Planning Board

Meeting Minutes

September 14, 2026, 7:30 PM
1102 Unionville Church Road, Unionville, NC, US

OPENING PROCEEDINGS

Town of Unionville — Planning Board Meeting MinutesMonday, September 14, 2026 | 7:30 PMUnionville Town Hall | 1102 Unionville Church Road, Unionville, NC

Present: JR Hayes (Chairman), Devin Clontz (Vice Chairman), Annette Harris, Jerry Adams, Melody Braswell (Clerk/Tax Collector/Land Use Administrator), Sonya Gaddy (Deputy Clerk), Michael Harvey (Back-up Land Use Administrator, N-Focus), John Hinson (Planning Board Alternate)

The meeting was opened with the Pledge of Allegiance, followed by an invocation led by Vice Chairman Devin Clontz. Chairman JR Hayes confirmed that four members were present at the outset, constituting a quorum, and the meeting proceeded accordingly.

ACTION ITEMS

2. Oath of Office for Planning Board Alternate – John Hinson

Prior to the approval of minutes, the Board administered the Oath of Office to incoming Planning Board Alternate John Hinson. Clerk Melody Braswell presided over the oath. Upon its completion, Chairman JR Hayes noted that the Board now had five members present.

1. Consideration of Minutes — August 3, 2026 Planning Board Meeting Minutes

Chairman JR Hayes invited a motion to approve or amend the minutes from the August 3, 2026 Planning Board meeting.

> Motion to approve the August 3, 2026 meeting minutes as written was made by Board Member Jerry Adams and seconded by Board Member Annette Harris. The motion carried unanimously.

3. Consideration of Minor Subdivision #SUB-26-10

a. One new 2.0 acre lot off Roanoke Church Road with dedicated 20-foot easement

Clerk Melody Braswell presented Minor Subdivision #SUB-26-10, describing it as a parcel with no road frontage. She noted that per Town requirements, such parcels must be a minimum of 2.0 acres in size and must have a dedicated 20-foot easement, both of which this plat satisfies. The Board characterized the application as straightforward. Following brief discussion, the Board moved to approve.

Chairman JR Hayes and Clerk Braswell indicated they would sign off on the plat immediately following the meeting so the applicant could proceed without delay.

> Motion to approve Minor Subdivision #SUB-26-10 was made by Board Member Jerry Adams and seconded by Vice Chairman Devin Clontz. The motion carried unanimously.

UNIFIED DEVELOPMENT ORDINANCE REVIEW

3. Review of Recommended UDO Articles – Enforcement, Nonconformity, & Measurement

Presenter: Michael Harvey, N-Focus

Michael Harvey, Back-up Land Use Administrator and consultant with N-Focus, presented three draft articles of the Town's Unified Development Ordinance (UDO) for the Board's review: Measurements, Nonconformities, and Enforcement & Administration. He prefaced the discussion by noting that while these sections are technical and procedural in nature, they are among the most frequently litigated areas of land use practice and are essential to protecting the Town from legal challenge.

Measurements Article

Mr. Harvey explained that the Town's current ordinance lacks clear standards for how measurements are to be calculated, a deficiency this new article is designed to remedy. The proposed article establishes rules for straight-line measurement, rounding conventions, and the calculation of density, setbacks, lot dimensions, lot coverage, building height, signage area and height, landscaping, fence and wall height, and lighting.

On the topic of parking, Mr. Harvey advised the Board that as of January 1, 2027, the North Carolina General Assembly will prohibit local governments from requiring minimum parking spaces. He recommended the Town instead adopt maximum parking limits, which remain legally permissible, as a tool to prevent excessive impervious surface coverage. He noted that this change applies to all 80 non-coastal counties in North Carolina, with CAMA-designated coastal communities exempted under state law.

The article also establishes graphic illustrations of key concepts, including lot types (corner, interior, through, condominium, and special purpose lots), setback diagrams, and sight distance triangles. Mr. Harvey emphasized the value of these graphics in reducing disputes. Vice Chairman Clontz raised a question regarding how setbacks apply to irregularly shaped lots, specifically whether a structure must meet the side yard setback at its closest point. Mr. Harvey confirmed that the closest point of any structure must still fall within the applicable setback, regardless of lot shape. Clerk Braswell raised a related question about a prior case involving a parcel with an unusual configuration and contested lot line designations. Mr. Harvey clarified the definitions of front, side, and rear lot lines under the proposed article, providing a flag lot as an illustrative example.

Clerk Braswell also inquired about the caliper standard for replacement trees under the landscaping provisions. Mr. Harvey confirmed the ordinance would address this, and further confirmed in response to Clerk Braswell's question that Bradford pear trees—an invasive species—would be discouraged in favor of local indigenous, drought-tolerant plantings under the forthcoming landscape ordinance.

Mr. Harvey noted that the lighting provisions would introduce foot-candle measurement standards to regulate light intensity at property lines, and that sight visibility triangle requirements—already present in the current code—would now be accompanied by a graphic for clarity.

Nonconformities Article

Mr. Harvey described the proposed nonconformities article as a significant revision driven by recent changes in state law, particularly the prohibition on "down zoning" enacted in December 2024. He explained that a nonconformity arises when a previously lawful land use or structure is rendered noncompliant by a change in zoning regulations, and that state law requires property owners to be protected in such circumstances.

The revised article grants property owners a common law vested right to continue a nonconforming use, subject to the standards in effect at the time the use was established. If a property owner voluntarily ceases operations for a period of 24 months, the Town may determine that the vested right has been abandoned, after which the property would be required to come into compliance with current code. Mr. Harvey stressed that all such determinations must be made in writing and are subject to appeal to the Board of Adjustment.

He also addressed nonconforming lots—parcels created prior to annexation that may not meet current dimensional standards—confirming that such lots remain developable so long as applicable setbacks can be met. Outdoor advertising (billboards) is exempted from local nonconformity enforcement, as the state's Outdoor Advertising Act under DOT jurisdiction preempts local authority in that area. Mr. Harvey noted that flood and stormwater regulations may still be enforced against nonconforming properties, as these represent public safety obligations.

Mr. Harvey indicated this article would be submitted to the Town's attorney for review and legal sign-off prior to final adoption, and invited the Board's feedback over the following 30 days.

Enforcement & Administration Article

Mr. Harvey presented the proposed enforcement article, noting that the Town's current code contains enforcement provisions scattered across three separate sections, with one section contradicting the others. The new article consolidates and updates these provisions to reflect current state law.

He outlined N-Focus's standard enforcement philosophy: treating violations as an educational opportunity first, providing property owners with notice, options, and a 30-day window to voluntarily achieve compliance before escalating to formal enforcement action. He noted that the ability to impose criminal penalties for zoning violations was eliminated by the General Assembly approximately eight years ago, leaving civil remedies as the primary enforcement tools. These include permit denial, civil fines of up to $500 per day, court orders compelling compliance, and liens on property for unpaid fines.

Clerk Braswell asked whether the proposed language would allow staff to initiate enforcement action without a signed written complaint. Mr. Harvey clarified that staff may observe and document violations from a public right-of-way and act on that basis, but cannot enter private property without permission or a court order. He acknowledged the difficulty this creates when complaints involve activity not visible from the street, and stressed that the Town must be careful not to violate property owners' constitutional rights in the course of enforcement. He noted that municipalities can face legal liability for improper enforcement just as they can for failing to enforce. He illustrated appropriate enforcement response with several examples, including junk vehicle accumulation and unpermitted construction.

Mr. Harvey confirmed that the article also addresses enforcement within special flood hazard areas and watershed overlay districts, and that it expands the definitions of what constitutes a violation and who qualifies as a violator.

Next Steps

Mr. Harvey indicated that with the presentation of these three articles, the substantive UDO review is effectively complete. He proposed providing the Board with the compiled final draft at the October meeting, with a 30-day review period to follow. The Board's formal recommendation to Town Council would then be anticipated in November. He confirmed that the Planning Board's review does not require a public hearing; a legislative hearing before the elected Town Council will be held separately. The Board was encouraged to direct any questions or comments through Clerk Braswell within the 30-day review window.

OTHER BUSINESS

4. Other business for discussion

No other business was raised.

ADJOURNMENT

There being no further business, a motion to adjourn was made and seconded. The motion carried unanimously, and the meeting was adjourned.