



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

Jan. 19, 2016 @ 6:30 p.m.

Meeting will be in the Council Meeting Room

Roll Call and Determination of Quorum ---*Chairman Hargett*

1. Public Comments:
2. Report: Land Use Administrator:
 - a. N-Focus training session for Planning Board to include Council will be held at the February 16th meeting---*Ed Humphries*
3. Business:
 - a. Elect Chairman and Vice Chairman of the Planning Board according to rules of procedure. ---*Chairman Hargett*
 - b. Discuss process for reviewing 'Table of Uses'----*Ed Humphries*
 - c. Discuss amending Section 4 'Bona Fide Farms Exempt'
To determine whether a property is being used for a bona-fide purpose.
----*Ed Humphries*
5. Public Comments:
6. Approval of Previous Minutes:
 - a. Nov. 17, 2015---Regular Meeting
7. Adjourn

TAE F USES

USE	SUPPLEMENTAL REGULATION SECTION NUMBER OR ARTICLE	PARKING REQUIREMENT FOUND IN SECTION 291(e)	RC80	RA40	RA20	R40	R20	O	B-1	B-2	B-3	B-4	HC	B-5	LJ
ABC Store		2.112							C	C		C	C		
Accessory Uses	150, 179, 185	3.11	Zs	Zs	Zs	Zs		Z	Z	Z	Z	Z	C	Zs	Z
Accounting, Auditing, Bookkeeping Services		3.12						Z	Z	Z	Z	Z	C		
Administrative or Management Services		3.12						Z	Z	Z	Z	Z	C		
Adult Establishment, Hotel/Motel, Video Store, Lingerie Modeling Studio	180C, 308	3.11						Z	Z	Z	Z	Z	C		Cs
Advertising Agency	168	3.12													Z
Agribusiness Operations		32													
Agricultural Use, Class I (not exempt as a bona fide farm)	175, 150(c)(8)	1	Zs	Zs	Zs	Zs									Zs
Agricultural Use, Class I (not exempt as a bona fide farm)	175, 150(c)(8)	1	Zs	Zs	Zs	Zs									Zs
Agricultural Use, Class II, including livestock	175, 150(c)(8), 179	1	Z	Z	Z	Z		Z	Z	Z	Z	Z	C	Zs	Z
Agricultural Use, Class I (Ten acres or more)															
Air Conditioning Supply & Service/See Electric, Heating Supplies/Sales															
Airport, Heliport, Helistop															
Public/Private	15.2														C
Artist/Art	15.2		C	C	C	C	C								C
Ambulance Service (See Public)															
Safety Station															
Amphitheater	179	6.22	Z	Z	Z	Z	Z		Z	Z	Z	Z	C	Zs	
Amusement Facility/Fun Park		6.23													
Animal Grooming Facility/Services (No outdoor runs)		12							Z	Z	Z	Z	C		
Animal Hospital, Animal Kennel, Animal Boarding Services		12													
Animal Obedience School (Principal Use)		12							Z	Z	Z	Z	Cs		
Animal Supply Store		2.12							Z	Z	Z	Z	C		
Antique Store		2.12							Z	Z	Z	Z	C		
Apparel Store (See Clothing, Footwear and Apparel Store)															
Apparel Store (See Clothing, Footwear and Apparel Store)															
Appliances (Household) Store and/or Repairs		2.12							Z	Z	Z	Z	C		
Architect Service (See Engineering, Architect, or Survey Services)															
Art Gallery/Center	179	5.3						Z	Z	Z	Z	Z	C	Zs	
Art Supply Store	179	2.12							Z	Z	Z	Z	C	Zs	
Auction House (excluding animals, without outside storage)		2.12							Z	Z	Z	Z	C		
Auction House (excluding animals, with outside storage)		2.21													
Auditorium, Stadiums, Assembly Halls, Amphitheaters, Coliseums (Under 1000 seats) etc.	179	6.11							Z			Z	C	Zs	
Auditorium, Stadiums, Assembly Halls, Amphitheaters, Coliseums (1000+ seats)	179	6.13													Cs

Z - Permitted By Right
 C - Conditional Use Permit Required
 D - Major Development Permit Required
 S - Supplemental Regulations Apply
 / - or, (example Z/D)

NOTE: Not all districts in this table may appear on the Fairview Zoning Map

F USES

USE	SUPPLEMENTAL REGULATION SECTION NUMBER OR ARTICLE	PARKING REQUIREMENT FOUND IN SECTION 281(e)	RC-80	RA40	RA20	R40	R20	O	B-1	B-2	B-3	B-4	HC	B-8	LI
Auto, Truck, Boat, Motorcycle Sales, Service, Rental	180.1	9.1							Cs			C	C		
Automobile Body Shop	180.1, 164	9.4		C					Cs			C	C		Z
Automobile Broker (wholesale, with no sales lots)		3.11							Z	Z	Z	Z	C		
Automobile Club		3.11							Z	Z	Z	Z	C		
Automobile Detailing Shop		9.4		C					C			C	C		
Automobile Detailing Shop (Principal Use)	179	1							Z	Z	Z	Z	C	Zs	
Automobile Parts and Repair Shop	180.1, 164	9.4		C					Cs			C	C		Z
Automobile Parts and Supply Store		2.12							Z	Z	Z	Z	C		
Automobile Rental Company (See Auto, Truck...Rental)															
Automobile Service Station and Gasoline	165, 184	9.3		Cs					Cs	Cs		Cs	Cs		
Automobile Towing & Wrecking Service		2.13													Z
Automobile Wash	165	9.5		Cs					Cs			Cs	Cs		
Automobile/Motorcycle Race Track		6.25													
Bakery (Retail)		2.12							Z	Z	Z	Z	C		Z
Bakery (Wholesale)		2.13													
Banks, Savings and Loan, Credit Unions, Bank Teller Machines	179	3.23						Z	Z	Z	Z	Z	C	Zs	
Barber Shop		2.12						Z	Z	Z	Z	Z	C		
Baseball Hitting Range		6.23						Z	Z	Z	Z	Z	C		
Beauty Shop		2.12							Z	Z	Z	Z	C		
Beauty Supply		2.12							Z	Z	Z	Z	C		
Store/Cosmetics Store		2.12							Zs	Zs	Zs	Zs	C		
Bed and Breakfast Inn	172	1.52		Cs					Z	Z	Z	Z	C		
Bicycle Sales/Service		2.12							Z	Z	Z	Z	C		
Billiard Parlor (revised 1/16/06)		6.11							Z	Z	Z	Z	C		
Bingo Parlor (revised 1/16/06)		6.11							Z	Z	Z	Z	C		
Blueprint and Drafting Service		3.11							Z	Z	Z	Z	C		
Boat and Trailer/Sales (See Auto, Truck...Sales)									Z	Z	Z	Z	C	Zs	
Book Store	179	2.12							Z	Z	Z	Z	C	Zs	
Bottling Works		4.12							Z	Z	Z	Z	C	Zs	
Bowling Lanes	179	6.11							Z	Z	Z	Z	C	Zs	
Building Materials and Home Decorating Center		2.21							C	C	C	C	C		
Building Material and Lumber Storage and Sales		2.12							C	C	C	C	C		
Bus Charter Service Company	24	24							C			C	C		
Bus Terminal, Passenger Business Park See Office Building)	24	24							C			C	C		
Cabinet and Woodwork Shops (all operations conducted within fully enclosed building)	164	4.11		C					Z	Z	Z	Z	Cs		Z
Camera and Photography Supply Store		2.12							Z	Z	Z	Z	Cs		
Camping & Recreational Vehicle Park		6.27							Zs	Zs	Zs	Zs	Cs		Zs
Campsite, Primitive	Appendix G	6.27		Zs			Zs		Zs	Zs	Zs	Zs	Cs		Zs
Candy and Nut Store		2.12							Z	Z	Z	Z	Cs		
Car Wash (See Automobile Wash)															

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ARTICLE I: GENERAL PROVISIONS

Section 1 Short Title.

This ordinance shall be known and may be cited as the Town of Fairview Land Use Ordinance.

Section 2 Authority.

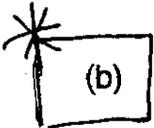
- (a) This ordinance is adopted pursuant to the authority contained in North Carolina General Statutes Chapter 160A, Article 19 (Planning and Regulation of Development); Chapter 143, Article 21 (Watershed and Floodway Regulation), Chapter 113A, Article 4 (Sedimentation Pollution Control), and 1987 Session Laws, Chapter 604.
- (b) Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 3 Jurisdiction.

This ordinance shall be effective within the planning jurisdiction of the Town of Fairview.

Section 4 Bona Fide Farms Exempt.

- (a) The provisions of this ordinance shall not apply to bona fide farms, except that:
 - (1) farm property used for non-farm purposes shall not be exempt from regulation; and
 - (2) the provisions of Article XVI, Part I regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.



(b)

For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry.

Amendment to Section 4 (b)

(b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry with a least one of the following:

1. A farm sales tax exemption certificate issued by the Department of Revenue;
2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS 105-277.3;
3. A copy of the farm owner's or operator's most recent Schedule F federal income tax return;
4. A forest management plan; or
5. A farm identification number issued by the United States Department of Agriculture.

Town of Fairview
7400 Concord Highway Monroe NC 28110

BONA FIDE FARM CERTIFICATION

I certify that I have reviewed and am familiar with the requirements for what constitutes a bona fide farm under the Fairview Land Use ordinance. I certify that my parcel, tax ID(s): _____, meets these requirements to be considered a bona fide farm under the Fairview Land Use ordinance.

Applicant

Date

Section 4 Bona Fide Farms Exempt.

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- 1. A farm sales tax exemption certificate issued by the Department of Revenue;
 - 2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS 105-277.3;
 - 3. A copy of the farm owner's or operator's most recent Schedule F federal income tax return;
 - 4. A forest management plan; or
 - 5. A farm identification number issued by the United States Department of Agriculture.



**Town of Fairview
Planning Board Meeting
November 17, 2015**

The following Planning Board members were present: Jesse Hargett, John Crowell, Patricia Kindley, Dr. John Phifer, and Nancy Horak Randall

Others present: Ed Humphries, Land Use Administrator / Town Clerk, Teresa Gregorius, Deputy Clerk

Public Comments

Mayor Long questioned the Board regarding a rumor that Bojangles was coming to Fairview.

Reports

- a) Report on Council actions – *Ed Humphries*

Council approved Bill Duston, N-Focus, to do a training session for the Planning Board and Council members. The session has been scheduled for February 16, 2016. We are planning on having a box meal (possibly McAlister's) before the meeting starts.

Items of Business

- A. Amend Section 60 Authorizing Use, Occupancy, or Sale Before Completion of Development to include -----“The type of performance bond shall be at the election of the developer”. (See Exhibit A)

Ed Humphries presented the revised wording for Section 60 B1 & D and discussed various types of performance bonds. The Board discussed and amendment and made a couple of grammatical corrections. Patricia Kindley made a motion to recommend to the Council the amended Section 60 B1 & D Authorizing Use, Occupancy, or Sale Before Completion of Development to include “The type of performance bond shall be at the election of the developer” with grammatical corrections made. Nancy Randall seconded the motion. Board members Hargett, Kindley, Phifer and Randall voted yes (4-0).

- B. Discuss amending Section 4 'Bona Fide Farms Exempt' to determine whether a property is being used for a bona-fide purpose.

Ed Humphries discussed additional information he found regarding bona fide farms and gave the Board members materials to review. The Board discussed ways a property owner could demonstrate the property is being used for farm purposes. The basis of discussion was SL 2011-363.

Mr. Humphries also brought up an information request he received last week regarding "granny flats". The Board should review the current ordinance in place to see if changes need to be made.

Mr. Humphries suggested that in the upcoming months the Board should also review and update the current Table of Uses we have.

C. Minutes

Patricia Kindley made a motion to accept the minutes of the October 20, 2015 meeting. Nancy Randall seconded the motion. Board members Hargett, Kindley, Phifer and Randall voted yes (4-0).

Board Comments

Nancy Randall commented on the increase in traffic in our area. Ed Humphries reported that NCDOT responded to the Town's request for a study to reduce the speed limits on Hwy. 601 and Hwy. 218. The finding stated that the current speed limit will stay the same. They will, however, be posting additional warning signs on Hwy. 218 before the intersection of Clontz Road.

Jesse Hargett stated that in the past the Planning Board has chosen not to have a meeting in December so unless a pressing matter comes up there will not be a December meeting. At the January meeting the Board will elect a Chairman and Vice Chairman.

Nancy Randall made a motion to adjourn. Patricia Kindley seconded the motion. Board members Hargett, Kindley, Phifer and Randall voted yes (4-0).

Respectfully submitted,

Teresa Gregorius
Deputy Clerk

Jesse Hargett
Chairman

Approved this _____ day of _____, 2015