



Planning Board/Board of Adjustment

Regular Meeting Agenda

Monday, August 12, 2024, 6:00 PM

Meeting Initiation

- | | |
|--|--------------------|
| 1. Call to Order | Chairman Witkowski |
| 2. Moment of Silence | Chairman Witkowski |
| 3. Pledge of Allegiance | Chairman Witkowski |
| 4. Determination of a Quorum (4 of 6) | Chairman Witkowski |
| 5. Approval of Minutes of July 8, 2024 | Board |
| 6. Adopt Proposed Agenda | Board |

New Business (Planning Board)

- | | |
|---|----------------|
| 7. Text Amendment for MS Zoning Classification | |
| • Presentation | Planner Blount |
| • Board discussion | Board |
| • Recommend rezoning | Board |
| 8. Annexation of Long St Property & Growth Boundaries | |
| • Presentation | Planner Blount |
| • Board discussion | Board |

Old Business (Planning Board)

- | | |
|---|----------------|
| 9. Report on Board of Aldermen Actions | Planner Blount |
| • Urban Poultry Trial Program- approved- 3 applications received | |
| • Road ROW amendment- approved | |
| • Jimm Mosher appointed to Planning Board- | |
| • Lincoln Ave Annexation – PH on 8/8/24, consideration by board 8/13/24 | |

New Business (Board of Adjustment)

- | | |
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| 10. No New business | Chairman |
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Old Business (Board of Adjustment)

- | | |
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| 11. No Old Business | Chairman |
|---------------------|----------|

Meeting Closing

- | | |
|---------------------------------|----------|
| 12. Public Comment | Chairman |
| 13. Comments from Board Members | Board |
| 14. Announcements | Chairman |
| 15. Adjournment | Chairman |



Planning Board/Board of Adjustment

Regular Meeting Minutes

Monday, July 8, 2024, 6:00 PM

The meeting was called to order by Chairman Witkowski at 6:05 PM.

Chairman Witkowski led a moment of silence.

A quorum was established; Donna Redfern, Tim Witkowski, Terrall (Terry) Bryan, and Chris McIntosh were all present. Anthony Nero was absent. Town Planner, Steve Blount was also in attendance.

On a motion by McIntosh and a second by Bryan, the board voted unanimously to approve the minutes of the April 8, 2024 meeting of the Planning Board.

On a motion by Redfern and a second by McIntosh, the board unanimously approved the agenda for the July 8, 2024, meeting as proposed.

New Business (Planning Board)

Keeping of Chickens on residential lots

- Presentation by Planner Steve Blount
- Board discussion
- Recommend adoption of text amendment to Board of Aldermen

Motion by McIntosh and second by Bryan, unanimously approved the recommended text amendment as presented by staff

Consideration of 40' road cross section standards and private road text amendments

- Presentation by Planner Steve Blount
- Board discussion
- Recommend adoption of text amendment to Board of Aldermen

Motion by Redfern and second by McIntosh; with Redfern, McIntosh, Witkoski voting in favor, Bryan voting against approved the recommended text amendment as presented by staff

Annexation of Lincoln Ave Property

- Presentation by Planner Steve Blount
- Board discussion
- Recommend approval of annexation to Board of Aldermen

Motion by McIntosh and second by Redfern, unanimously approved the recommended text amendment as presented by staff

Resignation of current board member Jessica Jackson

- Presentation by Planner Steve Blount
- Board discussion
- Recommend appointing Jimm Moser to fill Jackson's term to Board of Aldermen

Motion by McIntosh and second by Bryan, unanimously approved the recommendation

Old Business (Planning Board)

1. No old business Chairman

New Business (Board of Adjustment)

1. No New business Chairman

Old Business (Board of Adjustment)

2. No Old Business Chairman

Meeting Closing

3. Public Comment Chairman
4. Comments from Board Members Board
5. Announcements Chairman
6. Adjournment Chairman

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Main Street (MS) Zoning
Detached Single-Family Residential



Current MS Zoning

S Yadkin, 4th to 5th Streets



100 block of 3rd Street



17 Parcels
Zoned MS
Currently Residential
or Undeveloped



S Yadkin at 6th Street



100 block of 5th Street

Minimum Lot Size	Minimum Lot Width	Build-to-Line from any street	Minimum Rear Yard Setback	Minimum Side Yard Setback
0 SF	0'	9'-3" or 14'-3" off back-of-curb at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	8'	0'





Single-Family Homes with Zero Side and Front
Setback

Single-Family Homes on RMST Zoned Lots



Proposed Text Amendment

Proposed text amendment:

In Article 8, Section 8.4-4, following the dimensional table as a footnote, add the following:

“Single-family detached homes proposed in the MS zoning Classification shall meet the dimensional standards shown for buildings in the RMST zoning classification shown in the dimensional table found in Section 8.4-3.”

RMST Dimensional Table

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Street Setback
5000 SF for all types except Single-family Attached Townhouse at 1600 SF	42' for all types except Single-family Attached Townhouse at 16'	12' to principle structure; 28' to accessory structures including minimum off-street parking spaces (see Article 9, Sub-section 9.2-2(A) and Article 12, Section 12.3)	4'	4' for all types except interior lot lines of Single-family Attached Townhouse at 0'	8' or as required by buffering standards and/or building type whichever is greater

Standards that Would Apply for Detached Single-Family Homes with MS Zoning if text Amendment Adopted



MEMO

Date: 6.20.24

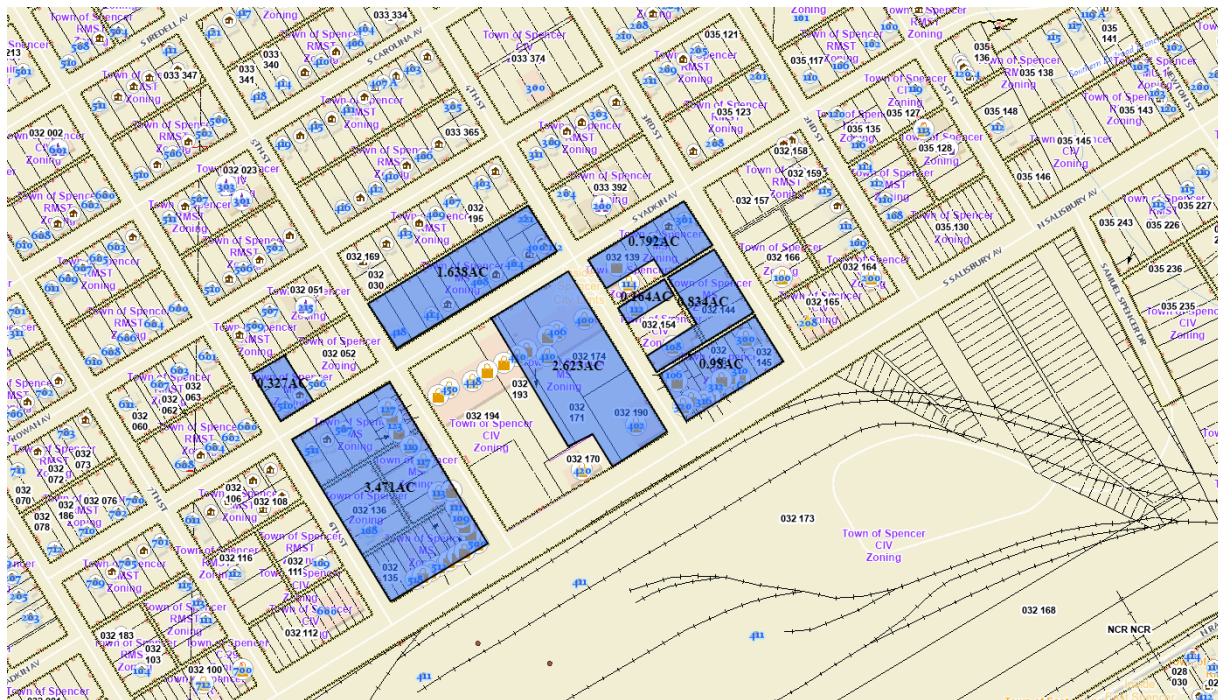
By: Steve Blount

RE: MS Zoning Classification Modifications

Narrative:

Properties zone MS (Main Street) are clustered around the downtown commercial area and allow for a variety of uses including residential. While a mix of uses in our downtown area is laudable and while multi-story townhomes and apartments makes for a walkable and vibrant downtown area, our ordinance also allows single-family detached homes to be built in this zoning classification.

While our downtown core area has always been home to commercial development, it is adjacent to our oldest residential neighborhoods and thus the mixing in of some single-family detached homes along the edges of the MS district is not necessarily a bad thing.



The problem I have found in our development ordinance concerning single-family detached homes in the MS zoning classification is the listed setbacks and lot size requirements shown in the table below. The MS classification is meant to support development in the urban core which at times means building on very small lots or side to side with other buildings and thus the table

shows zero lot size, side setbacks and lot width requirements. And while this would make sense for commercial buildings or townhomes built out to the sidewalk and stacked close together or even connected with party walls, these limitations will not work well with single-family detached homes.

MS Dimensional Table

Minimum Lot Size	Minimum Lot Width	Build-to-Line from any street	Minimum Rear Yard Setback	Minimum Side Yard Setback
0 SF	0'	9'-3" or 14'-3" off back-of-curb at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	8'	0'

Options

One possibility is to remove single-family detached houses from the table of uses. Unfortunately, there are a number of existing homes located in the MS district and they would become nonconforming uses after this change.

A second option is to rezone all of the non-commercial lots to a residential classification such as RMST which is a small lot residential designation. This approach, however, would preclude growth of commercial building into lots surrounding our current commercial core.

A third option seems to be the best. By adding a footnote to the dimensional table shown above simply stating that single-family detached homes built in the MS zoning classification are required to follow the dimensional standards shown for the RMST district, we add restrictions only on the type of development that would be a problem if built to the current MS standards, that being single-family detached homes.

Proposed text amendment:

In Article 8, Section 8.4-4, following the dimensional table as a footnote, add the following:

“Single-family detached homes proposed in the MS zoning Classification shall meet the dimensional standards shown for buildings in the RMST zoning classification shown in the dimensional table found in Section 8.4-3.”

RMST Dimensional Table

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Street Setback
5000 SF for all types except Single-family Attached Townhouse at 1600 SF	42' for all types except Single-family Attached Townhouse at 16'	12' to principle structure; 28' to accessory structures including minimum off-street parking spaces (see Article 9, Sub-section 9.2-2(A) and Article 12, Section 12.3)	4'	4' for all types except interior lot lines of Single-family Attached Townhouse at 0'	8' or as required by buffering standards and/or building type whichever is greater



MEMO

Date: 8.5.24

By: Steve Blount

RE: Growth Boundary Agreement Exception

Narrative:

Municipalities are given certain authorities including zoning and subdivision control within their municipal limits by state statute. In the 1970s, municipalities were given authority to establish extraterritorial jurisdictions (ETJ) outside of their municipal boundaries giving them zoning and subdivision control for those properties they would likely annex in future years, ensuring an orderly growth pattern into these areas. At that time, involuntary annexation was still authorized, and municipal growth was only limited to the areas where the municipalities could provide services. All municipalities were allowed a one mile wide ETJ and for simplicity, most, including Spencer, just drew a line on their zoning maps parallel to and one mile out their municipal boundary at that time, regardless of the shape, routing along roads, and/or property lines.

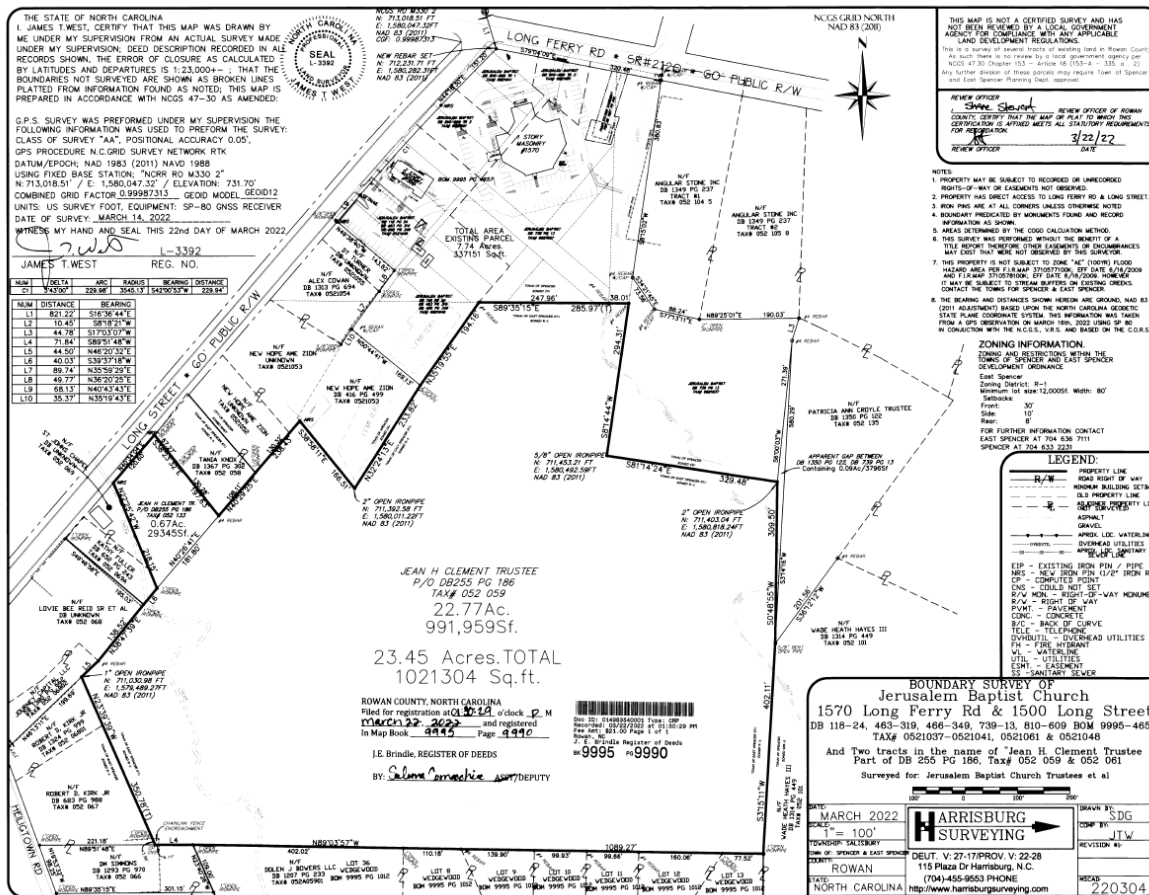
Involuntary annexation was unpopular with most of those being annexed and was made all but impossible by state statute in the early 1990s and municipal growth was relegated to voluntary annexation. One of the rules controlling voluntary annexation of noncontiguous properties was that if that property under consideration was closer to another municipality's boundary, that closer municipality had to give permission for the annexing municipality to proceed. This formal process required a legal document called an annexation agreement be executed between the municipalities. This was the process we followed for the annexation related to the Hawkins Meadows townhome project on Hawkinstown Road that was in our ETJ but was physically closer to Salisbury's municipal boundary.

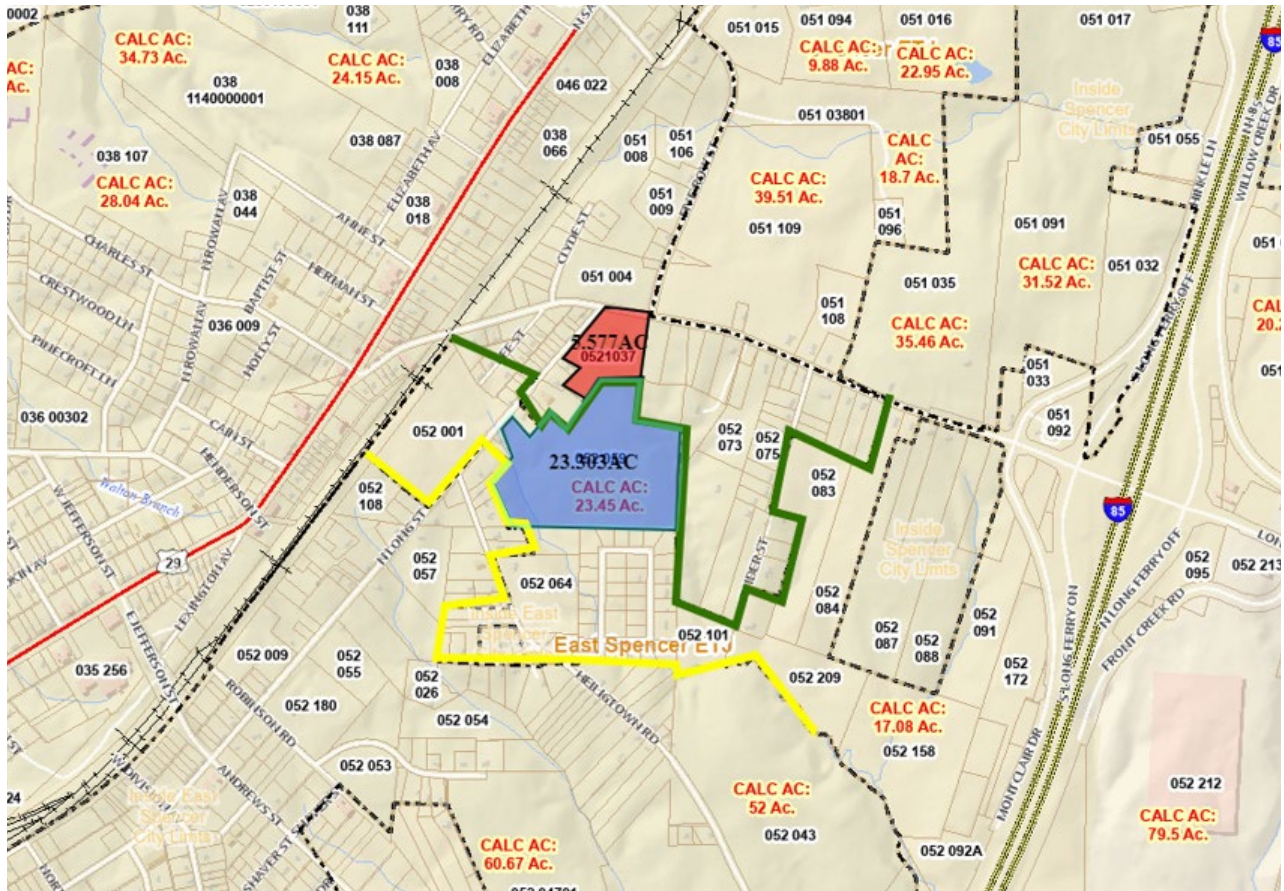
After Salisbury and East Spencer had some level of disagreement over who should annex a parcel being considered for a large residential subdivision, Rowan County suggested that all municipalities with contiguous ETJ boundaries work together to preestablish "growth boundaries" by mutual agreement and enter into binding annexation agreements to resolve any areas of dispute. Spencer has been working with East Spencer and Salisbury to meet this request and after some delays, we are close to agreements in principle between these municipalities.

While planning staffs have worked together to adopt preliminary maps based on roads, property lines, existing growth patterns, etc., one component of this decision-making process has yet to be explored, that being the desires of the individual property owners. While these property owners will be notified by mail of the process and while public hearings will be held to explain the process and proposed shifting of ETJ lines, an issue has already come up that might need to be explored more closely prior to annexation agreements being adopted.

The question is, should a private property owner's desires in an annexation issue override any annexation agreement between two municipalities? For example, if Spencer and Salisbury enter into an agreement that Spencer has a right to annex Mr. Smith's property in the future, but when it comes times to be annexed, Mr. Smith wants to be annexed by Salisbury instead, should the annexation agreement or Mr. Smith's desires take precedent?

As a real life example, consider parcel 052 059 shown below. This parcel is contiguous to Spencer's Municipal boundary but is in East Spencer's ETJ. It was purchased by the Jerusalem Baptist Church, located at the corner of Long Ferry Rd and Long St. Because the existing church property is inside the municipal limits of Spencer, they reached out to us, asking for annexation. As a curtesy, we notified East Spencer of this request and they objected to our annexation. If an annexation agreement were in place, it would likely have indicated that both municipalities would honor the other's ETJ when considering annexations. In this case, though, the property owner wants both parts of their property in the same municipality to ensure continuity of services. Should the property owner's request supersede the annexation agreement between the two municipalities? And if so, should a clause be included in any annexation agreements defining this possibility?





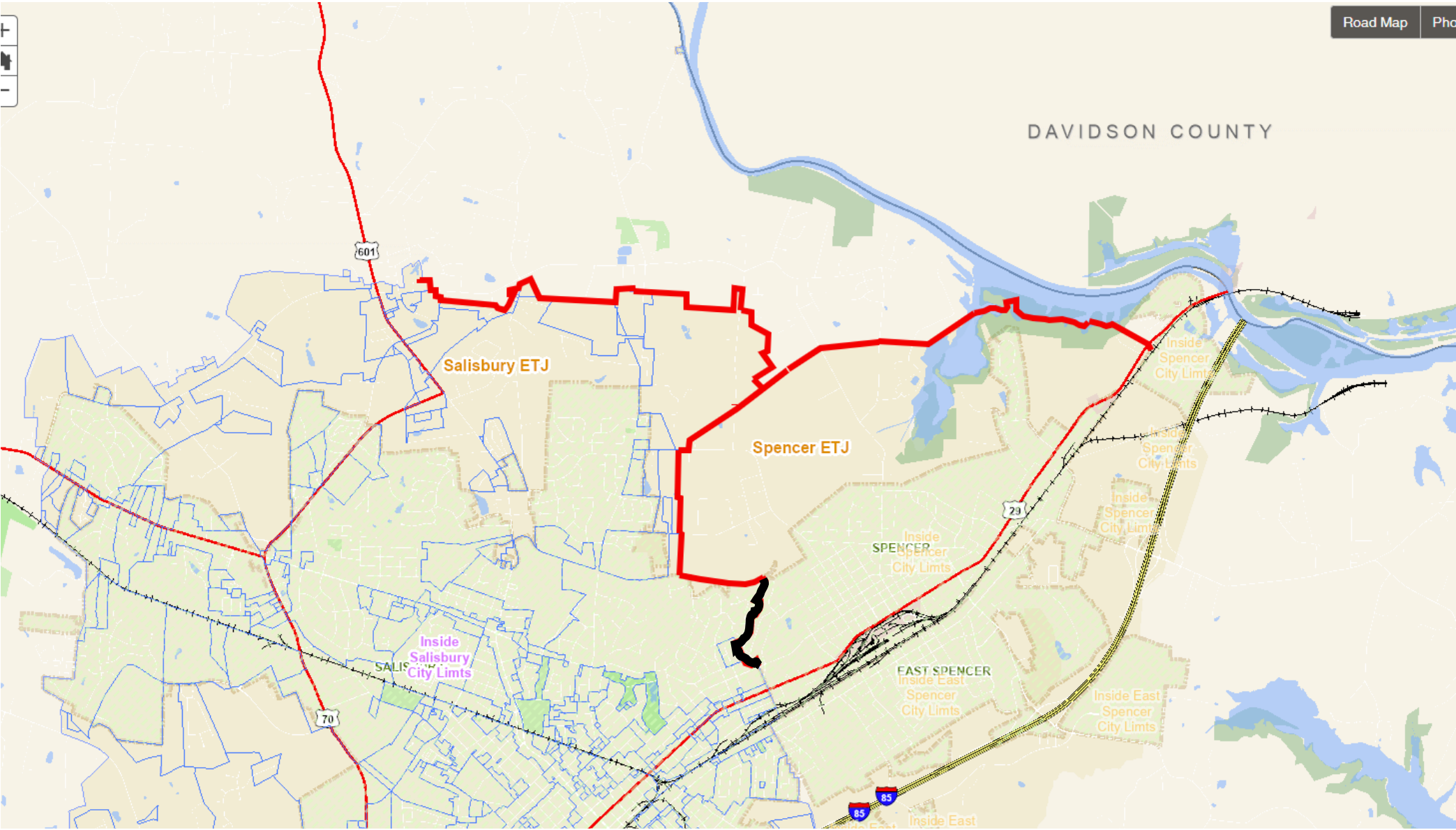
Suggested language:

Per this agreement, municipalities will have primary annexation rights of properties located within their current ETJ boundaries unless:

- A. a property within that ETJ is adjacent to the other municipality's contiguous municipal boundary and,*
- B. the property owner has requested annexation by that other municipality*

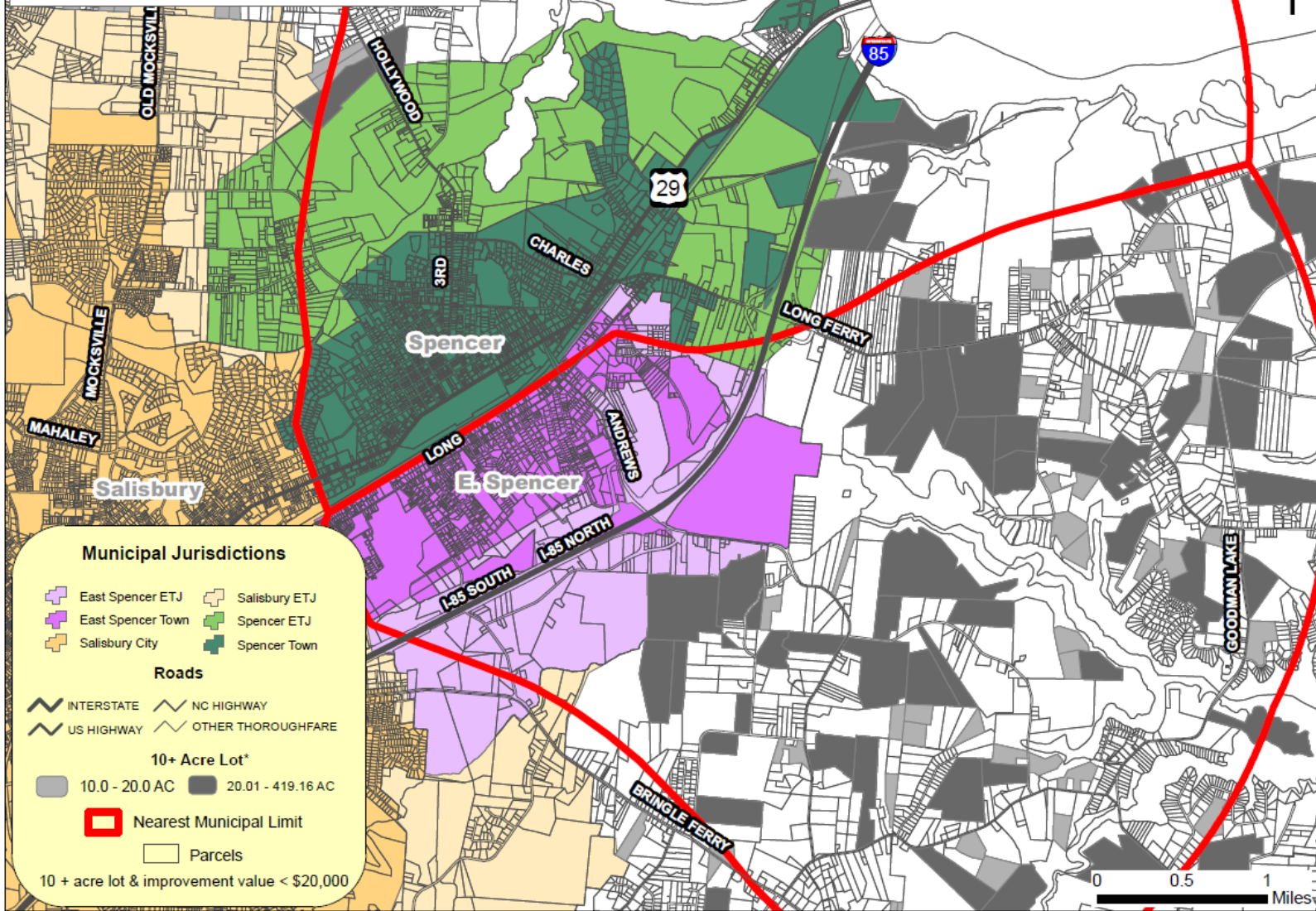
Salisbury/Spencer Growth Boundaries

DAVIDSON COUNTY

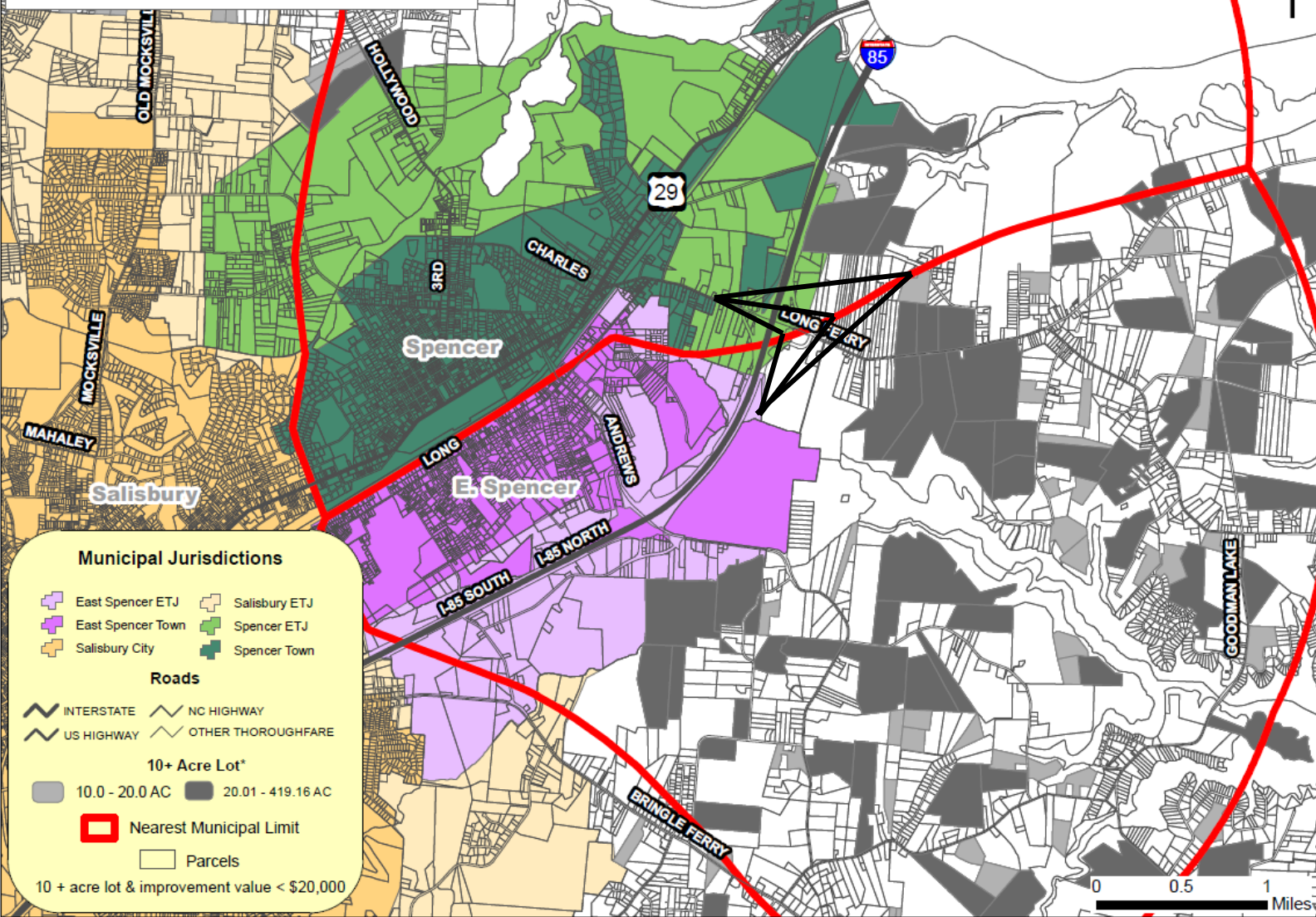


East Spencer/Spencer Growth Boundaries

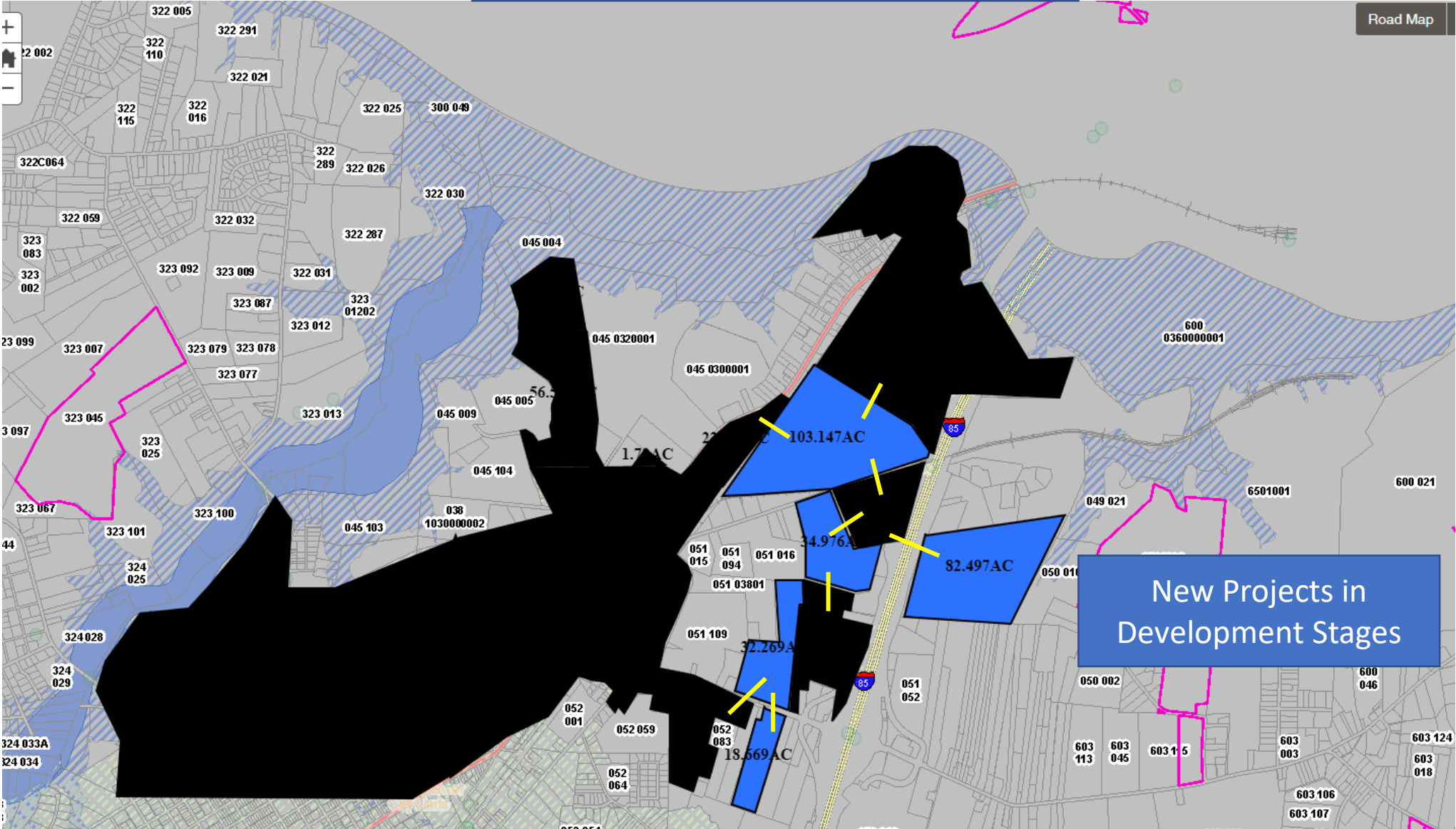
Nearest Municipal Limits with 10+ AC lots - North Area



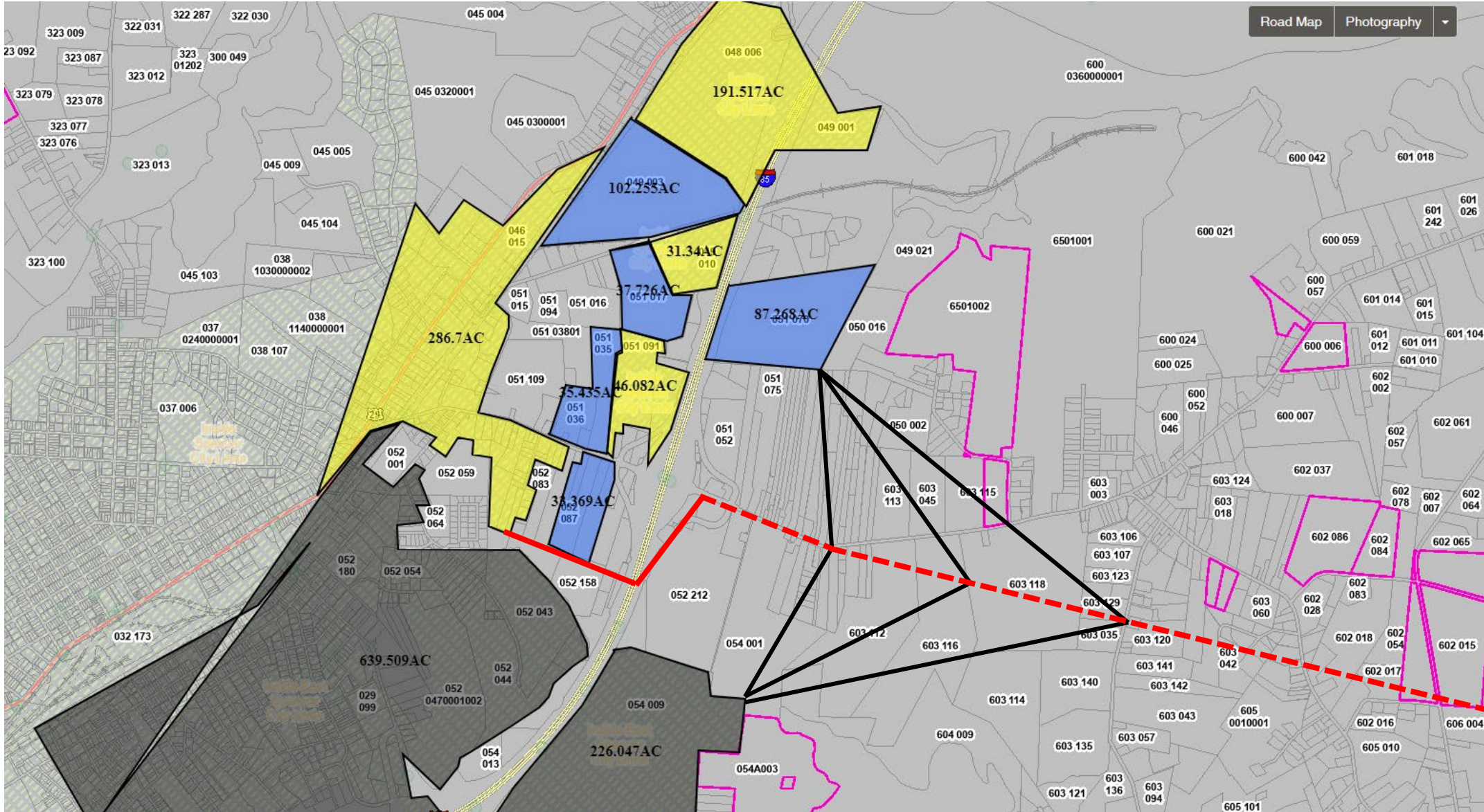
Nearest Municipal Limits with 10+ AC lots - North Area

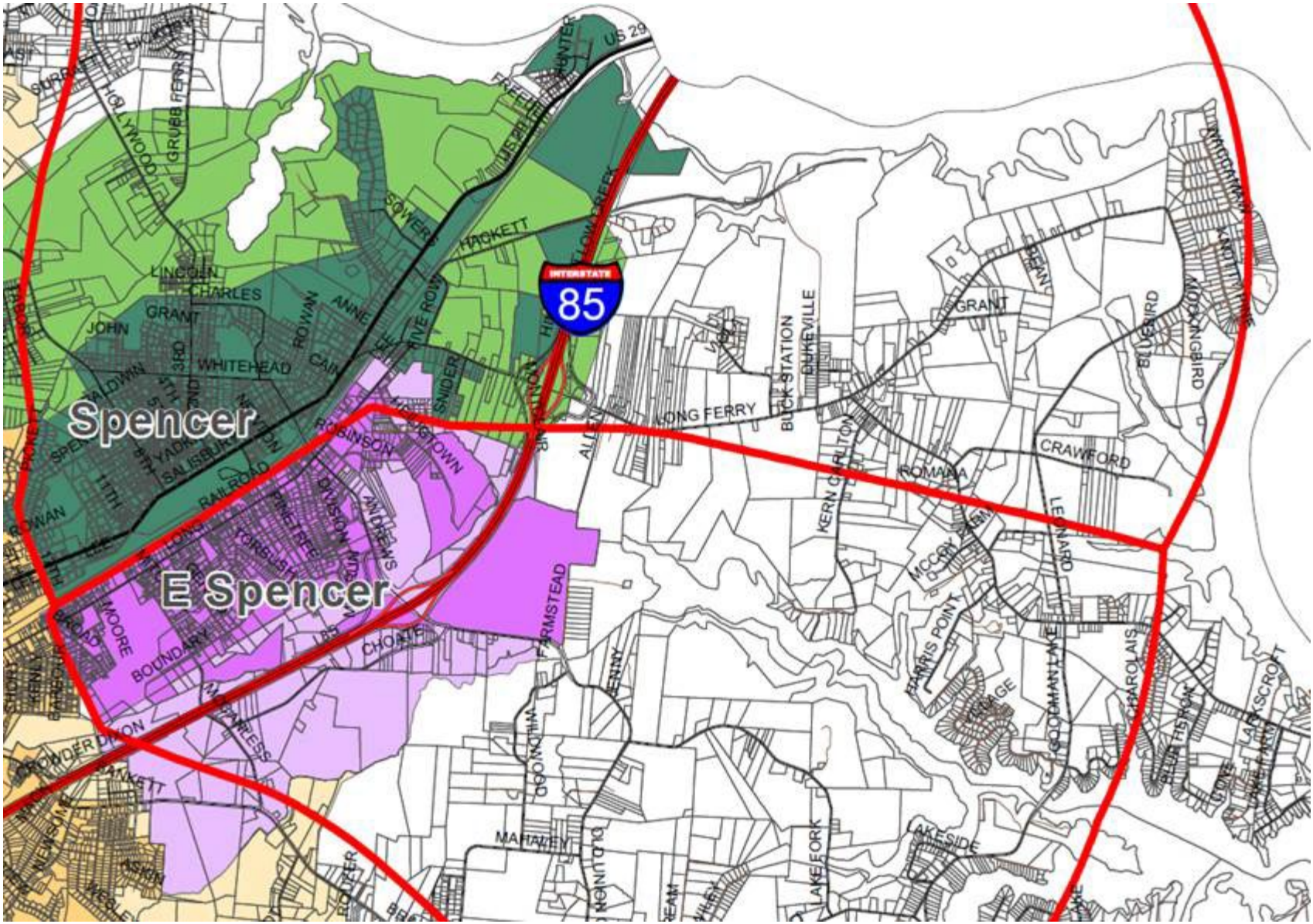


All will become contiguous



New Projects in Development Stages





Satellite Annexation Controlling Factors:

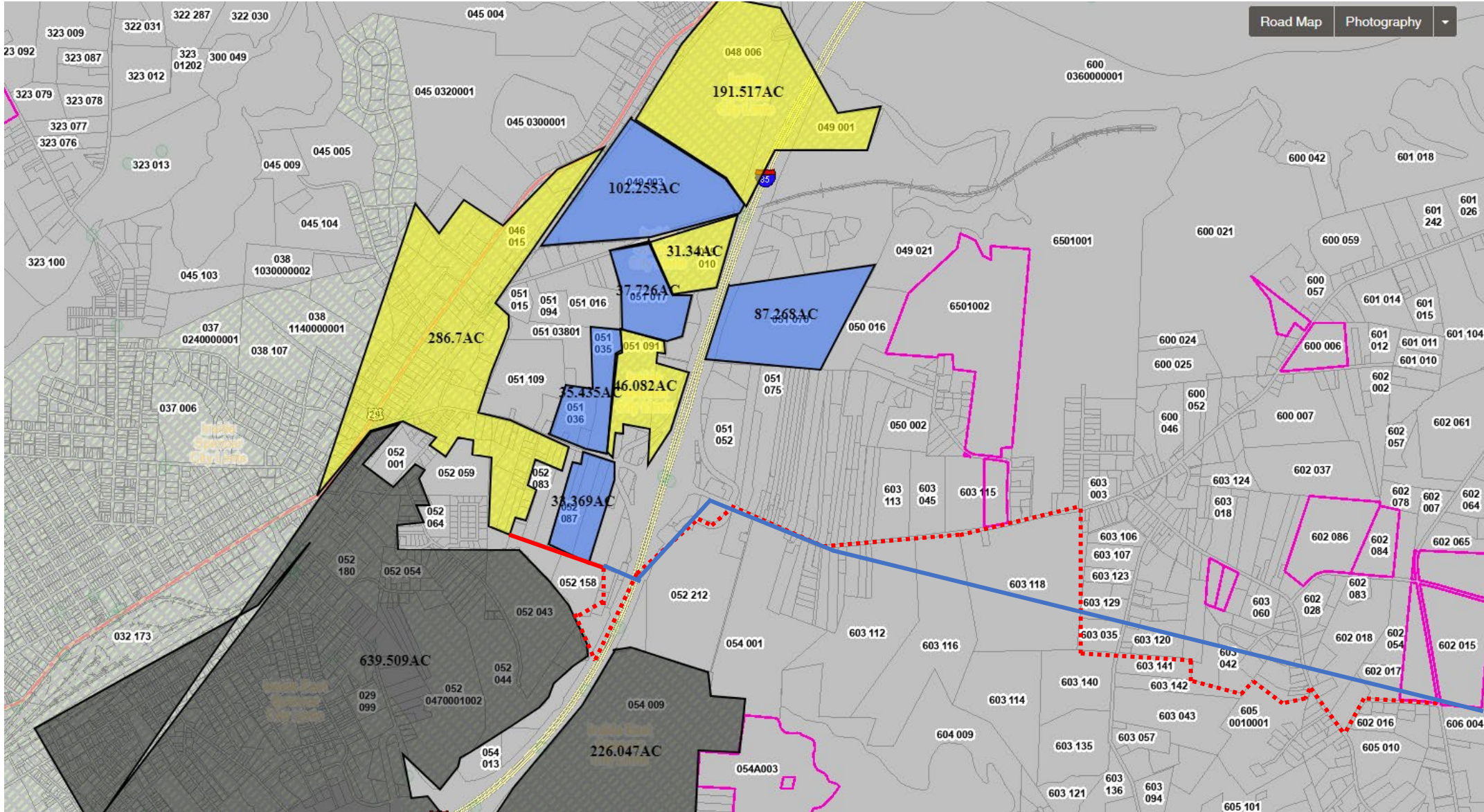
1. Maximum of three miles from **contiguous** municipal boundary.
2. If closer to another municipality's contiguous boundary, you must have their permission.
3. Annexation must be voluntary.

Purpose of Growth Boundary Agreement with East Spencer

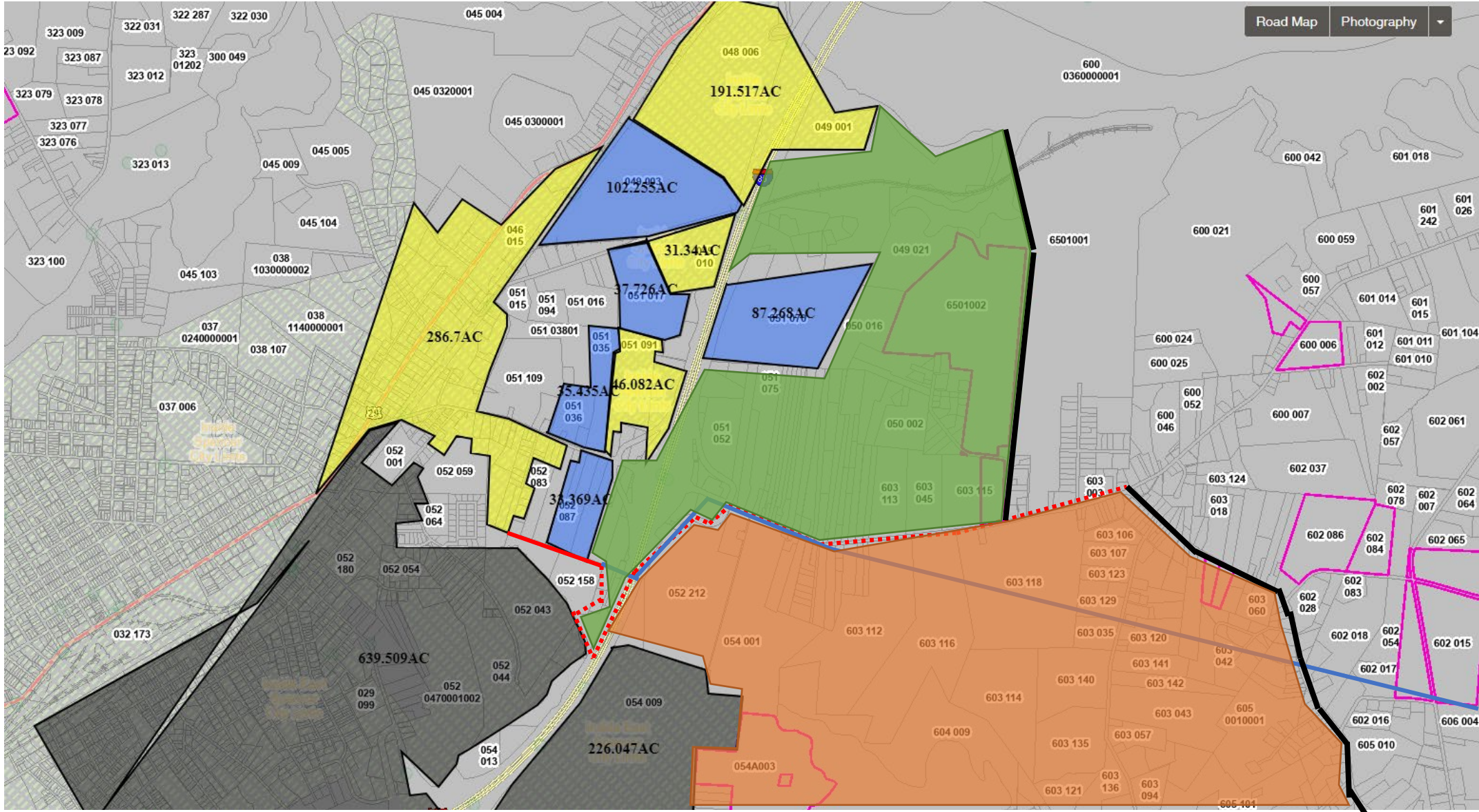
1. Predetermine which properties could be annexed by either town based on item #2 above.
2. Possibly make minor adjustments to current ETJs to avoid developer and municipal service confusion.

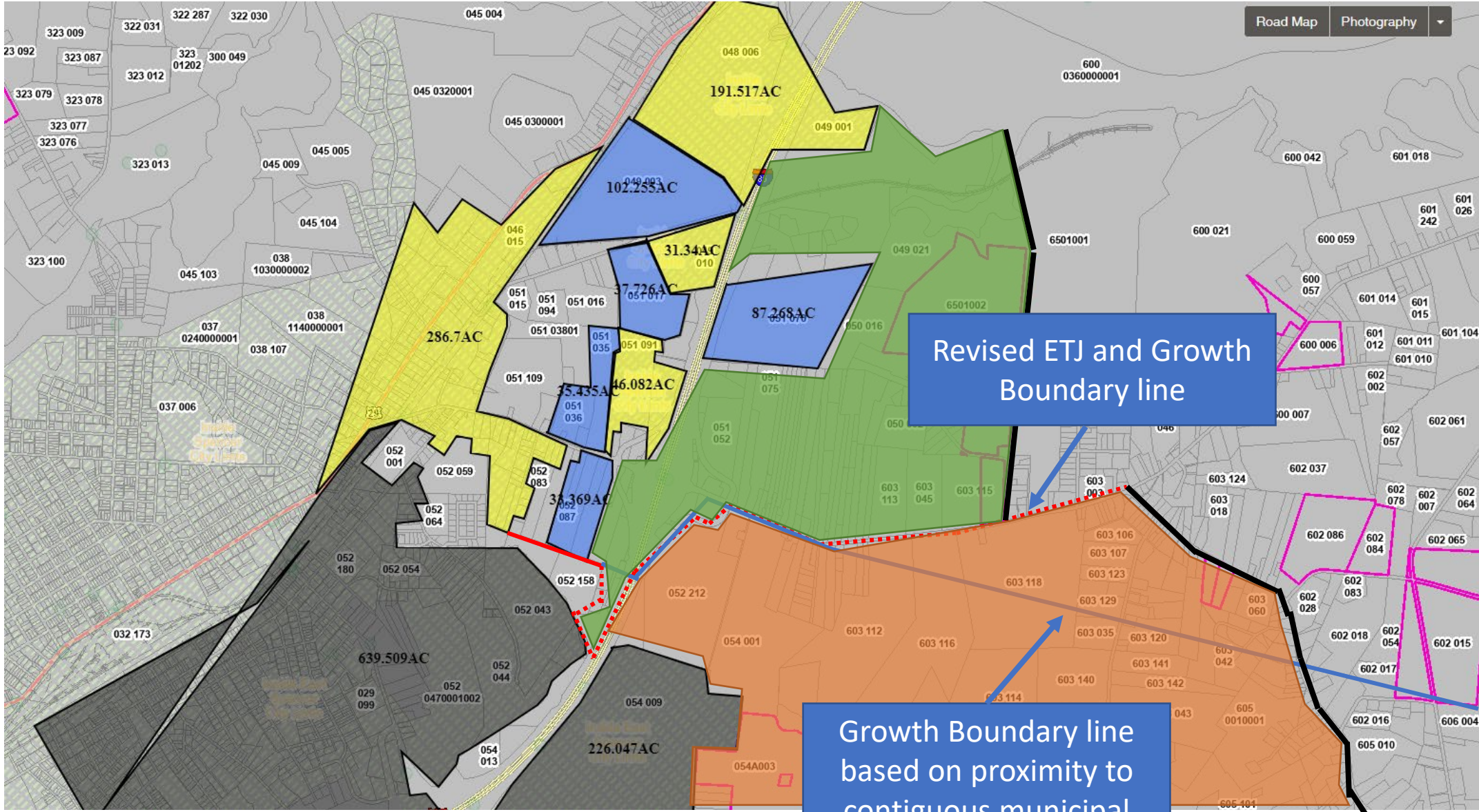
Limitations of Agreement

1. Annexation still must be voluntary and as control of connection to utilities within our ETJ is only leverage to encourage annexations, agreements beyond that limit are effectively moot.



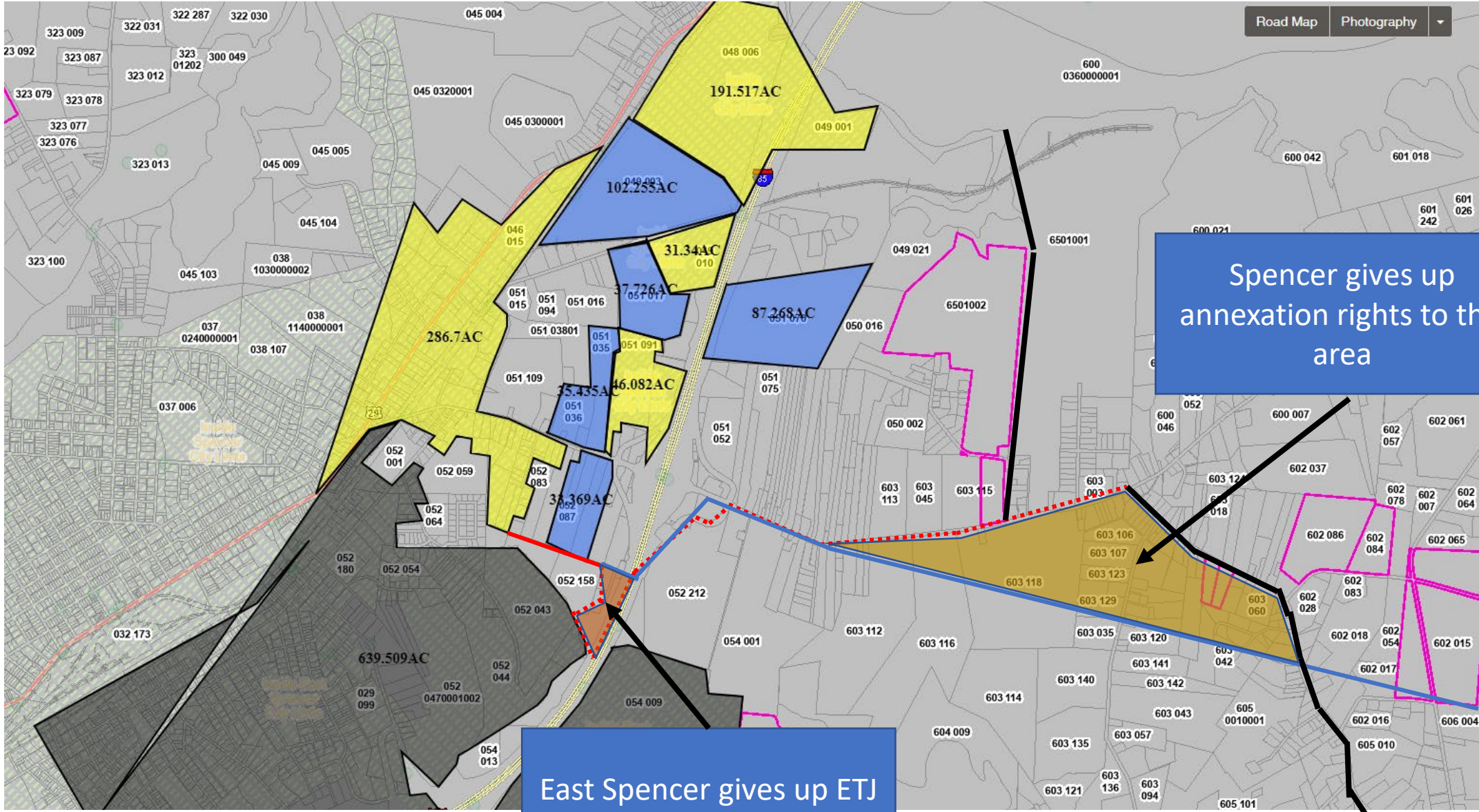






Revised ETJ and Growth Boundary line

Growth Boundary line based on proximity to contiguous municipal boundary



Spencer gives up annexation rights to this area

East Spencer gives up ETJ rights to this area

