

WORK SESSION OF FEBRUARY 22, 2022

The City of Kings Mountain, North Carolina held a Work Session at 3:00 p.m. on Tuesday, February 22, 2022 in the Council Chambers of City Hall with Mayor Scott Neisler presiding.

ATTENDANCE

The following Councilmembers were present: Keith Miller, Mike Butler, Annie Thombs, Jay Rhodes, Tommy Hawkins, Jimmy West and David Allen.

Also, present: Marilyn Sellers, City Manager, Stuart Gilbert, Economic Development and Planning Director, Kimberly Herndon, Senior Planner and Karen Tucker, City Clerk.

INVOCATION

The invocation was given by Councilmember Annie Thombs.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Scott Neisler.

WORK SESSION

Stuart Gilbert, Economic Development and Planning Director addressed Council stating that there are three different buckets that the text amendments for the UDO fall into which include minor typographical errors, items that were not saved, and items that will require input of Council. This is a first step in this process and after Council gives their input, this will be taken before the Planning and Zoning Board. Once all of the amendments are made, legal counsel recommends that Council repeal and replace the UDO. An excel spreadsheet of the items addressed is attached for reference.

RECESS

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Tommy Hawkins it was unanimously voted to recess the work session at 5:25 pm, and resume immediately after tonight's Council meeting.

RECONVENE - Tuesday, February 22, 2022 at 7:20 p.m.

Mayor Neisler reconvened the Work Session that was recessed prior to the regular Council meeting with Mayor Scott Neisler presiding.

ADJOURNMENT

Upon Motion by Councilmember David Allen, seconded by Councilmember Jimmy West, it was unanimously voted to adjourn at 8:15 p.m.

ATTEST:


Karen A. Tucker, City Clerk

BY: 
G. Scott Neisler, Mayor

Animals - Chickens, Livestock		Allow Zoning Administrator or designee the right to determine what is categorized as agricultural animals or not, as shown by the underlined portion of the proposed text amendment.	<p>Current Text:</p> <p>Specific Limited Uses. In accordance with the references in 156.30.02, Land Use Matrix, the following provisions apply to the uses listed below:</p> <p>1. Animal Production & Support (excl. Swine & Feed Lots and Urban Chickens).</p> <p>a. Purpose. The purpose of this limited use is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public.</p> <p>b. Applicability. The provisions of this limited use shall not apply to dogs, cats, or other similar household pets. The Administrator reserves the right to determine what is considered a household pet.</p> <p>c. Minimum Lot Size. No livestock shall be kept, maintained or stabled on any lot less than two acres in size.</p> <p>d. Setback from Adjacent Residences. On parcels of two acres or more, certain livestock shall be permitted subject to the following provisions: All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit off the property.</p> <p>e. Encroachment from Residential after the Limited Use is established. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.</p> <p>f. Prohibited Uses. Slaughter and processes of animals is not permitted under this category.</p> <p>Proposed amendment:</p> <p>Z. Animal Production & Support (excl. Swine & Feed Lots and Urban Chickens).</p> <p>a. Purpose. The purpose of this limited use is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public.</p> <p>b. Applicability. The provisions of this limited use shall not apply to dogs, cats, or other similar household pets. The Administrator reserves the right to determine what is considered a household pet. <u>Likewise, the Administrator reserves the right to determine what is categorized as agricultural animals or other livestock for animals no considered common household pets and not clearly defined elsewhere in this UDO.</u></p> <p>c. Minimum Lot Size. No livestock shall be kept, maintained or stabled on any lot less than two acres in size.</p> <p>d. Setback from Adjacent Residences. On parcels of two acres or more, certain livestock shall be permitted subject to the following provisions: All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit off the property.</p> <p>e. Encroachment from Residential after the Limited Use is established. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.</p> <p>f. Prohibited Uses. Slaughter and processes of animals is not permitted under this category.</p> <p>g. Fencing. Any animals subject to these limitations shall be kept with a contained area secured with a six (6) foot tall fence and contained in the backyard, behind the front plane of the house. For any corner lot, the contained area must be a minimum of twenty (20) feet from the right of way of the street.</p> <p>Additionally, this limited use should be removed from SU altogether, currently it is allowed in SU standard lots, SR standard lots, and all of RU. If this is not permitted in cluster or planned lots in SR, then it should not be in SU at all since the lot sizes in SU are smaller than SR either planned or cluster.</p>
section 156.90.02.C BOA change elect chair and vice chair & secretary	156.90.02.B.E.3 and 156.90.02.C.E.3		These sections need to match the bylaws of the Boards. #3 states that the "Director" will be staff...in one case the "Director" appoints a recording secretary. In the BOA is says the "Director" is the recording secretary. These need to be made to match. It's interesting that in the past the "Chairman" has appointed the secretary and/or one was elected. The UDO does NOT indicate that this is the case. ALL of the paperwork needs to match and we need to follow one way consistently.
Infill in Central Business		There was discussion regarding this item. May want to differentiate depending on the depth of the lot. <u>It is agreed that the UDO ordinance, as written, is as it should be.</u> Also, there was a question about the business being on the front of the building.	Current ordinance requires 75% of 1st floor to be commercial and allows remainder of square footage to be residential. Some inquiries have requested relief from the requirement to have commercial space in the downtown. Staff does not support this requested change.
Ron Humphries to present dog rescue text amendment	156.30.02-1 Permitted Uses by Zoning District	There was discussion regarding Special Use. Once the special use is given it stays with the property. This is a positive thing for the community and there is a need. **Move forward as a Special Use, send to Planning and Zoning Board for their recommendation.	To change the use Table to allow for Kennels and Pet Rescue facilities in Light Industrial Zoning (LI) as a Special Use **Staff is concerned about this area being in the industrial classification. If this lot is added to the smaller one that is next to it it will be a five to seven acre lot that industrial would look at.
Sign requirements for commercial in SU		**Skipped for a future date	
Connectivity of adjacent subdivisions- first subdivision		There is no language for Council to look at. Keep moving and put it on the agenda to present something.	send to fire chief/police /rickey putnam recommendations from Plan/Zoning **Staff would like to clean this up, but Council needs to say that they want us to move forward.
Feather Flags		They are good advertising for businesses, but not allow in residential areas. One per linear 100 feet is a suggestion. Okay with permanent if they are in good condition. Staff needs to figure out enforcement if they are not in good condition. If temporary signs become perm. you have to factor in signage allowance. **Not a complete consensus at this time.	Allow for the temporary use of a limited number of feather flags appropriately placed. Feather flags are Currently NOT allowed for more than a temporary use of 30 days or less and no more than 1 per 100 linear feet of road frontage. To change we need discussion with city council to know what you all want to see as revisions. **There was discussion regarding this as business owners see this as good advertising. Some people maintain them nicely and many others let them get tattered. There are a variety of different ways people put these out.
Vacant Properties in the downtown-add definition of a vacant building		It is time to enforce the vacant property ordinance. Storage/warehouse use should be excluded and not a proper use for the vacant building ordinance.	For the purpose of the vacant building ordinance, warehousing of product not for retail sale would be considered "vacant for the purpose of the vacant building ordinance. It is time to send letters out, and some will say "my building is not vacant, it has a warehouse in it." Does Council think that it makes sense for the vacant building ordinance to exclude storage/warehouse for the vacant building ordinance?
Political Signs and permits old section 10.7-time frames prior and after elections 156.100.01 revised		Anything larger than 16 square feet is not allowed in the City limits. Add section and language regarding political signs into the UDO.	Signs Requiring Zoning permits with NO Zoning Fee assessed: 1) Temporary special events signs or banners for religious, charitable, civic, fraternal, or similar organizations provided: a. Signs shall be erected no sooner than fourteen (14) days prior to an event and removed no later than seven (7) days following an event. b) All signs shall be located on private property except such signs may be located within a street right of way subject to City Council approval. c. Portable signs for such use may be allowed. d. Campaign and election signs provided: i. Each sign shall not exceed (16) square feet in area and be placed on private property out of public and private right-of-ways. ii. All such signs shall be removed within seven (7) days after the election for which they were made. iii. Candidate shall be responsible for violations and fines. iv. Campaign and election signs shall neither be attached to utility poles nor placed in public and private right-of-ways.
goats			
contractor compliance enforcement (new subdivisions)		Stuart touched on this, but it is not started. Needs more work with the TRC Committee. Hope to have something for Council soon.	For Future working with TRC Committee - Procedures for enforcement for contractors that cut existing utility lines.
compare old/new family subdivision requirements			
500 ft driveway easement modification			
one primary dwelling unit per platted lot (residential)			
language for country club/restaurant in land use matrix			

10+ acre lands exempt from certain residential regulations		This item just needs some thought.	In State of NC anything over 10 acres can be considered to be a bonafide barn. There are a handful of tracts in town that qualify. When these people come in and they already have a house, a barn, equipment, ect. Are there concession that the City is willing to make to allow them not to have to survey off lots for an additional house, picnic shelters, accessory buildings and the like? Come up with something that is suited more for the "family estate."
Add Section 4.2 definition relationship of building to lot -			
formerly page 17			
Parking Requirements regarding pervious surfaces			
Subdivision ordinance- requirements related to all homes requiring power connection		For future text amendment. Stuart touched on this, but it is not started. Needs more work with the TRC Committee. Hope to have something for Council soon.	Need additional assistance from electric department to know best wording to use in the ordinance.
Definitions Livestock			
Firearms and ammunitions			
home occupations- nothing in special use relating to definitions			
**Items that were not addressed will be at a future date. Some of the items are simply definitions that will be addressed later.			

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