



**FAIRVIEW**  
**NORTH CAROLINA**

# Planning Board Meeting

September 20, 2016



## Town of Fairview

### PLANNING AND ZONING BOARD

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#### Agenda

September 20, 2016 @ 6:30 p.m.

Meeting will be in the Council Meeting Room

1. Roll Call and Determination of Quorum --- *Vice Chairman Crowell*
2. Public Comments:
3. Report on Council actions: ---*Ed Humphries*
4. Business:
  - a. **Text Amendment TC-16-049** - Criteria for approving Uses.  
to determine that the proposed use(s) has an impact that is similar  
In nature, function, and duration to the other uses allowed in a specific  
zoning district
  - b. Discuss Table of Uses pages ---*Ed Humphries*
  - c. Approve Minutes of July 19, 2016 regular meeting
6. Public Comments:
7. Adjourn

# Current Land Use Section

## **Section 148 Reserved**

## **Section 149 Permissible Uses and Specific Exclusions.**

- \* (a) The Table of Uses lists numerous uses that are permissible within at least one zoning district within the Town. However, there are some uses which were not listed, which may have uses with similar impacts to a use already listed. In such circumstances, and where appropriate, the Land Use Administrator has the discretion to deem a new use to be similar to another listed use, and allow the new use to be permitted in the appropriate zoning district(s).
- (b) All uses that are not listed in the Table of Uses and that do not have impacts deemed by the land use administrator to be similar to those of the listed uses are prohibited. The Table of Uses found in Section 146 shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible only in other zoning districts.
- (c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of a fire prevention code adopted by the Town and/or County.
  - (2) Use of a travel trailer as a temporary or permanent residence outside of a campground, and use of a travel trailer as a permanent residence within a campground.
  - (3) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored for commercial purposes, any commercial services are performed, or other business is conducted. (Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within thirty days. See Section 129.)
  - (4) A manufactured home shall only be used as a residential dwelling, and shall not be used as an accessory structure or as a storage building. This does not apply to modular storage buildings not constructed as a residence.

## **Section 150 Accessory Uses.**

- (a) The Table of Uses (Section 146) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial

Text Amendment Verbiage to be added  
to Section 149 (a)

### Criteria for Approving Unlisted Uses

In order to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- a) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
- b) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
- c) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside and principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
- d) The type, size and nature of buildings and structures; and
- e) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
- f) Transportation requirements, including the modal split for people and freight, by volume type and characteristic or traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
- g) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and
- h) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, order, glare, vibration, radiation and fumes; and
- i) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- j) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

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-6	LI
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies and Equipment Sales (with outside storage)		2.13											C		Z
Employment Agency		3.11						Z	Z	Z	Z	Z	C		
Engineering, Architect or Surveying Service		3.11						Z	Z	Z	Z	Z	C		
Equipment Repair, Other, within an enclosed building (not Auto, Truck, Boat, Motorcycle, Appliance, Lawnmower, Power Saw Equipment)		4.12		C					Z	Z		Z	C		Z
Equipment Repair, Other, with outside storage or repair (not Auto, Truck, Boat, Motorcycle, Appliance, Lawnmower, Power Saw Equipment)		4.2											C		Z
Exterminators Office		3.22							Z	Z	Z	Z	C		
Fabric and/or Notions Store		2.12		C					Z	Z		C	C		
Fairgrounds	179	6.21	C	C	C	C	C		C	C		Z	C		
Farm Equipment Sales and Service		9.1		C					C		Z	Z	C		
Farm Supply Store (no outside storage)		2.12		C					Z	Z					
Firing Range, Target Practice, Indoors Only (Principal Use)		6.22		C											
Fish Hatchery		14	Z	Z	Z	Z	Z								Z
Fitness Center (See Health Club)															

Z - Permitted By Right

C - Conditional Use Permit Required

D - Major Development Permit Required

S - Supplemental Regulations Apply

/ - or, (example Z/D)

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-6	LI
Flea Market (Indoor)		2.12		C					Z	Z		Z	C		
Flea Market, Craft Market (Outdoor)		19		C					C	Z		Z	C		
Flex Space Facility		2.12							Z	Z		Z	C		
Floor Covering Store		2.12							Z	Z		Z	C		
Food Catering Facility		2.12		C					Z	Z		Z	C		
Formal Wear and Rental Store		2.12							Z	Z		Z	C		
Fortune Teller (revised 1/16/06)		2.12							Z	Z			C		
Fraternals and Service Organization Meeting Facilities (e.g., Union Hall, Boy Scout Hut, VFW, Elks, Lodge, American Legion Hut, Masonic Lodge) Non-Profit and Not-for-Profit		5.4		C				Z	Z	Z	Z	Z	C		
Fraternities, Sororities	179	1.55												Zs	
Funeral Homes and Mortuaries		20						C	Z			Z	C		
Furniture Repair Shop (no outside stripping)		2.12		C					Z	Z		Z	C		Z
Furniture Repair Shop (with outside stripping)		4.11													Z
Furniture Store (Retail)		2.12							Z	Z		Z	C		
Furriers		2.12							Z	Z		Z	C		
Game Room/ Video Arcade		6.11							Z			Z	C		
Garden Supply, Nursery, Seed Store (with or without outside storage, sales)		25		C					Z	Z		Z	C		Z

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Gas Station (See Automobile Service Station)	165, 184	9.3				C			C	C		C	C		
Gift, Novelty, Souvenir Store		2.12							Z	Z		Z	C		
Glass and Mirror Shop		2.12							Z	Z		Z	C		
Glass Contractor		4.12							Z	Z		Z	C		Z
Golf Course ( Except Miniature and Driving Range)(Public or Private)		6.21	C	C	C	C	C	Z	Z	Z	Z	Z	C		
Golf Course (Driving Range, Par 3)	180 B	6.23		Cs								Cs	Cs		
Golf Course (Miniature)		6.23										C	C		
Governmental Uses	179	13	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z
Greenhouses as Accessory Residential Use		1	Z	Z	Z	Z	Z								
Greenhouse, Nursery, Commercial (no on-premise sales)		14	Z	Z	Z	C			Z	Z		Z	C		Z
Greenhouse, Nursery, Commercial (sales of products grown on premises)	174	25		Z	C	Cs			Z	Z		Z	C		Z
Grocery Store, Food Store		2.111							Z	Z		Z	C		
Gun and Ammunition Sales Shop, Gunsmith		2.12							Z	Z		Z	C		
Handicapped, Aged, Infirm Homes, Family Care Homes	179	1.4	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	Zs	
Handicapped, Aged, Infirm Institutions, Group Homes		7.2		C	C		C	C			Z	Z	C		
Hardware Store (See Building & Home Materials Center)															
Health Club, Spa, and Gymnasiums (Principal Use)(Indoors)		6.11						Z	Z	Z		Z	C		

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Heating and Air Conditioning Supplies and Sales (See Electric, Heating, Air Conditioning, Ventilating")		2.13										C	C		Z
Heliport/Helistop (associated with hospital)	179	15.2						C				C	C	Cs	
Hobby, Toy, and Craft Shop		2.12							Z	Z		Z	C		
Home Electronics, Radio and Television, VCR Sales		2.12							Z	Z		Z	C		
Home for the Aged/Infirm (See Handicapped, Aged, Infirm Home/Institution)															
Home Occupation	179	1.7	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	Zs	
Hospital	179	7.1						C				C	C	Zs	
Hospital, Psychiatric	179	7.1						C				C	C	Zs	
Hotel/Motel, Residency Facility		1.54							C	C	C	C	C		
Ice and Cold Storage Plants and Freezer Lockers (no outside storage)		10.2								Z		Z	C		Z
Independent Living Center (See Continuing Care Facility)	179, 180L	1.4	C	C	C	C	C	C	C	C	C	C	C	Cs	
Industrial Equipment Sales, Supplies, Repair		2.12							C	C		C	C		Z
Insurance Agency		3.11						Z	Z	Z	Z	Z	C		
Interior Decorating Service		3.21						Z	Z	Z	Z	Z	C		
Intermediate Care Home		1.4	C	C	C	C	C	C	Z	Z	Z	Z	C		
Intermediate Care Institution		7.2		C	C		C	C	Z	Z		Z	C		

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**Town of Fairview  
Planning Board Meeting  
July 19, 2016**

The following Planning Board members were present: John Crowell, Tony Helms, Patricia Kindley, and Greg Morgan

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

**Public Comments**

None

**Reports**

Ed Humphries updated the members by reading an email received from Chairman Hargett.

Mr. Humphries reported that several months ago the Council had appointed Patricia Kindley as Town Historian and she has now completed the town history and it is up on the town website. He encouraged everyone to visit the website and read the history page and let Ms. Kindley know if you have additional information that can be added.

Mr. Humphries reported that work has begun on the park. The construction road is being built now and anticipated completion for the park is December or January.

**Items of Business**

A. Discuss Table of Uses Pages

Mr. Humphries presented the next few pages in the Table of Uses with several changes for the Board to review. The Board discussed the changes and made their recommendations. The clerk will make the agreed changes once the Board completes reviewing the entire Table of Uses.

B. Discuss having livestock for personal/commercial use on less than 10 acres

Mr. Humphries stated that current law does not permit livestock/animals on property of less than 10 acres. Mr. Humphries explained that as the town becomes more urban and lot sizes

decrease in size the Board should consider revising the ordinance. He gave several scenarios that he has had calls about in the recent past. This is not something that has to be done immediately but the Board should start thinking about the changes they want to make.

C. Minutes

Greg Morgan made a motion to accept the minutes of the April 19, 2016 meeting. Patricia Kindley seconded the motion. Board members Crowell, Helms, Kindley, and Morgan voted yes (4-0).

**Board Comments**

No Comments

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
John Crowell  
Vice Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016