understand the non-profits that will be applying for funds and the work they do.

This Commission primarily deals with two areas: 1) allocation of HUD funding to projects and organizations that support low-to-moderate income households, and 2) review and recommendation code enforcement cases to demolish or remove dilated structures. What experience or perspective do you bring to serve the Commission in these roles? I welcome these two areas. We understand HUD funding and who can receive it. We can welcome code to the table they bring a knowledge of the unknown to the City. Which helps the Board to hear matters of real concern.

What do you consider to be three major neighborhood or housing issues in the City? Unkept property in older neighborhoods. Affordable housing is not really affordable