

**Cleveland County Board of Commissioners**  
**November 14, 2024**

The Cleveland County Board of Commissioners met on this date, at the hour of 4:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

**PRESENT:** Kevin Gordon, Chairman  
Deb Hardin, Vice-Chair  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Martha Thompson, Chief Deputy County Attorney  
David Cotton, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Chris Martin, Planning Director  
Philip Steffan, Finance Director

**ABSENT:** Ronnie Whetstine, Commissioner

**CALL TO ORDER**

Chairman Gordon called the meeting to order, and Commissioner Bridges led the audience in the Pledge of Allegiance and provided the invocation.

**AGENDA ADOPTION**

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board to, *approve the agenda as presented.*

**PUBLIC HEARING**

**PLANNING DEPARTMENT CASE 24-13; ZONING DISTRICTS AND LAND USE PLAN DESIGNATIONS FOR 1,067 PARCELS IN THE KINGS MOUNTAIN EXTRA-TERRITORIAL JURISDICTION (ETJ)**

Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Case 24-13; zoning districts and Land Use Plan (LUP) designations for 1,067 parcels relinquished from the City of Kings Mountain Extra-Territorial Jurisdiction (ETJ). At their meeting on September 24, 2024, in compliance with North Carolina House Bill 909, the City of Kings Mountain approved a new ETJ boundary. As a result of this new boundary, over 1,067 properties were released to Cleveland County for planning and development services. The county will now be responsible for providing building inspections, code enforcement, planning, development, site plan review, construction plan review, and permitting services to these parcels. According to North Carolina General Statute §160D-202(h), after a city has relinquished an ETJ area, the city's development regulations remain in effect until the county adopts land use plan designations and land development regulations (zoning districts) for the area or 60 days, whichever comes first. If the county does not apply its zoning districts and LUP to those relinquished properties, after 60 days, those parcels then become unzoned. Projects that have obtained a development permit from the City of Kings Mountain will continue to be inspected and administered by the City of Kings Mountain until they are completed.

The LUP is required by North Carolina General Statute and provides staff direction, considering designations when making policy decisions. Designations described in Cleveland County's LUP include primary growth, secondary growth, and rural preservation. Those are based on the intensity of desire or expected development activity in an area over a 10- to 20-year period. When staff designate areas, they consider factors such as transportation services, infrastructure, character, and the intensity of development. Planning staff expanded the land use designations adopted in the 2021 LUP to the relinquished 1,067 properties.

The other component for the relinquished parcels is for the county to apply zoning districts. Planning staff visited the neighborhoods and communities to understand how they operate, how they're connected, and what characterizes these areas. Zoning districts that the City of Kings Mountain had applied to these areas were also taken into consideration. Staff assigned county zoning districts to those areas based on their intended use. One of the goals was to ensure citizens in these areas did not feel a substantial change in how they were being regulated and to inform them who they were working with when they had projects on their property.

Staff diligently worked through the advertising process for this project. Notices were mailed to all 1,067 parcels and adjoining properties. Staff visited the area for the second time, posted 29 signs throughout that area, and made maps available for reference. The proposed zoning district and LUP maps have been available in the Planning Department for over a month. Information and advertisements about the relinquished parcels are available on the county's website. A second website was created specifically for this project. The website provides the background of what has happened, explains why this is happening to the property owners, and outlines the proposed changes. All property owners who received a notice in the mail were provided with a link to this website, which was placed on the county's main page. The Planning Department has received numerous calls from this website, and it has been a valuable way to establish connections with many property owners. It has also served as a resource for staff to direct property owners when evaluating certain areas.

The proposed zoning districts and LUP designations were presented to the Planning Board, which met on October 29, 2024, with roughly 35 residents in attendance. The Board heard citizen comments and input, evaluated the information provided, and recommended approval.

Through the course of this project, staff received numerous questions from the public. To help answer questions, an additional website page was added to the project website to address and respond to those comments and inquiries. The most asked questions and responses were:

- What happens if I'm in the middle of building a house?
  - Existing permits continue to develop under the standards of the permit issued and are inspected by the permit issuer.
- My property was approved as conditional use zoning. How is that treated?
  - Non-conforming uses can continue to operate, and if expansion is to occur, a special use permit must be obtained.
- What happens if I want to use my property for something different than the zoning district allows?
  - Request to rezone is always an option so that properties and specific uses can be evaluated individually.
- Will this change emergency services?
  - No. The same responders will be responsible for these properties.


- Will this change affect my taxes?
  - No. These properties are not within the corporate limits of the City of Kings Mountain.

The following information and PowerPoint were presented to the Commissioners.

## Zoning Districts Relinquished KMETJ Properties



## Zoning Request




- Consider zoning districts and Future Land Use Plan Map designations to approximately 1067 parcels.

## Background




- September 24, 2024 - Kings Mountain approved a new ETJ boundary line
- New boundary effectively relinquishes over 1,000 properties
- County will be responsible for planning, development, and inspections services
- County must apply zoning districts within 60 days

## Course of Action



1. Land Use Map designations
2. Zoning Districts

## Land Use Plan Map



**Purpose**

- Per NCGS, to be used as a guide when making policy decisions
- Plan is required prior to county wide zoning districts

**Designations**


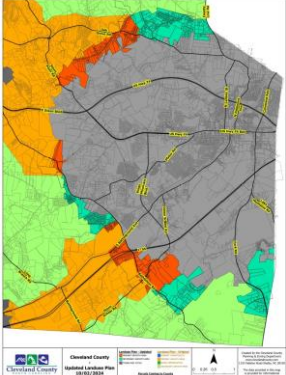
- Primary Growth
- Secondary Growth
- Rural Preservation

**Determining factors**

- Expected Intensity
- Desired character
- Infrastructure
- Transportation services


PRESENTATION FOOTER

## Land Use Plan Map


PRESENTATION FOOTER

## Zoning Districts




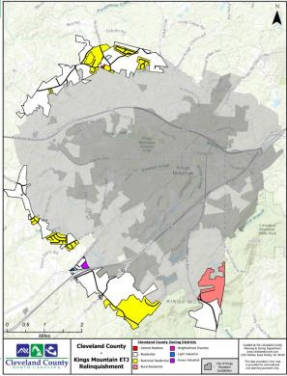
- **Strategy**
  - Visited the areas
  - Evaluated character
  - Considered current Kings Mountain zoning districts
  - Big picture

## Advertisement


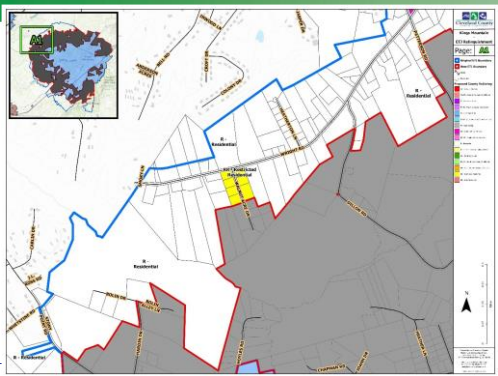


- Mailed Notices
- 29 signs posted
- Maps available in office
- County website
- <https://storymaps.arcgis.com/stories/4cedec5d6f154d718576381b543292f2>

## Zoning Map

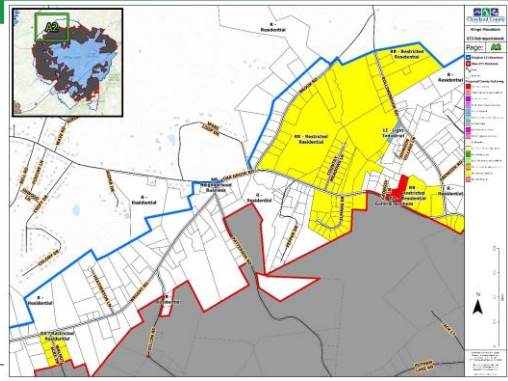



## Zoning Map

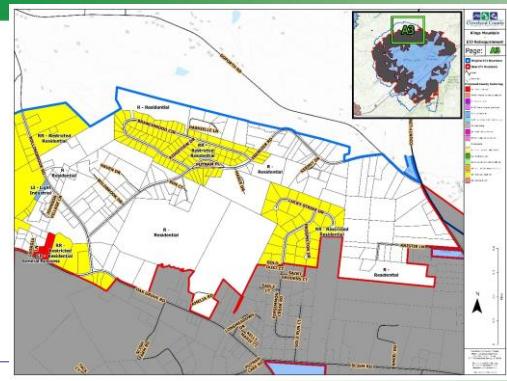


## Zoning Map



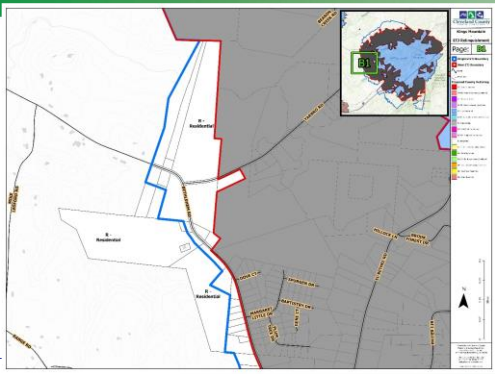
11

## Zoning Map



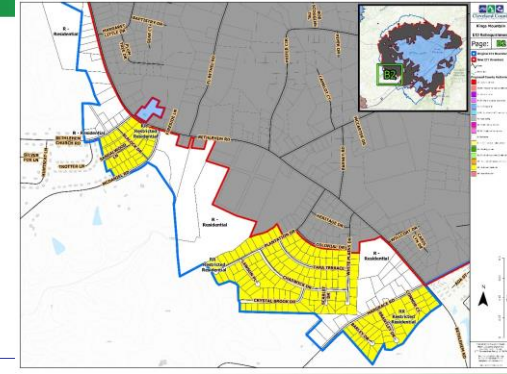
12

## Zoning Map



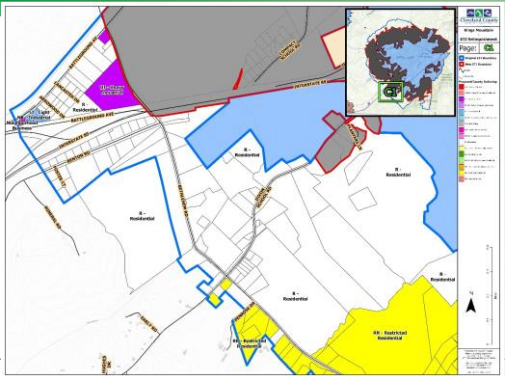
13

## Zoning Map



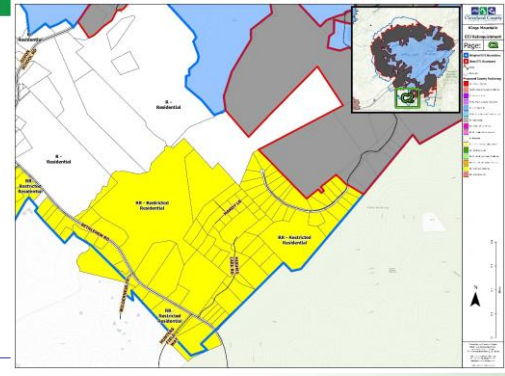
14

## Zoning Map



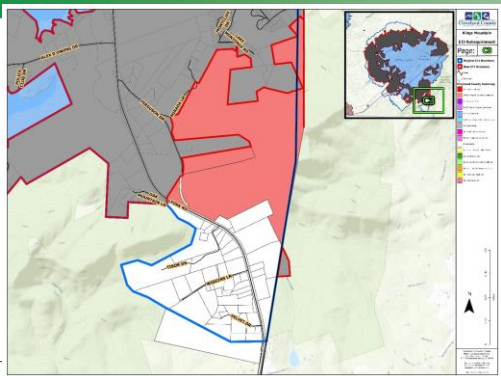
15

## Zoning Map



16

## Zoning Map



17

## Planning Board

- Met October 29th
- Heard comments from public
- Evaluated Land Use Plan designations and Zoning Districts
- Recommend Approval

18

## FAQS

- What happens if I'm in the middle of building a house?
  - Existing permits continue to develop under the standards of the permit issued and are inspected by the permit issuer.
- My property was approved as conditional use zoning. How is that treated?
  - Non-conforming uses can continue to operate and if expansion is to occur, a special use permit must be obtained.
- What happens if I want to use my property for something different that the zoning district allows?
  - Request to rezone is always an option so that properties and specific uses can be evaluated individually.
- Will this change emergency services?
  - No. The same responders will be responsible for these properties.
- Will this change effect my taxes?
  - No. These properties are not within the Kings Mountain corporate limits.

19

## Requested Board Action

- Public Hearing
- Approve
- Approve with modification
- Deny (Will become un-zoned after November 24)

20

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins questioned the differences between county zoning classification and the City of Kings Mountain. Mr. Martin explained the proposed county zoning districts are very similar to the City of Kings Mountain's established zoning designations. Chairman Gordon inquired why there were several subdivisions zoning was split between the county

and the City of Kings Mountain. Mr. Martin advised the City Council of Kings Mountain determined that boundary, and they were following a one-mile boundary that was set by General Statute. There are about four neighborhoods that were split.

Commissioner Hutchins inquired whether the release of the parcels to the county might be related to the City of Kings Mountain's potential annexation of any area. Mr. Martin stated it would not. Annexations are not allowed in North Carolina by involuntary practice; they must be voted on. Chairman Gordon asked Mr. Martin to explain how rezoning farms in the relinquished parcels from the city's ETJ zoning districts would be affected. Mr. Martin advised North Carolina limits how its counties can regulate agriculture use. If a property is actively used for agricultural purposes, it would qualify for exemption from any other type of zoning.

Chairman Gordon opened the public hearing at 4:20 p.m. for anyone wanting to speak for or against Planning Case 24-13: zoning districts and Land Use Plan (LUP) designations for 1,067 parcels relinquished from the City of Kings Mountain Extra-Territorial Jurisdiction (ETJ). (*Legal Notice was published in the Shelby Star on Friday, November 1, 2024, and Friday, November 08, 2024*).

**Kathy Holberg, 120 Wiggins Lane, Kings Mountain** – has a parcel zoned for business and residential mixed-use that is being relinquished from the Kings Mountain ETJ and wants to know how the county's zoning would affect her property and its uses.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 4:22 p.m.

Chairman Gordon asked Mr. Martin to assist with answering Ms. Holberg's question. Mr. Martin advised her parcel is in the Residential (R) zoning district, but the property is not compliant with this zoning district and would be considered non-conforming. Non-conforming is a common terminology for properties that may not meet the current zoning districts. Non-conforming uses can continue to operate legally as permitted, provided the property owner holds a valid permit. Non-conforming uses will need to return to the Board if they wish to change or expand the use of the property.

Mr. Martin explained there are two possible options for Ms. Holberg's property. The first option would be to keep the property non-conforming, continuing to operate and use your property as you currently do. The second option that may apply is home occupation, which has specific standard requirements. He advised that, for now, Ms. Holberg can continue to use her property as she has been doing. Ms. Holberg will follow up with Mr. Martin regarding the home occupation application.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins requested Mr. Martin to elaborate on the farm use of properties. Mr. Martin advised there are two types of farm use: zoning use and taxation use. North Carolina General Statutes limit counties on how they can regulate farm use. If a property owner has a property that meets the size qualifications and is actively producing and selling, they could qualify for zoning exemptions. Therefore, zoning districts would not have any impact on farm-use properties. Regarding the taxation aspect, the relinquished ETJs will have no impact or change.

Commissioner Bridges commented that he had received phone calls from concerned property owners in the ETJ subdivisions, who expressed a preference for either having their entire subdivision within the city limits or the county. They did not want to be split up. Chairman Gordon stated he had concerns over the four to five divided neighborhoods as well. He agreed that the subdivisions needed to be under one jurisdiction, not two, and was not prepared to cast a formal vote due to the neighborhood zoning uncertainties. He asked Mr. Martin what the process would be to resolve the divided neighborhoods. Mr. Martin explained it would take formal action from the City of Kings Mountain. They would have to adjust or adopt a new ETJ boundary that takes into account those neighborhoods. Chairman Gordon advised the Board that if the zoning districts and LUP are approved as presented, those subdivisions would remain split, with no assurance that the city would relinquish the remaining properties to the county.

Mr. Martin reminded the Commissioners that they have 60 days to approve zoning districts for the properties relinquished to the county on September 24, 2024. The issue with adding additional properties is the notification process. Planning staff would treat the additions as a new case. Board members discussed the concerns and complications associated with the split neighborhoods and the potential impacts on the citizens in those communities. They also discussed at length the process and challenges of working with the City of Kings Mountain during the project's implementation. It's not a matter of which organization has the subdivisions in their zoning districts; it's the importance of keeping the subdivisions together. They would like a written commitment from the city stating there would be a collaboration between the two organizations to work through the divided neighborhoods.

Mr. Martin advised Board members that after 60 days, the half of the subdivision relinquished to Cleveland County still becomes the county's jurisdiction. Staff would still be responsible for providing inspections and permitting services, but the properties wouldn't have a zoning district applied. If a citizen requested a building permit on an unzoned parcel, they would be able to skip the zoning permit process and would not need zoning permit approval. From a project standpoint, zoning districts have specific rules applied, such as setbacks from property lines, types of allowed structures and permitted uses. None of these would apply to unzoned property. State building codes would be applied, and any construction would adhere to these codes and standards.

Board members continued their discussion about the complications of the divided communities and the option of delaying their vote until November 25, 2024, to allow staff more time to work with the City of Kings Mountain to resolve the zoning issues and concerns.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *continue the public hearing and defer the vote to November 25, 2024, at 4:00 pm in the Commissioners Chambers to allow further discussions with the Kings Mountain City Council regarding subdivision boundaries.*

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to recess to reconvene*. The next meeting of the Commission is scheduled for *Monday, November 25, 2024, at 4:00 p.m. in the Commissioners Chambers to continue the public hearing for Planning Case 24-13; zoning districts and Land Use Plan (LUP) designations for 1,067 parcels relinquished from the City of Kings Mountain Extra-Territorial Jurisdiction (ETJ)*.

---

*Kevin Gordon, Chairman  
Cleveland County Board of Commissioners*

---

*Phyllis Nowlen, CMC, NCCCC  
Clerk to the Board  
Cleveland County Board of Commissioners*