



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

July 21, 2026 @ 6:00 p.m.

Meeting will be at Fairview Town Hall Meeting Room

Live Stream the meeting on YouTube.com, search: Town of Fairview NC – Planning Board

1. Roll Call and Determination of Quorum --- Chairman Buchanan

2. Items of Business:

2.A. Continued Discussion of Updated Ordinance Rewrite --- *Michael Harvey*

3. Approval of Minutes:

3.A. Regular minutes of April 21, 2026

4. Public Comments

5. Adjournment

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

**** Public Comments are limited to 3 minutes****

Public can address the Planning Board on any issue other than the following:

- ❖ *Public Hearing items*
- ❖ *Matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Planning Board*



**Town of Fairview
Planning Board Meeting
April 21, 2026**

1. Roll Call and Determination of Quorum --- Chairman Buchanan

The following Planning Board members were present: Doug Buchanan, Sharon Clontz, Fred Rogers, Josh Presley, and Natalie Smith (Alt.).

Absent: Chrisie Black, Rodney Stephens, Mike Medlin, Alex Karakosta

Others present: Jim King, Town Administrator, and Spencer Cox, Administrative Assistant

Chairman Buchanan called the meeting to order and conducted roll call.

2. Items of Business:

2.A. Continue Discussion on Land Use Plan.

Michael Harvey emphasized that the comprehensive plan represents the community's vision rather than his own recommendations, stating "this is your plan. This is not Michael's vision for what you all should be." He highlighted key policy positions established in the plan, including that the Town would not assume responsibility for solving regional water and sewer issues, which would be handled at a regional level to avoid placing the financial burden on Fairview alone.

The plan establishes that higher intensity land uses and residential density would only be permitted in areas specifically identified on the future land use map and only where public water and sewer are available. Mr. Harvey stressed that the town would not be pre-zoning properties but would operate in a "reactionary mode," requiring property owners to initiate rezoning requests and demonstrate compliance with the comprehensive plan.

Board member Fred Rogers expressed strong concerns about including any provisions for high-density housing, arguing that the community's soils and infrastructure cannot support such development. Mr. Rogers advocated for maintaining the current 40,000 square foot minimum lot requirement, stating "we need to stick to our plan of our 40 and 1 to 4 family" development patterns.

Mr. Harvey explained his rationale for including limited high-density provisions, citing potential legal challenges regarding exclusionary zoning practices. Mr. Harvey referenced a current federal lawsuit by the NAACP against another community that prohibited all higher intensity housing, noting concerns about communities being perceived as exclusionary toward minorities. Mr. Harvey acknowledged the philosophical difference with Mr. Rogers but emphasized the importance of planning for potential state mandates requiring density provisions.

Natalie Smith questioned whether the limited survey participation (77 responses out of 3,400 residents) provided sufficient community input to justify planning decisions. Mr. Harvey responded that while more participation would be preferable, state statute does not mandate specific participation levels, and the process has been appropriately open to public involvement.

Mr. Harvey addressed concerns about discrimination issues and the balance between community preferences and legal requirements. He explained that the comprehensive plan includes sufficient policies and conditions to allow the board to deny inappropriate development while providing legal protections against claims of exclusionary practices.

The discussion included consideration of designating areas for "continued study" regarding higher density development, allowing the town to identify potential areas without committing to immediate rezoning. This approach would provide flexibility while maintaining community control over development decisions.

2.B. Discuss Subdivision Rules

Michael Harvey provided an overview of proposed updates to the subdivision ordinance, noting that the current regulations span only five pages and lack comprehensive development standards. The proposed revisions would establish detailed requirements for block design, right-of-way specifications, and suitable property development standards.

Key changes include requiring compliance with all applicable local, state, and federal requirements before any subdivision can be used or occupied. This encompasses zoning compliance, flood damage prevention ordinance adherence, viable septic and well locations, and environmental protections including consideration of the rare heel splitter mussel habitat that Mr. Rogers mentioned.

The updated ordinance would prohibit sale or transfer of lots until final plat approval, while acknowledging state law provisions allowing pre-sale contracts with approved preliminary plats. Mr. Harvey expressed concerns about pre-sale arrangements but noted that state law supersedes local preferences in this area.

The proposal includes provisions for voluntary agricultural districts (VADs), recognizing the community's commitment to preserving agricultural areas. These districts provide tax credits and conservation protections while requiring notification to nearby property owners about potential agricultural nuisances, as farms have special protections under state law.

Technical requirements would include permanent reference points established according to state board standards, phased subdivision procedures, and performance guarantee provisions. Mr. Harvey explained that state law provides developers the right to post bonds for required improvements rather than completing all work upfront, and communities cannot dictate the form of these guarantees.

Maintenance requirements would clearly define responsibilities, with developers initially responsible for all improvements, transitioning to homeowners associations after developer departure. Roads would only be accepted by the Department of Transportation after meeting density and construction standards, with some subdivisions requiring decades before qualifying for state maintenance.

The ordinance addresses suitability of land for development, explicitly prohibiting subdivision in flood hazard areas and requiring septic and well evaluations for all projects. Drainage and topography considerations would prevent excessive site disturbance, while lot orientation and block design standards would ensure orderly development patterns.

Road construction standards would require 50-foot rights-of-way for most developments, with private road options limited to projects under 21 lots. All public roads must meet DOT engineering specifications, with certificates of construction required to verify proper installation.

Mr. Harvey noted upcoming revisions to signage regulations to ensure content neutrality following recent U.S. Supreme Court decisions. The Reed v. Gilbert case requires that sign regulations focus on size, location, and number rather than content, though subsequent decisions have created some confusion about determining on-site versus off-site advertising purposes.

Board member Doug Buchanan raised questions about sight distance requirements at intersections, which Mr. Harvey confirmed would be addressed in separate chapters and would meet current DOT standards that relate stopping distances to road speeds.

Discussion included tree preservation concerns, with Mr. Harvey explaining that comprehensive tree ordinances require special state enabling legislation. The proposed standards would include landscape requirements for parking areas and buffer zones while avoiding the extensive administrative burden of programs like Charlotte's forestry department oversight.

Mr. Harvey concluded by requesting continued review of subdivision materials and announcing that upcoming chapters addressing signage, landscaping, and parking would be available within weeks. The next meeting would focus exclusively on the comprehensive plan and future land use map before finalizing the Unified Development Ordinance.

3. Approval of Minutes:

Sharon Clontz made a motion to approve the March 17, 2026 minutes. Fred Rogers seconded the motion. Board members Buchanan, Clontz, Presley, Rogers, Smith (Alt.) voted yes (5-0).

4. Public Comments: None

5. Adjournment

Respectfully submitted,

Spencer Cox
Town Clerk

Doug Buchanan
Chairman