

## 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"> <li>• Lot must be 5 acres in size or larger</li> <li>• Minimum 200 ft. setback required from front property line</li> <li>• 15 ft. side yard setback required</li> </ul>	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. <b>For any specific development, the type of performance guarantee shall be at the election of the developer.</b></p> <p><b>(1) The term "performance guarantee" shall mean any of the following forms of guarantee:</b></p> <ul style="list-style-type: none"> <li><b>a. Surety bond issued by any company authorized to do business in this State.</b></li> <li><b>b. Letter of credit issued by any financial institution licensed to do business in this State.</b></li> <li><b>c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.</b></li> </ul> <p><b>(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.</b></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. <b>Forms of guarantee that provides equivalent security to a surety bond or letter of credit and will be acceptable to the town.</b> 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 <b>guarantee</b> 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 <b>at least one of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. A farm sales tax exemption certificate issued by the Department of Revenue;</b></li> <li><b>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;</b></li> <li><b>3. A copy of the farm owner’s or operator’s most recent Schedule F federal income tax return;</b></li> <li><b>4. A forest management plan; or</b></li> <li><b>5. A farm identification number issued by the United States Department of Agriculture.</b></li> </ol>																											
<p>5/9/16</p>	<p>Text Amendment TC-16-016</p> <p>Event Venue/Center</p> <table border="1" data-bbox="263 1003 1295 1125"> <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 style="text-align: center;">C</td> <td></td> <td style="text-align: center;">C</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">C</td> <td style="text-align: center;">C</td> <td></td> <td></td> </tr> </tbody> </table> <p>**See Section 161 Special Events</p> <p>Definition  <b>Event Venue/Center.</b> 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><b>Criteria for Approving Unlisted Uses</b></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"> <li>1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;</li> <li>2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous,</li> </ol>	<p>Section 149(a)</p>																										

	<p>hazardous, toxic, or explosive materials used in the processing; and</p> <ol style="list-style-type: none"> <li>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</li> <li>4. The type, size and nature of buildings and structures; and</li> <li>5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and</li> <li>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</li> <li>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</li> <li>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</li> <li>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</li> <li>10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.</li> </ol>	
<p>6/12/17</p>	<p>Text Change # TC-17-029</p> <p><b><u>Private Drives/Easements</u></b></p> <p><b>1.</b> All private drives/easements created after the effective date: <u>July 1, 2017</u> must be provided within a perpetual access easement that <b>MUST</b> be officially recorded with the register of deeds.</p> <p><b>2.</b> Access easements for private drives/easements must <b><i>be at least 20 feet in width</i></b> and be the subject of <b><i>a recorded binding maintenance agreement</i></b> (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>

**EASEMENT MAINTENANCE AGREEMENT GUIDELINES**

The Easement Maintenance Agreement should include the following:

- 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