

**TOWN OF UNIONVILLE
PLANNING BOARD
MINUTES OF REGULAR MEETING**

The Planning Board of the Town of Unionville met on Monday, November 6, 2023, at Unionville Volunteer Fire Department #22, 3229 Concord Highway, Monroe, NC. Board members Jerry Adams, Steve Outen, Barry Baucom, Matt Price, Roddie Baucom, Devin Clontz and Alternates JR Hayes and Lana Kirkpatrick were present. Absent was Doug Helms.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Chairman Adams asked Matthew Price to lead the invocation. Chairman Adams welcomed everyone and called the meeting to order at 7:31 p.m.

Chairman Adams brought forward the consideration of the minutes of the October 2, 2023, Regular Meeting. After a motion duly made by Roddie Baucom, seconded by Devin Clontz, the Board unanimously approved the minutes from the October 2, 2023, Regular Meeting.

In the next item of business, Chairman Adams opened the floor for the recommendation of Text Amendment #TC-23-01, a request to amend the location requirements for accessory structures on large parcels only. Land Use Administrator Gaddy asked if one of the alternates would want to fill in for Mr. Helms. Chairman Adams asked Lana Kirkpatrick to join the Board.

Chairman Adams asked Land Use Administrator Gaddy to introduce the text amendment. Land Use Administrator Gaddy said that this text amendment is in reference to Land Use Ordinance Section (B). She recommended that the Planning Board recommend adding a number three, that if the accessory building is on five or more acres and the building will not be visible from the road, then it could be placed anywhere on the property. She said that the Board had discussed adding a designation for lakefront property, which could also be added to the language of the amendment. She then went over the property maps, along with the requested locations for the accessory structure and primary structures. There were no questions regarding these maps.

Land Use Administrator Gaddy said that she had requested language from other municipalities with lakefront access and heard from four municipalities. Cornelius has in their ordinance that accessory structures must be placed in the rear only with a minimum of 10' sides and rear lines, but also may allow in the side yard if no practical alternatives exist. The Town of Fairview's ordinance is basically the same as ours with it being in the rear yard and five-foot setbacks. If the building is to be located in front of the principal structure, the lot must be at least five acres, a minimum 200-foot setback from the front property line, and minimum 15-foot side yard setback is required. Town of Norwood does not allow accessory structures in the front yard, but structures more than 100 feet from street may be in the front yard and no closer than 50 feet from the right of way. The Town of Waxhaw, which backs up to Cane Creek, does not allow for accessory structures in the front yard and setbacks of a minimum of five feet from the property line. This was all the response she was able to get after asking all municipalities from across the state. Land Use Administrator Gaddy also consulted with our attorney, who interprets the ordinance to require that accessory structures are to be entirely behind the rear line of the principal structure. Further, she consulted with our back-up Land Use Administrator, Michael Harvey, who interprets the ordinance to require the accessory entirely behind the primary structure. Land Use Administrator Gaddy shared that no public hearing has been set by Council at this time. She also reminded the Board that text amendments apply to the entire town and every parcel within the town and is not a case-by-case situation. Any recommendation made by the Board will be applied to the entire town.

Matthew Price said that the wording that we're putting in the recommendation, line of sight not being visible from the road, might be objective at some point. He asked what would happen if the land was cleared. He said that Norwood's ordinance having a requirement of set footage might be more favorable. He agreed that a home in a subdivision with a 1-acre lot should not have an outbuilding on a parcel. He expressed concern that it would be open to future issues if the visibility was dependent on other landowners. He pondered if the Board could recommend a five-acre minimum lot size and a minimum of 100 feet off the road. Land Use Administrator Gaddy asked for clarification of 100 feet from the road or property line. Barry Baucom noted that if someone had an easement, it could become problematic. Land Use Administrator Gaddy noted that she asked for more specific verbiage from the Land Use expert but did not receive a lot of response.

Devin Clontz said that he understood the requestor wanted his home to face the lake, and putting a building behind the home would not be ideal. He expressed concern that this would open an opportunity for everyone wanting to put a building in the front of their homes. He recommended including verbiage that allowed accessory structures in the front of the primary structure only for lakefront properties. Matt Price asked how many parcels were on the lakefront. Devin said that there were not many. Barry Baucom noted that if they restrict the amendment to "lakefront," it cuts it down to pretty much nobody. He recommended that the Board think forward to the future and consider ways that this amendment could address more citizens. Matt Price recommended that they consider some conditions, like five acres minimum, consider the visibility, or consider the distance from the road instead of having a visibility requirement. He said that the distance from the road would be a good idea. Barry Baucom said that most people will be able to easily get it 100 feet off the road. If a property owner has 20 acres, 100 feet isn't anything. Land Use Administrator Gaddy advised the Board that the measurement is typically done from the property line, not the road.

Matt Price expressed some concern over the recommended verbiage proposed by Land Use Administrator Gaddy. Land Use Administrator Gaddy said that the Board could amend the recommendation, add to it, or take away from it. She noted that setbacks are always measured from the property line. The Board continued to discuss the acreage requirements and the history of the ordinance, which originated from Union County's Land Use Ordinance. Land Use Administrator Gaddy also noted that it is not ideal to have accessory structures in front of primary structures as a rule, especially on smaller lots. Matt Price reiterated that he felt it should be more about how large the lot is and how far away the structure will be from the road. Jerry Adams encouraged the Board to consider the restrictions that were being recommended. Devin Clontz said that they could go back to considering a restriction to waterfront properties. Roddie Baucom agreed with Devin, saying that adding "lakefront" to the verbiage would take care of this issue. Steve Outen asked if "lakefront" could be specified. Barry Baucom reiterated his concern that so few people would be affected, and this issue would recur in the future. Matt Price agreed with Barry Baucom. Steve Outen asked Matt what his issue was with the way it is currently written. Matt Price said that his land was handed down from his grandfather and he did not think it was fair for people who are living on family land that has been subdivided to heirs and might not be able to qualify. Roddie Baucom asked if they might increase the minimum lot size to ten acres and add "lakefront" to the amendment. Steven Outen said that would be specific and take care of this one situation but would not apply to others. Matt Price said that he thought five acres was plenty of land for this ordinance. He said that he liked the way Norwood's is written with distance and acreage requirements. Their amendment would not allow for a building in the ROW of the road. He made a recommendation to keep the text amendment as written, except to remove the visibility restriction and add a distance requirement from the road. Lana Kirkpatrick noted that a minimum of five acres would rule out developments. Barry Baucom said that there were still a lot of people with tracts of land at least that size.

Matt Price noted that ultimately the Council will make the decision. His only major concern about the recommendation as presented was the subjectivity of visibility from the road. Land Use Administrator Gaddy noted that the recommendation was taken directly from the applicant's request. Matt Price said that he felt that it may become a future issue if there are changes in the visibility. The Board continued to discuss visibility and how to consider the issue.

Steve Outen said that there is no stipulation in the proposed wording about distance from the road. Matt Price said that it would be difficult to put a setback from the road versus a property line. Jerry Adams said that if it is solely based on acreage, then it could be visible. Matt Price said that they could make a proposal to Council and allow them to discuss how they would like to word it. Lana Kirkpatrick said that they currently had the conditions of five acres, setback requirements met, and not visible from the road. Matt Price said that he would be fine with that wording. Devin Clontz clarified that they were looking at the Option 3 wording: "If the accessory building is located on more than four acres of land and meets the setback requirements set forth in section 185, then the accessory building may be placed anywhere on the tract of land," but to change the minimum to at least five acres of land. Matt Price agreed. Jerry Adams asked if he wanted to make that into a motion. Matt Price made the motion that if the accessory building is located on more than 5 acres of land and meets the setback requirements set forth in Section 184, then the accessory building may be placed anywhere on the tract of land. Steve Outen seconded the motion. Matt Price asked if the setbacks were outlined in section 184 or 185. Land Use Administrator Gaddy said that it was wrong on the recommendation and should be section 185. Matt Price asked if he could amend his motion to section 185. Jerry Adams asked if setbacks would remain the same. Land Use Administrator Gaddy confirmed that there were no changes to the setbacks. Matt Price made a motion to rescind the motion on the floor for amendment. Lana Kirkpatrick seconded his motion and it passed unanimously.

Matt Price made a motion that if the accessory building is located on more than 5 acres of land and meets the setback requirements set forth in Section 185, then the accessory building may be placed anywhere on the tract of land, as he finds that the text amendment is reasonable and consistent and in the public interest and is consistent with the Town's Land Use Plan, adopted June 20, 2022. Steve Outen seconded the motion, and it passed in a 6-1 split vote.

Land Use Administrator Gaddy raised concern that the vote on the text amendment wording did not take place. Matt Price reread the amendment as a motion, saying if the accessory building is located on more than five acres of land and meets the setback requirements set forth in Section 185, then the accessory building may be placed anywhere on the tract of land. The amendment was seconded by Steve Outen and passed in a split vote of 6-1.

In other business, Land Use Administrator Gaddy reminded the Board of the upcoming Christmas parade and tree lighting on Sunday, December 3 at the Community Center pavilion that is used for singers. Festivities will begin at 2:30, with a parade at 4. The next meeting is Monday, December 4th if there is any new business.

There being no other business, the meeting was adjourned at 8:14 pm.

Respectfully submitted,

Melody Braswell, Deputy Clerk