

**Town of Fairview
Planning and Zoning Board Meeting
August 21, 2012
6:30 p.m.**

The following members were present: Chairman, Phil Thomas; Vice Chairman, Jesse Hargett; Patricia Kindley; John Crowell; Patti Freeman; John Phifer and Edwin Shaver. Nancy Randall was not present.

Staff: Ed Humphries, Land Use Administrator

Chairman Thomas opened the meeting.

Ed Humphries gave a report of what happened at the most recent Town Council meeting.

Old Business

Text Amendment #TC 12-030

Ed Humphries explained the text amendment that had been discussed for several meetings. Humphries made the changes the Board recommended and discussed the changes the town attorney who suggested the following additions:

1. Add in the distance part: “church or other religious institution and recreation area”.
2. No sign may be posted on or near windows that may be visible from the exterior of the building.
3. For ‘G’ “Electronic game area may not occupy floor area of over 2000 square feet”.
4. Add to the definition “Any for-profit business of enterprise, whether as a principle or an accessory use”.

The Planning Board added items 1-3 but did not want to add ‘an accessory use’ to the definition. Jesse Hargett made a motion to recommend TC 12-030, an **Ordinance Amending the Town of Fairview Land Use Ordinance to Define and Regulate Electronic Gaming Operations:**

**TC 12-030
AMENDING THE TOWN OF FAIRVIEW LAND USE ORDINANCE TO DEFINE AND REGULATE ELECTRONIC
GAMING OPERATIONS**

Section 1. Except as authorized herein, electronic gaming operations are prohibited.

ELECTRONIC GAMING OPERATIONS. Any for-profit business or enterprise, as a principle use, where persons utilize electronic machines, including but not limited to, computers and gaming terminals, to conduct games of chance, including but not limited to, sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes: or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or

other item entitling the customer to enter a sweepstakes. This term electronic, **Gaming Establishments** include, but are not limited to, internet cafes, internet sweepstakes, video sweepstakes or cybercafés, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

Section 2. Electronic gaming operations are permitted as a Conditional Use (C) in the Light Industrial (LI)

Section 3. In addition to the regulations provided for elsewhere in this code, electronic gaming operations shall be subject to the following requirements:

- A. Hours of Operation. Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week;
- B. Spacing Requirements.
 - a. Not more than one (1) electronic gaming operation may be located within 2000 feet from any building being used as a dwelling.
 - b. Each electronic gaming operation must be a minimum of ½ mile from any other gaming operation.
 - c. For the purposes of subsections (a) and (b) above, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation;
 - d. No electronic gaming operation establishment shall be located within two thousand (2000) feet (determined by straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of school, residence, public park, playground, recreation area daycare and church or other religious institution as measured by a horizontal distance from the closest boundary line of the electronic gaming operation.
- C. All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business.
- D. If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Union County Health Department.
- E. No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of 18 upon the premises while patrons on the premises are engaged in Electronic Gaming Operations.
- F. The use shall be a principal use, not an accessory use.
- G. Electronic game area may not occupy floor area of over 2,000 square feet.
- H. No sign may be posted on or near windows that may be visible from the exterior of the building.

Section 4. All provisions of any Fairview town ordinance or resolution in conflict with this ordinance are repealed.

This Amendment shall become effective upon adoption.

Amended this _____ day of _____, 2012.

Amendment will be **Article XI Section 180 O** in the Fairview Land Use Ordinance

and to have the required Public Hearing on October 8, 2012 at the Regular meeting of the Council. Edwin Shaver seconded the motion. All members present voted yes (7-0).

Small Area Plan

The Board discussed the area of Town which the Council had approved as the center of town. The center of town is the intersection of Highways 218 and 601 (Concord Highway).

The Board discussed the following:

- Future growth of Fairview.
- Sewer in the “downtown” area within the next five years.
- How the Town could be affected by sewer.
- How planning could promote “downtown” growth to pay for sewer.

Approval of Minutes

Jesse Hargett made a motion to approve the minutes of the Regular Meeting on July 17, 2012. John Crowell seconded the motion. All members present voted yes (7-0).

Patti Freeman made a motion to adjourn. John Phifer seconded the motion. All members present voted yes (7-0).

Respectfully submitted,

Ed Humphries
Land Use Administrator

Phil Thomas
Chairman

Approved this 18th day of Sept. 2012.