

ORDINANCE AMENDMENTS after July 8, 2013

Date	Ordinance	Section #
11/10/14	<p>Text Change TC-15-006 -----Table of Uses</p> <p>Amended the Land Use Ordinance to add a Conditional Use Permit (“C”) Requirement in Any HC (Highway Corridor) category use that was previously granted by right (Z)</p>	Table of Uses of the Fairview Land Use Ordinance
2/15/15	<p>Text Change TC-14-054 Article X ----- Table of Uses of The Fairview Land Use Ordinance</p> <p>Amended the Land Use Ordinance to add a Conditional Use Permit (“C”) requirement in the HC category under the following use: (now is Z ‘permitted by right’). Truck Terminal or Tractor, Trailer Truck Transfer, Companies/Transfer Lots</p>	Section 146,147
8/10/15	<p>Text Amendment TC-15-036</p> <p>(a) While accessory buildings shall generally be required to comply with the building setback standards set forth in Section 184, accessory buildings in residential districts shall, subject to subsection (b), be allowed within five feet of a rear lot boundary line and within five feet of a side boundary line so long as the structure is located entirely behind the <u>front</u> line of the principal building.</p> <p>(b) If accessory building is to be located in front of the main dwelling of the principal structure, the following conditions apply:</p> <ul style="list-style-type: none"> • Lot must be 5 acres in size or larger • Minimum 200 ft. setback required from front property line • 15 ft. side yard setback required 	Section 185
9/14/15	<p>Repeal and Amend Section 326 Protest Petitions as per GS § 160A-385 (a) Permit # TC 15-041 to read as follows:</p> <p>A written petition of protest may be filed with reference to any proposed change or amendment to the zoning map. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.</p>	Section 326

1/11/16	<p>Text Amendment TC-15-062</p> <p>(a) In cases when, because of weather conditions or other factors beyond the control of the zoning, conditional use, or major development permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property or occupying any buildings, the Town Council or the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security established by the Town Council or the administrator. The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the permit recipient, shall be verified by the appropriate Town staff. For any specific development, the type of performance guarantee shall be at the election of the developer.</p> <p>(1) The term "performance guarantee" shall mean any of the following forms of guarantee:</p> <ul style="list-style-type: none"> a. Surety bond issued by any company authorized to do business in this State. b. Letter of credit issued by any financial institution licensed to do business in this State. c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit. <p>(2) The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the city or county that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer.</p> <p>(b) When the Town Council imposes additional requirements upon the permit recipient in accordance with Section 54B or when the developer proposes in the plans submitted to install amenities beyond those required by this ordinance, the Town Council or the administrator may authorize the permit recipient to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it or he specifies a date by which or a schedule according to</p>	Section 60
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	<p>which such requirements must be met or each amenity installed and if it or he concludes that compliance will be ensured as the result of any one or more of the following:</p> <p>(1) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 114 (Penalties and Remedies For Violations) and Section 115 (Permit Revocation).</p> <p>(c) With respect to subdivisions in which the developer is selling developed lots (i.e. lots with buildings on them), the Town Council may grant final plat approval and authorize the sale of lots before the completion of all improvements required by this ordinance if it concludes that (i) completion of such improvements has been delayed because of weather conditions or other factors beyond the control of the developer and (ii) it would be unreasonable to require the completion of such improvements before granting final plat approval, and if the developer provides a performance bond or other security satisfactory to ensure that all such improvements are completed within a reasonable period (not to exceed six months) after final plat approval. Forms of guarantee that provides equivalent security to a surety bond or letter of credit and will be acceptable to the town. The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the permit recipient, shall be verified by the appropriate Town staff; or</p> <p>(d) With respect to subdivisions in which the developer is selling only undeveloped lots, the Town Council may grant final plat approval and authorize the sale of lots before all the requirements of this ordinance are fulfilled if the permit recipient provides a performance bond guarantee or other security to ensure that all of these requirements will be fulfilled within not more than forty-eight months after final plat approval. The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the permit recipient, shall be verified by the appropriate Town staff; or</p> <p>(e) A security instrument provided under this section shall not be acceptable if it expires less than one (1) year after the date of issuance. Once it is determined that all improvements have been made and approved as provided for in this ordinance, any request to release such security require the Town Council’s approval, unless such security was imposed under subsection (a) or (b) and in an amount less than five thousand dollars, which the Land Use Administrator can release such security upon the completion of requirements.</p>	
<p>4/11/16</p>	<p>Text Amendment TC-16-007</p> <p>(a) The provisions of this ordinance shall not apply to bona fide farms, except that:</p> <p>(1) farm property used for non-farm purposes shall not be exempt from</p>	<p>Section 4</p>

	<p style="text-align: center;">regulation; and</p> <p style="text-align: center;">(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.</p> <p>(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 at least one of the following:</p> <ol style="list-style-type: none"> 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. 																											
<p>5/9/16</p>	<p>Text Amendment TC-16-016</p> <p>Event Venue/Center</p> <table border="1" data-bbox="261 999 1297 1121"> <thead> <tr> <th>RC-80</th> <th>RA40</th> <th>RA20</th> <th>R40</th> <th>R20</th> <th>O</th> <th>B-1</th> <th>B-2</th> <th>B-3</th> <th>B-4</th> <th>HC</th> <th>B-6</th> <th>LI</th> </tr> </thead> <tbody> <tr> <td></td> <td>C</td> <td></td> <td>C</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>C</td> <td>C</td> <td></td> <td></td> </tr> </tbody> </table> <p>**See Section 161 Special Events</p> <p>Definition Event Venue/Center. A facility for meetings and gatherings, such as reunions, conventions, private parties, and other similar ceremonies</p>	RC-80	RA40	RA20	R40	R20	O	B-1	B-2	B-3	B-4	HC	B-6	LI		C		C						C	C			<p>Table of Uses of the Fairview Land Use Ordinance</p>
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<p>11/14/16</p>	<p>Text Amendment TC-16-049</p> <p>Criteria for Approving Unlisted Uses</p> <p>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 Land Use Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises; 2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, 	<p>Section 149(a)</p>																										

	<p>hazardous, toxic, or explosive materials used in the processing; and</p> <ol style="list-style-type: none"> 3. 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 4. The type, size and nature of buildings and structures; and 5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and 6. 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 7. 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 8. 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 9. 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 10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district. 	
<p>6/12/17</p>	<p>Text Change # TC-17-029</p> <p><u>Private Drives/Easements</u></p> <p>1. All private drives/easements created after the effective date: <u>July 1, 2017</u> must be provided within a perpetual access easement that MUST be officially recorded with the register of deeds.</p> <p>2. Access easements for private drives/easements must <i>be at least 20 feet in width</i> and be the subject of <i>a recorded binding maintenance agreement</i> (see guideline below) among all current and future owners of lots that take access to the private drive/easements. The construction of all private drives/easements should be built (examples available from Land Use Administrator) to support all emergency vehicles.</p>	<p>Section 78 add as (e) 1, 2</p>

	<p><u>EASEMENT MAINTENANCE AGREEMENT GUIDELINES</u></p> <p>The Easement Maintenance Agreement should include the following:</p> <ul style="list-style-type: none"> • Date • All parcel numbers for properties using the easement • Which parcel number(s) will maintain the easement • Particulars of the actual maintenance requirements will be decided by all parties and stipulated in the agreement • Easement Maintenance Agreement must be signed and notarized by all property owners • Easement Maintenance Agreement may be altered or amended by consent of all property owners • Easement Maintenance Agreement MUST be recorded with the Union County Register of Deeds 	
<p>7/9/18</p>	<p>Text Change #TC 18-054</p> <p>Adding the language highlighted in red as follows:</p> <p>(k) Except as otherwise expressly stated, minimum setback requirements for free-standing towers located in the residential zoning districts shall be a distance that is at least equal to its engineered fall zone. Setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent ice-fall materials and/or debris from tower failure or collapse from damaging off-site property.</p> <p>Minimum setback requirements for freestanding towers located in the business or industrial zoning districts shall be based on the zoning district setbacks as described in Section 184.</p> <p>For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, to the property line, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured from the edge of the concrete base on which the tower is located to the edge of the parcel in which the leased area is located.</p> <p>Minimum setback requirements may be reduced by the Town Council (as part of the conditional use permit) to allow the integration of a tower into an existing or proposed structure such as a church steeple, lighting poles, power line support device, or similar structure.</p>	<p>Article XI, Section 180E, subsection (k)</p>
<p>1/14/19</p>	<p>Article XII Density and Dimensions</p> <p>Section 191 House Size</p> <p>a) A home can be any size, if:</p> <p>1) Meets the minimum construction and design standards as required by the</p>	<p>Article XII, Section 191</p>

	<p style="text-align: center;">North Carolina State Residential Code</p> <p>b) Administrative Requirements:</p> <ol style="list-style-type: none"> 1) Must be permitted by the local building official having jurisdiction over the building site. 2) Must be of open construction so unit can be fully inspected by the local building official. 3) May be constructed of closed construction at an off-site location if the off-site construction is inspected and certified under the NC Modular Construction Program. 4) Must meet local zoning and set-back requirements as applicable. 5) Must meet community protective covenant requirements as applicable. 	
<p>4/9/19</p>	<p><u>Section 58 Conditional Zoning District Approval Procedures</u></p> <p>(a) Applicability The conditional zoning district procedure of this section applies when a property owner proposes to place additional zoning- or development-related restrictions on a particular property, over and above those that would otherwise apply under this ordinance. The conditional zoning district procedure of this section must be followed whenever an applicant for rezoning proposes to:</p> <ol style="list-style-type: none"> (1) Reduce or narrow the range of uses or building types allowed in the subject zoning district; (2) Commit to strict compliance with a site-specific development plan that imposes: <ol style="list-style-type: none"> (i) Lot and building regulations that are more restrictive than otherwise required in the subject zoning district; or (ii) Other development-related standards or conditions that are different than those that would otherwise apply to the subject property under this ordinance. <p>(b) Authority to File Applications for conditional zoning district may be filed only by the subject property owner or the subject property owner’s authorized agent. A notarized letter shall be submitted stating person or company is acting as the agent and have authority to make comments for the owner.</p> <p>(c) Pre-application Meeting A pre-application meeting is required before filing a conditional zoning district application with the Land Use Administrator.</p>	<p>Section 58</p>

	<p>(d) Review and Approval Procedure The zoning procedures and requirements of this section apply and must be followed for all conditional zoning district, except as otherwise expressly stated in this section.</p> <p>(e) Required Community Meeting Before a public hearing may be held on an application for conditional zoning district, the applicant must provide the administrator with a written report of at least one community meeting held by the applicant. The neighbors within 500 foot from any side of said property boundary shall be notified in writing using the county tax parcel address.</p> <p>(1) Reasonable notice of the required community meeting must be given to nearby property owners and to affected and interested parties in accordance with Fairview’s notice policies.</p> <p>(2) The report must include at least a sign-in sheet with addresses of those persons and organizations contacted about the meeting and the manner and date of contact, time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.</p> <p>(3) If the applicant has not held at least one community meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons that a meeting was not held.</p> <p>(4) The adequacy of the meeting and the meeting report must be considered by the Council but is not subject to judicial review.</p> <p>(f) Submittal Requirements The application must include all information required for proposed conditional zoning district. In addition, proposed conditional zoning district must include detailed narrative text that specifies the conditions that will govern development of the subject property. If proposed conditions include physical site improvements or features that can be illustrated, a site plan shall also be submitted. The drawing shall be complete and provide all information as to the development of said property.</p> <p>(g) Scope and Effect of Approval (1) Transferability Approved conditional zoning district runs with the land and are not affected by changes of tenancy, ownership, or management. Similarly, all conditions associated with an approved conditional zoning district are perpetually binding upon the subject property and apply regardless of changes in ownership or tenancy, unless amended in accordance with the conditional zoning district amendment process.</p>	
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	<p>(2) Special Uses Once a conditional zoning district has been approved by the Fairview Town Council, property owners are not required to obtain special use approval, as long as all information required for special use approval is included with the conditional zoning district application. If the information otherwise required for special use approval is not submitted and reviewed as part of the conditional zoning district application, then special use approval is required before any permits may be issued for the subject use.</p> <p>(3) Recording The subject property owner must obtain written certification of the approval of the conditional zoning district from the administrator and record the legal description and accompanying conditional zoning district and exhibits in the office of the register of deeds to be attached to the deed. No building permits or zoning permits or approvals may be issued by the county or Fairview until the property owner provides a signed written acknowledgement of recording.</p> <p>(4) Violations Any violation of a condition attached to an approved conditional zoning district is a violation of this ordinance and is subject to the same penalties and enforcement procedures as any other ordinance violation.</p> <p>(h) Amendments and Modifications Amendments to approved conditional zoning district amendments may be approved in accordance with the following requirements.</p> <p>(1) Minor Amendments</p> <p>(i) The administrator is authorized to approve the following minor amendments to approved conditional zoning district:</p> <p>a) Any amendments expressly authorized as minor amendments at the time of approval of the conditional zoning district; and</p> <p>b) Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the conditional zoning district was approved and that are not otherwise classified as major amendments.</p> <p>(ii) Applications for minor amendments to approved conditional zoning district must be filed in a form established by the administrator. If no action is taken on the minor amendment application within 30 days of filing of a complete application, the minor amendment is deemed denied.</p> <p>(2) Major Amendments</p>	
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	<p>(i) All of the following constitute major amendments to approved conditional zoning district:</p> <ul style="list-style-type: none">a) An increase in overall building coverage by more than 1%;b) An increase in building height by more than 1% or 1 foot, whichever is less;c) An increase in residential density or the number of residential units allowed;d) An overall reduction in the amount of common open space or landscaping;e) A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;f) A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes;g) Any combination of 2 or more minor amendments that were not expressly authorized by the approved conditional zoning district; andh) Any modification of a condition of approval imposed at the time of approval of the conditional zoning district. <p>(I) Vested Rights</p> <p>If the Council approves a conditional zoning district that includes a plan qualifying as a site-specific development plan under NCGS 153A-344.1 (b)(5), the Council is authorized, upon a written request from the property owner, to designate the approved plan as a site-specific development plan that triggers a vested right for a period of not less than 2 nor more than 5 years pursuant to NCGS 153A-344.1. An approved site-specific development plan must include the following statement: “Approval of this plan establishes a zoning vested right under NCGS 153A-344.1. Unless terminated at an earlier date, the vested right remains valid until [insert date].”</p>	
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