



# An Overview of the Development Process

This guide provides a description and overview of the approval process for many different types of development activity in Graham. This includes properties in the Graham city limits and those in Graham's extraterritorial jurisdiction.

Before opening a business or beginning any type of development, it is a good idea to consult with the City Planner. Some basic questions to consider include:

## ***Is what I want to use the property for permitted?***

Find out the zoning designation of your property and consult the Table of Permitted Uses. Some uses require a Special Use Permit. Others are permitted through Conditional Rezoning. If your use is not permitted, you may consider Rezoning.

***Does my project involve new construction or expansion, or a change in use?*** Projects that do involve new construction or expansion require Site Plan Review. Projects that do not involve new construction or expansion, but which propose a change in the use of the building, will need Site Plan Review for certain requirements, such as parking or landscaping.

***Is my project in a historic district and involves exterior alterations?*** If so, you must apply for a Certificate of Appropriateness through the Historic Resources Commission.

## ***Do I need to subdivide my land?***

If so, you will need the Subdivision process.

## **Opening a Business**

Opening a business requires several considerations. First, it is important to check whether the business is a permitted use. Rezoning or a Special Use Permit may be required. If the business is permitted, the structure is not being expanded, and it is the same use that previously occupied the space, then a Zoning Permit can be issued. However, if the structure is being expanded or it is a new use, then there are certain requirements, such as parking and landscaping, that may need to be met before a Zoning Permit can be issued. Also, all new businesses should consult with the Inspections Department to schedule a building and fire inspection. You'll need to apply for a:

**ZIP** Zoning Permit

**R-CR** Rezoning or Conditional Rezoning  
(if the use is not permitted in the current zoning district)

**SUP** Special Use Permit (if applicable)

**SPR** Site Plan Review (if applicable)

## **Construction or Expansion of Commercial Structures**

When constructing or expanding a commercial structure, there are a number of zoning requirements that must be met. These may include building setbacks, landscaping, parking, stormwater and others. In addition to submitting building plans for a building permit, you'll need to apply for a:

**SPR** Site Plan Review

The *City of Graham Development Ordinance* can be found on the City's website at [www.cityofgraham.com](http://www.cityofgraham.com)

For questions, contact the City Planner at (336) 570-6705 or [npage@cityofgraham.com](mailto:npage@cityofgraham.com).

## Rezoning and Conditional Rezoning

Rezoning is the process of changing the zoning classification of a piece of property. Graham has 13 general zoning districts that each allow certain types of uses. There are also six types of conditional zoning districts in which the development or use of a property is subject to more specific rules and conditions that are adopted as part of the rezoning. Rezoning of a property is necessary if the proposed use is not permitted by the current zoning classification. If a rezoning request is denied, there is a six month waiting period before another request can be presented for the same zone change of the same area. You'll need to apply for a:

**R-CR** Rezoning or Conditional Rezoning

**SPR** Site Plan Review (*if conditional rezoning*)

## Planned Unit Development

The planned unit development overlay district provides flexibility in permitted use, setback and height regulations. The purpose is to promote the development of attractive, desirable communities that integrate residential and non-residential uses and encourage walking, biking, transit and shared parking. You'll need to apply for:

**PUD** Planned Unit Development

**Smj** Subdivision, major (*if applicable*)

**Smn** Subdivision, minor (*if applicable*)



### General Zones

R-18

R-15

R-12

R-9

R-7

R-MF

R-G

O-I

B-3

B-2

B-1

I-1

I-2

### Conditional Zones

C-R

C-O-I

C-B

C-I

C-MXR

C-MXC

## Special Use Permit

Certain types of land uses, as indicated by an "S" in the Table of Permitted Uses, require a special use permit before the use can be initiated. You'll need to apply for a:

**SUP** Special Use Permit

**SPR** Site Plan Review (*if a site plan is required*)

## Subdivision

Subdivision regulations govern the process of dividing tracts of land into two or more lots. The City Council has authorized the City Planner to administratively approve "minor subdivisions," which are subdivisions of up to four lots that are residential, do not involve construction or extension of a public street or utility, and in which all lots have access to an existing publicly maintained street. All other subdivisions are considered "major subdivisions" and must be approved by the City Council. You'll need to apply for a:

**Smj** Subdivision, major (*if nonresidential, more than four lots or new or extended public street or utility*)

**Smn** Subdivision, minor (*if residential, up to four lots all with access to an existing public street, and no new or extended public street or utility*)

The following are not considered subdivisions by state statute and are thus not subject to Graham's subdivision regulations:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Graham's subdivision regulations.
- The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- The division of a tract in single ownership whose entire area is no greater than two acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Graham's subdivision regulations.



# Steps in the Development Process

The steps below are a general outline of the development process. Not every step applies to all types of development. Letters next to each step show if the step is required for the type of application or if it is optional. A calendar of dates for each step is provided on the back of this sheet.

## 1. Pre-application meeting

*Required for **PUD**; Encouraged for **all others***

This meeting is an opportunity for the applicant to ask staff about the process and requirements to ensure that everything runs smoothly. It does not have to be an in-person meeting; a phone or email conversation may be enough. Applications can be found on the City of Graham Planning Department webpage or at City Hall.

## 2. Application due

*Required for **all***

Applications for Rezoning, Conditional Rezoning, Special Use Permits, and preliminary plans for Major Subdivisions are due on the 25<sup>th</sup> of each month. If the 25<sup>th</sup> falls on a weekend or holiday, then the deadline is the prior working day. Applications for other types of development can be submitted at any time. Also, some applications require payment of a fee in order for the application to be considered complete.

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Type of Application	Due Date	Fee
<b>PUD</b> Planned Unit Development	no date	\$100
<b>R-CR</b> Rezoning or Conditional Rezoning	25 <sup>th</sup> of the month	\$100
<b>SPR</b> Site Plan Review	no date	\$0
<b>SUP</b> Special Use Permit	25 <sup>th</sup> of the month	\$100
<b>Smj</b> Subdivision (major)	25 <sup>th</sup> of the month	\$50
<b>Smn</b> Subdivision (minor)	no date	\$25
<b>ZP</b> Zoning Permit	no date	\$0

*Fees are from the 2014-2015 Rates and Fee Schedule, updated 6/3/2014.*

## 3. Technical Review Committee (TRC) meeting

*Required for **PUD**; Case-by-case for **R-CR, SPR, SUP, Smj***

Some developments are complex and require the review of more than just the City Planner. At the discretion of the Planner, those developments will be reviewed by the City's TRC, which includes representatives of building inspections, engineering, water, sewer, fire, police and NCDOT. Meetings of the TRC are generally held on Monday afternoons at 2pm and applicants are encouraged to attend in order to answer any questions that TRC members may have.

## 4. Planning Board public meeting

*Required for **PUD, R-CR, SUP, Smj***

The Graham Planning Board meets on the third Tuesday of each month, generally at 7pm. The Board reviews applications and provides its recommendation to the City Council. Within 60 days after receiving an application, the Planning Board will make a report to the City Council of its recommendations. If the Planning Board does not make its recommendation to City Council within 60 days, the City Council may act without such recommendation. The Planning Board may hold a public hearing on any application.

## 5. City Council public hearing

Required for **PUD, R-CR, SUP, Smj**

The City Council meets on the first Tuesday of each month at 7pm. The City Council conducts a public hearing and issues a final decision. For the public hearing, a sign is posted on the property, a legal ad is run in the paper and notices are mailed to adjacent property owners. For Rezonings and Conditional Rezonings, if a valid protest petition is filed at least two business days prior to the public hearing, then a favorable vote of three-fourths of all the members of the Council is required to approve the rezoning or conditional rezoning. For Special Use Permits, if the proposed special use is located in the Courthouse Square Overlay District, the Historic Resources Commission is authorized to review and comment on the application, and its recommendation is sent directly to the Council.

## 6. Additional Steps for Major Subdivisions

Required for **Smj**

Once a preliminary plat for a major subdivision is approved by City Council, the subdivider has 12 months to submit construction plans for required improvements. Lots can be sold once contracts for all improvements are let, but those lots may not be recorded until the final plat is approved. Once improvements are substantially complete, the subdivider may choose to supply a letter of credit or other form of assurance for an amount equal to 150% of the remaining cost of construction. With either completion of the improvements or a financial assurance of such, the City Council may approve the final plat and building permits may be issued.

## 7. Building Permit or Certificate of Occupancy

May be required for **PUD, R-CR, SPR, SUP, ZP**

For development that involves construction, a building permit and/or certificate of occupancy may be issued once all requirements have been met. In addition to these steps, a fire inspection may also be required.

## Development Calendar for 2015

2 Application Due*	3 TRC Meeting^	4 Planning Board	5 City Council
Dec. 23, 2014	January 5	January 20	February 3
January 23	February 2	February 17	March 3
February 25	March 2	March 17	April 7
March 25	March 30	April 21	May 5
April 24	May 4	May 19	June 2
May 22	June 1	June 16	July 7
June 25	July 6	July 21	August 4
July 24	August 3	August 18	September 1
August 25	August 31	September 15	October 6
September 25	October 5	October 20	November 3
October 23	November 2	November 17	December 5
November 25	December 7	December 15	Jan. 5, 2016
December 23	January 4, 2016	Jan. 19, 2016	Feb. 2, 2016

*\*For applications for rezoning, conditional rezoning, special use permits, and preliminary plans for major subdivisions. Others can be submitted at any time. ^These dates are tentative and may be changed or added to during the year.*

## Board of Adjustment

The Board of Adjustment hears and decides on appeals from decisions of the Zoning Enforcement Officer or City Planner and grants variances from the requirements of the Development Ordinance. The Board is composed of five appointed individuals who also serve on the Graham Planning Board. It meets on an as-needed basis on the same night as the Planning Board.