



Union County Planning Division

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August 1, 2017

The Union County Planning Board met in regular session on Tuesday, August 1, 2017, at 7:00 p.m. in the Commissioners Formal Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112.

PRESENT: Don Fisher, Charles Griffin, Patrick Harrison, Clint Laster, Everette Medlin, Robert Traficanti, Russell Wing

ABSENT: Chris Duggan

ALSO PRESENT: Brian Matthews, Richard Black, Jim King

ITEM NUMBER ONE

Call to Order

Chairman Don Fisher called the meeting to order.

Motion was made by Chris Duggan and seconded by Robert Traficanti for Alternate Patrick Harrison to be made voting members at this time.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

There were none.

ITEM NUMBER THREE

Approval of the Agenda

Motion was made by Everette Medlin and seconded by Robert Traficanti to approve the agenda.

The vote was 6 to 0.



ITEM NUMBER FOUR

Approval of June 6, 2017 & July 11, 2017 Minutes

ITEM NUMBER FIVE

Proposed Text Changes to the Unified Development Ordinance

Jim King Zoning Administrator came up to present the proposed text changes to the Board.

① Reserved for permit requirements

②

Table 5-2 R District Lot and Building Regulations – Conventional Development

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4	
Minimum Lot Size									
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)									
S1	Street/front [2]	40	40	40	30	30	30	25	20
S2	Side [3]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	25
S4	Street Side Yard	20	20	20	15	15	15	12.5	12.5
	Max. Building Height (feet) [4]	35	35	35	35	35	50	50	50
	Max. Coverage for bldgs. & Structures	40%	40%	40%	40%	40%	40%	40%	40%

- [1] Lot width does not apply to townhouses
- [2] Corner lots – one street side yard shall be ½ of the required street/front setback S4
- [3] For townhouses, side setbacks apply to end units only.
- [4] Non-residential uses allowed in residential districts may exceed the 35 ft. height limitation, but shall not exceed 50 ft. in overall height.

Table 5-3 R District lot and Building Regulations – Cluster Development

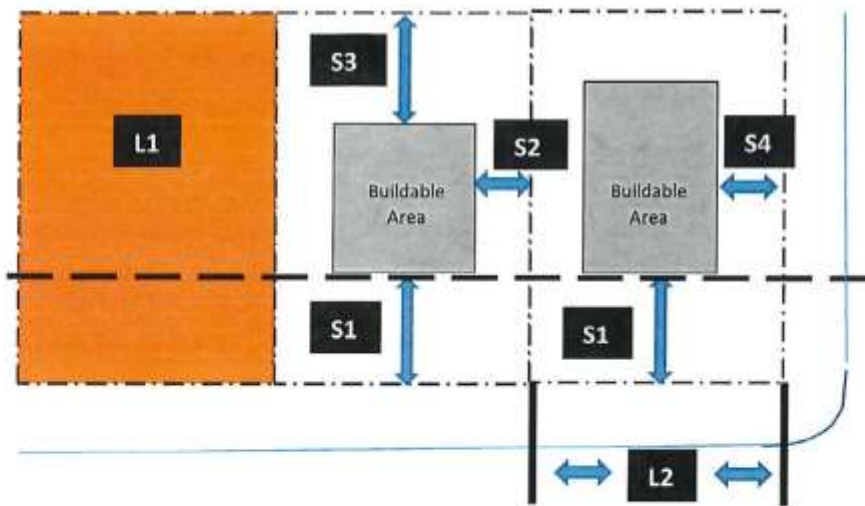
Regulations	RA-200	R-40 RA-40	R-20 RA-20	R15
Overall Site				
Minimum Contiguous area (Acres, gross)	100	25	25	25
Minimum open space (%site)	See § 5.030-C4			
Minimum Lot Size				
Min Lot Area (sq. ft.)	87,120	20,000	15,000	10,000
Minimum Setbacks (feet)				
S1 Street	25	25	25	25



S ₂ Side	10	7.5	5	5
S ₃ Rear	25	25	25	25
S ₄ Street Side Yard	12.5	12.5	12.5	12.5
Max. Building Height (Feet)	35	35	35	35

③

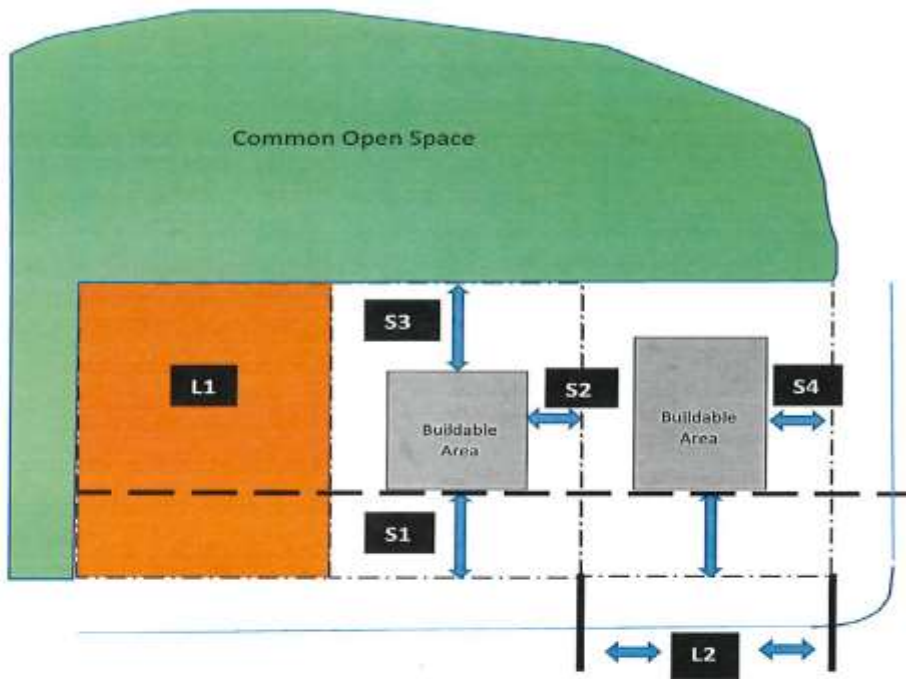
Figure 5-1 Residential Lot and Building Regulations (Conventional Development)



④

Figure 5-2 Residential Lot and Building Regulations (Cluster Development)





⑤

Section 30.060 Dependent Care Residence (Temporary)

30.060-A The requirements of this Section 30.060 only apply to dependent care residences (temporary) which do not meet all of the statutory requirements for a temporary healthcare structure as set forth in G.S. § 153A-341.3 and G.S. § 160A-383.5 (or any successor statute(s)). The requirements of Section 30.060 do not apply to those temporary healthcare structures meeting all of the statutory requirements for such structures as set forth in G.S. § 153A-341.3 and G.S. § 160A-383.5 (or any successor statute(s)).

30.060-B In order to approve a temporary dependent care residence greater in size and different in type than those allowed under GS 153A-341.3 , ~~the board of adjustment must find that~~ the applicant must demonstrate a personal hardship situation exists. The hardship must involve the need to care for elderly family members or other dependents of the family occupying the principal dwelling. Reasons justifying the need for separate quarters include incompatibility, contagious disease, illness, or lack of suitable space within the principal dwelling. A monetary hardship does not qualify as a personal hardship. (amended 5-18-2015)

30.060-~~B~~**C** Special-use permits Zoning permits authorizing temporary dependent care residences may be issued for a maximum of 6 months, but may be renewed for successive 6-month periods for so long as the hardship continues to exist. Application for renewal of the permit must be made at least 30 days before the expiration date.



30.060-~~CD~~ Temporary dependent care residences must be served by approved water and sewer systems and maintained so as not to create nuisance conditions or adversely affect the visual character of the surrounding residential area.

30.060-~~DE~~ Not more than one temporary dependent care residence may be permitted on a temporary basis. Temporary residences must be located in the rear yard behind the principal dwelling. (amended 5-18-2015)

30.060-~~EF~~ Class A, B, or C manufactured homes may be utilized as allowed per the underlying zoning district. (amended 5-18-2015)

30.060-~~FG~~ The square footage of the temporary dependent care residence shall not exceed the square footage of the principal dwelling. (amended 5-18-2015).

30.060-~~GH~~ Authorized temporary dependent care residences are not counted in calculating density but are subject to applicable setback and building height regulations.

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Section 30.200 Addition Considered as Part of a Principal Structure

- 30.200-A An addition that is considered part of a principal structure increases the floor area or height of the principal structure and meets one of the following minimum criteria:
- a. Has a common wall with the principal structure a minimum of ten (10) feet in length; or
 - b. Is connected to the principal structure by a covered breezeway built to North Carolina Building Code requirements (i) a minimum of 6 feet in width and no greater than 25 feet in length, and (ii) with doors on each end of the breezeway for access to the principal structure and the addition.

⑦

35.040-F Rural Home Occupations

Home occupations that do not comply with all of the suburban home occupation regulations of §35.040-E but that do comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use on RA-zoned lot of at least 100,000 square feet in area.

1. Rural home occupations must be clearly incidental and subordinate to the subject property's principal residential or agricultural use. and only one rural home occupation is allowed per parcel.
2. At least one individual engaged in a rural home occupation must reside in the principal dwelling unit on the subject property as their primary place of residence. A maximum of 3 nonresident employees are allowed with a rural home occupation.
3. Rural home occupations may be conducted within the principal dwelling unit or within an accessory building, provided that the total accessory building floor area occupied by a rural home occupation may not exceed the lesser of 3,000 square feet or 75% of the gross floor area of the principal residential dwelling.



4. Accessory buildings, material storage and outdoor work areas must be set back at least 300 feet from adjacent residences.
5. Any storage ~~or outdoor work areas~~ must be screened in accordance with at least the S2 screen requirements of §55.090-C and shall not exceed 1500 sq. ft.
6. The following uses are expressly prohibited as rural home occupations:
 - A. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - B. Equipment or supply rental businesses;
 - C. Taxi, limo, van or bus services;
 - D. Tow truck services;
 - E. Junk yards;
 - F. Restaurants;
 - G. Funeral or interment services;
 - H. Animal Boarding Business; and
 - I. Any use that does not comply with the rural home occupation regulations of this section.

⑧

50.040-C Nonresidential Uses

The following regulations apply to all principal nonresidential uses in residential zoning districts.

1. Wall Signs

~~Nonresidential uses in R districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 16 square feet in area. Wall signs shall be allowed on walls that have a public entrance and on the wall that has street frontage on the street corresponding with the property's assigned address.~~

 - a. The cumulative maximum area of all allowed wall signs per wall may not exceed one half (.5) square foot per each linear foot of building frontage, up to a maximum of 125 aggregate square feet of signage.

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Section 50.050 Signs in Office, Commercial and Industrial Zoning Districts

50.050-A Applicability

The regulations of this subsection apply to signs accessory to all office, commercial and industrial zoning districts.

50.050-B Wall Signs

~~1. Maximum Number~~

~~A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof. See §50.110-C for "building frontage" calculation rules.~~

1. Location



Wall signs shall be allowed on walls that have a public entrance and on the wall that has street frontage on the street corresponding with the property's assigned address.

2. Maximum Area

- a. Except as expressly stated in §50.050-B2.b, the cumulative maximum area of all allowed wall signs may not exceed one square foot per each foot of building frontage.
- b. Regardless of the maximum wall sign area calculated pursuant to §**Error! Reference source not found.**, the maximum area of any single wall sign may not exceed 250 square feet.

3. Location Coverage

A wall sign may not cover more than 30% of the wall area to which it is attached. Wall signs may not extend above any parapet or be placed on any roof surface, except that for purposes of this provision, roof surfaces constructed at an angle of 75 degrees or more from horizontal are regarded as wall area.

10

Development Standards

Section 60.010 Purpose and Intent

60.010-A The regulations of this article establish requirements for designing and installing infrastructure and improvements in subdivisions and developments within the jurisdiction of this UDO. These standards are intended to:

- a. Protect the public health, safety and welfare;
- b. Promote the orderly growth and development of the county; and
- c. Ensure the timely and coordinated provision of required transportation improvements, utilities and other public facilities and services to new subdivisions and developments.

60.010-B The planning division director, or designee, is authorized to create a Development Guide to assist users of the UDO with navigating through the various planning processes. Any such Development Guide will be intended to supplement understanding of this UDO, but in no event shall any information contained therein be considered to supersede any requirements or provisions of this UDO. The Development Guide may include checklists and applications needed for various submittals. Any such Development Guide may be found on the planning division's webpage on the Union County website, or by contacting the planning division.

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Review and Approval Process

Section 80.010 Common Provisions

80.010-A Applicability

The common provisions of this section apply to all of the procedures in this article unless otherwise expressly stated. The planning division director, or designee, is authorized to create a Development Guide to assist users of the UDO with navigating through the various planning processes. Any such Development Guide will be intended to supplement understanding of this UDO, but in no event shall any information contained therein be considered to supersede any requirements or provisions of this UDO. The Development Guide may include checklists and applications needed for various submittals. Any such Development Guide may be found on the planning division's webpage on the Union County website, or by contacting the planning division.

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VARIACE

80.120-I Notice of Decision

1. The board's decision must signed by the chair or other authorized board member. The decision becomes effective on the date it is filed with the county clerk administrator.
2. The county clerk administrator must send the notice of decision to the applicant, the property owner and all individuals who have filed a written request with the county clerk administrator before the effective date of the decision. If the application is denied, the notice must state the board of adjustment's reasons for its decision. This required notice may be delivered by personal service delivery, electronic mail or first-class mail. When first-class mail is used, 3 days must be added to time required for filing any subsequent appeal to the courts.

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APPEALS OF ADMINISTRATIVE DECISIONS

80.130-F Notice of Hearing

(see §80.010-F for additional information on required notices)

4. At least 10 days before and no more than 25 days before the date of the public hearing, notice must be mailed to the appellant, the subject property owner, all owners of property that abut the subject property or are located on the opposite side of the street from the subject property and all persons who have submitted to the administrator a written request to receive notification. If the owner of the subject property also owns the property abutting the subject the property or across the street from the subject property, the required mail notification radius must be



extended to include the nearest properties owned by individuals or entities who are not owners of the subject property.

2. In addition to mailed notice, if a site is the subject of such a hearing, notice of the hearing (signs) must be posted prominently on any site that is subject of the hearing, or on an adjacent street or highway right-of-way, at least 10 days before and no more than 25 days before the required public hearing.

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APPEALS OF ADMINISTRATIVE DECISION

80.130-H Notice of Decision

1. The board's decision must be signed by the chair or other authorized board member. The decision becomes effective on the date it is filed with the county clerk administrator.
2. The county clerk administrator must send the notice of decision to the applicant, the property owner and all individuals who have filed a written request with the county clerk administrator before the effective date of the decision. If the application is denied, the notice must state the board of adjustment's reasons for its decision. This required notice may be delivered by personal service delivery, electronic mail or first-class mail. When first-class mail is used, 3 days must be added to time required for filing any subsequent appeal to the courts.

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Reserved for Zoning Permit process (Section 80.140)

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95.020-C Fines and Civil Penalties

1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions of approval, constitute a misdemeanor, punishable by a fine of up to \$500 or a maximum 30 days imprisonment as provided in NCGS 14-4.
2. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions of approval, are subject to the following penalties:
 - a. Warning Citation – Violation Must be Corrected Within 10 days
 - b. First Citation – Fine of \$50.00
 - c. Second Citation – Fine of \$200.00



- d. Third and Subsequent Citations For Same Offense – Fine of \$500.00
- 3. Each day's continuing violation is a separate and distinct offense.
- 4. If the offender fails to pay the required fine within 10 days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the board of adjustment if the violator was sent a final notice of violation in accordance with §95.030-B2 and did not take an appeal to the board of adjustment within the prescribed time. The Planning Director has the authority to wave any outstanding civil penalties if the violation is corrected and fully complies with the UDO.

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95.030-B Written Notice

1. If the administrator finds that any provision of this ordinance is being violated, the administrator must notify the responsible parties ~~in person or by certified mail, return receipt requested. If the certified notice is returned, refused or unclaimed, then by~~ first-class mail to the ~~same~~ address will be deemed proper notice on file with the Union County Tax Office, or if there is no such address on file, to the physical address of the violation. The notice must describe the nature of the violation and state the actions necessary to correct the violation. Additional written notices may be sent at the administrator's discretion.

2. The final written notice (which may be the initial written notice) must state what action the administrator intends to take if the violation is not corrected and indicate that the administrator's decision or order may be appealed to the board of adjustment in accordance with Section 80.130. If the appeal is not filed within the time limit specified in Section 80.130, then appeal rights are waived.

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Table 100-1: Permitted Setback Obstructions (Continued page 100-3)

Obstruction/Projection into Required Setback	Street	Side	Rear
Plants and cold frames	Yes	Yes	Yes
Porches that are open on at least 3 sides and that project no more than 4 feet into the setback	Yes	Yes	Yes
Rainwater harvesting equipment that projects no more than 4 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets and playground equipment)	No	Yes	Yes
Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Signs (see also Article 50)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features that project up to 4 feet into the setback	Yes	Yes	Yes
Solar or wind energy systems, building-mounted	No	Yes	Yes
Solar or wind energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes



Motion was made by Everette Medlin and seconded by Russell Wing to approve the proposed text changes to Unified Development Ordinance. The vote was 6 to 0.

ITEM NUMBER SIX

Change of Meeting Date for September

Motion was made by Clint Laster and seconded by Robert Traficanti to change the regular Planning Board Meeting to September 12, 2017 due to the Labor Day Holiday. The vote was 6 to 0.

ITEM NUMBER SEVEN

Adjournment

The meeting was adjourned at 8:30 p.m.

