



Planning Board

Meeting Agenda

December 15, 2015 at 7:00 PM
Council Chambers, 201 S Main St

Meeting Called to Order, Invocation, and Overview of Board and general meeting rules

1. Public comment on non-agenda items
2. Approve minutes of the November 17, 2015 meeting
3. New Business
 - a. Rogers/Windsor Rezoning (RZ1504)
4. Old Business
 - a. Discussion regarding the City of Graham Development Ordinances
 - AM1501 Electronic Billboards
 - AM1502 Construction Surety
 - AM1503 Future Development
 - AM1504 Handicapped Parking
 - AM1505 Parking Maximums
 - AM1506 Sidewalk Payment-in-Lieu
 - AM1507 Solar Farms

Adjourn

A complete agenda packet is available at www.cityofgraham.com

PLANNING ZONING BOARD
Tuesday, November 17, 2015

The Planning & Zoning Board held their regular meeting on Tuesday, October 27, 2015 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. immediately following the Board of Adjustment meeting. Board members present were Dean Ward, Andy Rumley, Bonnie Blalock, Bill Teer, and Ricky Hall. Kenneth Dixon and Michael Benesch were absent. Staff members present were Nathan Page, City Planner, and Martha Johnson, Zoning/Inspections Technician.

Chair Andy Rumley called the meeting to order and gave the Overview of the Board and general meeting rules. Ricky Hall gave the invocation.

1. Public comment on non-agenda items. There were none.
2. Approval of the October 27, 2015 meeting minutes. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
3. Old Business. Mr. Page picked out a few items that need to be fixed in the short term and there is some that the Board feels need to be done also. Mr. Page stated the Board needs to prioritize what needs to be looked at the meeting next month.
 - a. Discussion regarding the City of Graham Development Ordinances.
 - *Knoxbox Requirements*
 - *Fees for Appeals*
 - *Sign Ordinance Changes*
 - *Construction Surety 125% Maximum*
 - *Co-location of Cell Towers on Power Poles/Buildings*
 - *Section 10.16 to 10.491.g.3*
 - *Protest Petition*
 - *UBD- Industrial Uses*
 - *Duration for Landscape Maintenance*
 - *Parking Maximums*
 - *10.148 pen-nit to pennant*
 - *Residential Narrow Road Type*
 - *Add handicapped parking requirements to DO*
 - *Reorganize Table of Permitted uses to fit like Parking Table*
 - *Add awning as sign type*
 - *Update home occupation*
 - *Electronic Billboards*
 - *Prior to Variance Application- TRC Approval*
 - *Rebuild non-conforming Structures definition*
 - *Do10.446 "Future Development"*
 - *Solar Farms as Permitted Use*
 - *Knockout Definition for Signs*
 - *"Dance School" versus "School, music art or dancing"*

After much discussion among the Board and the Planner the following items were listed to be addressed at the next Planning meeting in December:

- *Knoxbox Requirements*

- *Parking Maximums*
- *Add handicapped parking requirements to DO*
- *Electronic Billboards*
- *Do10.446 "Future Development"*
- *Solar Farms as Permitted Use*
- *Construction Surety 125% Maximum*
- *Sidewalk Payment in lieu of*

Mr. Rumley made a motion to discuss these next month, second by Ricky Hall. All voted in favor.

b. Payment in lieu of.

The Board along with Council Members Lee Kimrey and Chip Turner discussed different solutions along with some compromises. The Board suggested more guidelines in accepting in payment in lieu of and address the issue that started it all which was the stormwater ordinance. A lot of work needs to be done if it is kept as is. They would like to see the priority list needs to be available to them. It was mentioned that it possibly needs to be site specific and to where it isn't a tool a developer can use to his advantage.

After much discussion Ricky Hall made a motion to repeal or amend the *Development Ordinance* next month and take a vote at the next meeting, second by Dean Ward. The vote was 4-1 with Mr. Teer dissented. Council Member Kimrey said on behalf of the City Council he wanted to thank the Planning Board and the Board of Adjustment for all the hard work they do, a lot of hours put into it, and they do make a big difference in the City of Graham.

Mr. Rumley acknowledged the passing of Mr. Elmer Brown. Mr. Brown had served on the Board in the past.

4. New Business. There were none.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Nathan Page, City Planner

Rogers/Windsor (RZ1504)

Type of Request: Rezoning

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Contact Information

Thomas Hall, Windsor Investments, LLC

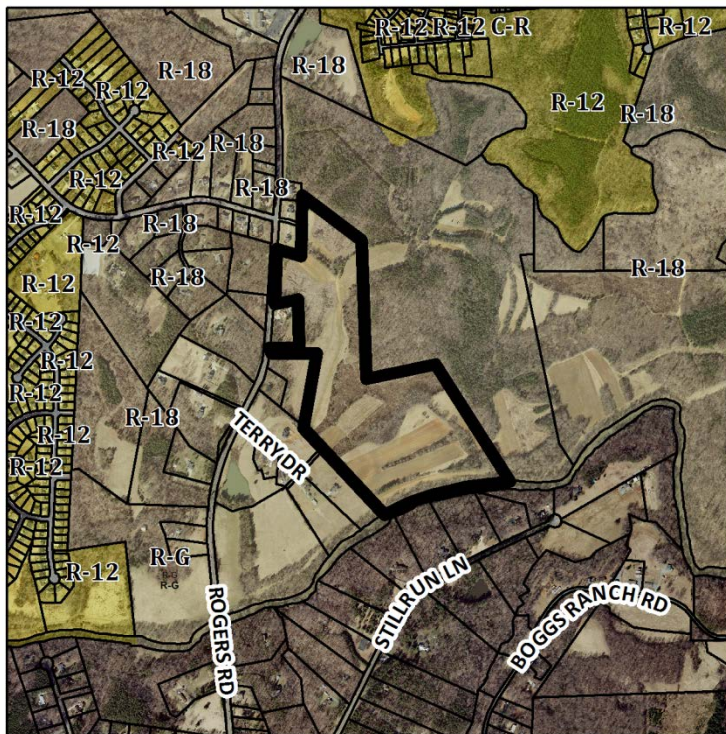
5603 New Garden Village Dr

Greensboro NC 27410

336-282-3535; thall@windsorhomes.us

Summary

This is a request to rezone the subject property from R-18 to R-9. The property is currently vacant, wooded, and under cultivation.



Location

Rogers Rd

GPIN: 8872970504

Current Zoning

Residential (low density)
(R-18)

Proposed Zoning

Residential (high density) (R-9)

Overlay District

none

Surrounding Zoning

R-18

Surrounding Land Uses

Single Family and Vacant

Size

58 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

Conformity to the *Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Applicable Policies;

- 3.3.2 Focused Development. In order to maintain Graham’s affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-18 zoning. Additionally, the Suburban Residential neighborhood type density recommendations are greater than that which is permitted by R-18 zoning.*

Applicable Strategies;

- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would use existing city infrastructure, and would facilitate later development of existing adjacent property.*

Planning Type

Neighborhood

Development Type

Suburban Residential

For single family residential, townhouses, duplexes, accessory dwelling units, and small scale multi-family dwelling of twelve units or less.

Buildings should be located near the front of the property line, oriented towards the street, and include front porches and other private outdoor spaces.

Recess garages behind the front of buildings to avoid streetscapes dominated by garage doors.

Density of 3 to 6 DU/acre

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the rezoning. The following supports this recommendation:

- Rezoning the property would be in consistence with the Suburban Residential type and furthers the policies and strategies put forth by the *Graham 2035 Comprehensive Plan*, such as connected, efficient development.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

NOV 20 2015

CITY OF GRAHAM
INSP / PZ

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: ROGERS ROAD

Tax Map#: PARCEL ID 130475 GPIN: 8872970504

Current Zoning District(s):

R-7 R-9 R-12 R-15 R-18

R-MF R-G C-R C-MXR

B-1 B-2 B-3 C-B C-MXC

O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

Historic S Main St/Hwy 87 E Harden St/Hwy 54

Current Use: FARM - WOODED - VACANT

Total Site Acres: +1.58 (PER TAX - GIS)

Property Owner: DIXIE W. ROGERS
NANCY W. CRABTREE

Mailing Address: 1526 ROGERS ROAD,

City, State, Zip: GRAHAM, NC 27253

Applicant

Property Owner Other WINDSOR INVESTMENTS, LLC

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: WINDSOR INVESTMENTS, LLC

Mailing Address: 5603 NEW GARDEN VILLAGE DR.

City, State, Zip: GREENSBORO, NC 27410

Phone #: (336) 282-3535

Email: thall@windsorhomes.us

I have completed this application truthfully and to the best of my ability.

[Signature] MANAGER 11-12-2015
Signature of Applicant Date
WINDSOR INVESTMENTS

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

R-7 R-9 R-12 R-15 R-18

R-MF R-G C-R C-MXR

B-1 B-2 B-3 C-B C-MXC

O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

Site Plan Review Application *must be attached to this application for Conditional Rezoning*

Office Use Only. DEVID#



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Rogers/Windsor
(RZ1504)**

Type of Request
Rezoning

Meeting Dates
Planning Board on December 15, 2015
City Council on January 5, 2016

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Electronic Billboards

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Summary

Staff proposes to amend the *Development Ordinance* to clearly define restrictions placed upon Electronic Billboards.

The following amendments to the Development Ordinance are proposed:

- Rewrite Section 10.399 (b) (5) (i) Outdoor advertising signs as follows:

Current text;

- i. [Reserved.]

Proposed text;

- i. Any sign with a changeable or movable face, electronic or otherwise, shall display a static message for a minimum of twenty (20) seconds, and shall have a dimmer system installed so as to automatically adjust the brightness based upon ambient light conditions.

In fact, the recommended approach from the International Sign Association is “As a result of this research the recommended night-time brightness level for on premise [electronic sign] EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance.” Despite this being a more relaxed standard, it would reduce the financial burden to developers who are attempting to install this kind of billboard in the future, yet still protect the public driving on roadways within our jurisdiction.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable; purpose of text amendment is to protect public safety.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Contact Information

Not applicable

Project Name

Text Amendment for Surety Bonds and Letters of Credit

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, research of signage companies, other jurisdictions and best practices, staff **recommends approval** of the text amendment. This is a lighting level that works in theory and in practice. The following supports this recommendation:

- The proposed amendment does not change the intent, purpose, or applicability of billboards, it merely clarifies regulations for potential future development.

Recommended
*Night-time
Brightness Levels*
for On-Premise
Electronic Message
Centers (EMC's)



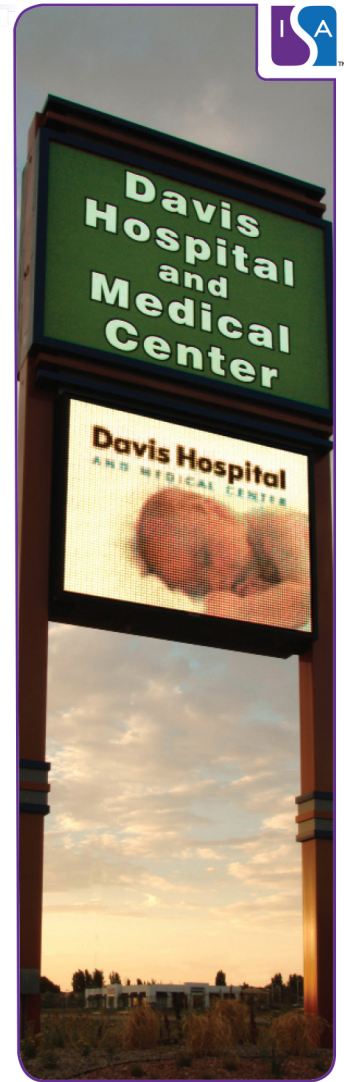
ISA INTERNATIONAL
SIGN ASSOCIATION

A COMPILATION SUMMARY WITH EXTRACTS FROM INDUSTRY REPORTS

Table of Contents



INTRODUCTION	2
EXECUTIVE SUMMARY	4
RECOMMENDED LANGUAGE	6
SIX STEPS: EMC BRIGHTNESS LEVELS	7



Introduction



Electronic Message Centers (EMC's)

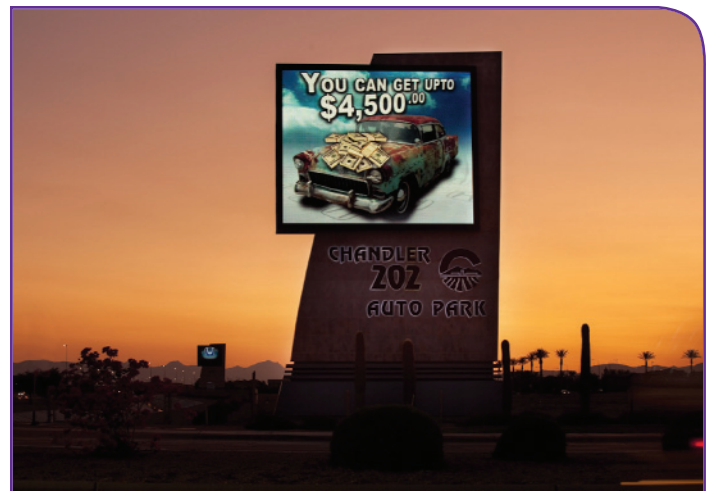


One of the more interesting types of signage that is becoming increasingly popular is on-premise **electronic message centers**, or EMCs. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.



Digital billboard/off-premise sign advertising an automobile business away from where the sign is located



Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.



That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC's use a different lighting technology than most of these types of signs, and as such the scientific approach differs.



You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary



ISA Electronic Message Display Brightness Recommendations



This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

- 1) *an overview of the importance of ensuring appropriate brightness,*
- 2) *technology utilized to ensure appropriate brightness,*
- 3) *recommended brightness standards, and*
- 4) *brightness measurement methodology.*

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring that an electronic display is not overly bright. These advantages include:

- » Conservation of energy
- » Increased life expectancy of the electronic display components
- » Building goodwill with the community
- » Ensuring the legibility of the display

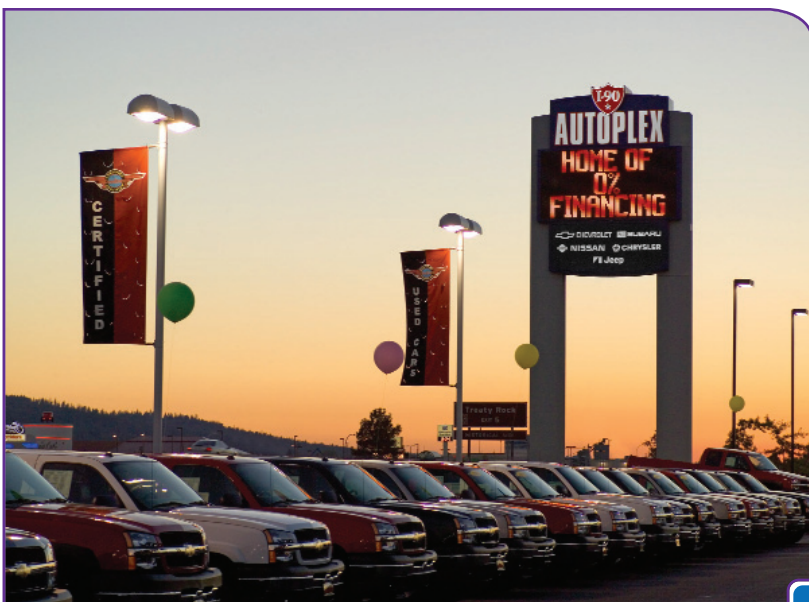
It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. **Manual Dimming.** Using this method, the sign operator dims the display in response to changing ambient light conditions.
2. **Scheduled Dimming.** Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.
3. **Photocell Technology.** An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.



3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive (\$100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~\$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.



Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

Six STEPS: EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)

STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



How to Measure the Brightness of an Electronic Message Center

STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 [CONTINUED]

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



STEP 6

ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.



1001 N. FAIRFAX STREET, SUITE 301
ALEXANDRIA, VA 22314
703.836.4012 PH
703.836.8353 FAX
WWW.SIGNS.ORG



RECOMMENDED NIGHT-TIME BRIGHTNESS LEVELS FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Electronic Billboards

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Surety Bonds and Letters of Credit

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Summary

Staff proposes to amend the *Development Ordinance* to conform to the current state statutes, particularly Session Law 2015-187, revision to G.S. 160A-372

The following amendments to the Development Ordinance are proposed:

- Rewrite Section 10.339 (c) (3) (b) Construction of Public Improvements as follows:
 - b. As an alternative to completing construction of all required public improvements prior to the approval of a final plat, a developer may request to use a construction surety, as follows:
 1. After the subdivision, or a specified phase thereof, has been certified by the City as having sufficient improvements to provide functional fire protection (with the roadways graded to final grade and water supplies for fire-fighting equipment), the developer may post a security instrument, in the form of a Surety Bond, Letter of Credit, or other form of guarantee that provides equivalent security to a surety bond or letter of credit, in an amount equal to ~~150%~~ 125% of the estimated construction cost of the required improvements which remain incomplete and including the cost of preparing as-built drawings, and with surety and conditions satisfactory to the City providing for and securing to the City the actual construction and installation of said improvements. The surety shall be accompanied by a detailed, itemized list of all required improvements that stand incomplete and a schedule for the completion of said improvements.
 2. The surety may be renewed or extended for a period of up to three (3) years from the date it was initially accepted, provided that each renewal or extension within the three (3) year period shall be for an amount equal to ~~150%~~ 125% of an updated estimated cost of construction for the remaining required improvements at the time of the renewal or extension and including the cost of preparing as-built drawings, and shall be

Project Name

Text Amendment for Surety Bonds and Letters of Credit

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

accompanied by a detailed, itemized list of all required improvements that stand incomplete and a schedule for completion of said improvements.

- Rewrite Section 10.515 (b) (1) Amount as follows:

b.) Amount

- (1) Installation. The amount of an installation performance security shall be ~~150%~~ 125% of the total estimated construction cost of the BMPs approved under the permit.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable; purpose of text amendment is to update ordinance to reflect changes in the State statute that governs Construction Sureties and Letters of Credit.

<u>Planning District</u> All
<u>Development Type</u> All

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on research of State regulations, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment does not change the intent, purpose, or applicability of construction sureties. However, it brings the regulation into compliance with North Carolina State Statutory Requirements.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-187
HOUSE BILL 721**

AN ACT TO AMEND THE LAWS RELATED TO LAND DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-372 reads as rewritten:

"§ 160A-372. Contents and requirements of ordinance.

(a) A subdivision control ordinance may provide for the orderly growth and development of the city; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area, and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

(b) The ordinance may require a plat be prepared, approved, and recorded pursuant to the provisions of the ordinance whenever any subdivision of land takes place. The ordinance may include requirements that plats show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

(c) The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. ~~If a performance guarantee is required, the city shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose. Improvements at the time the plat is recorded as provided in subsection (b) of this section.~~ For any specific development, the type of performance guarantee ~~from the range specified by the city~~ shall be at the election of the developer.

(d) The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning board. In order for this authorization to become effective, before approving such plans the council or planning board and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning board shall immediately notify the board of education and the board of education shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning board and no site shall be reserved. If the board of education does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings



to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

(e) The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served.

(f) The ordinance may provide that in lieu of required street construction, a developer may be required to provide funds that the city may use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this paragraph shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the city determines that a combination is in the best interests of the citizens of the area to be served.

(g) For purposes of this section, all of the following shall apply with respect to performance guarantees:

- (1) The term "performance guarantee" shall mean any of the following forms of guarantee:
 - 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.
- (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.
- (3) The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- (4) The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion."

SECTION 1.(b) G.S. 153A-331 reads as rewritten:

"§ 153A-331. Contents and requirements of ordinance.

(a) A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public

facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

(b) The ordinance may require that a plat be prepared, approved, and recorded pursuant to the provisions of the ordinance whenever any subdivision of land takes place. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformity with good surveying practice.

(c) A subdivision control ordinance may provide that a developer may provide funds to the county whereby the county may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

(d) The ordinance may provide that in lieu of required street construction, a developer may provide funds to be used for the development of roads to serve the occupants, residents, or invitees of the subdivision or development. All funds received by the county under this section shall be transferred to the municipality to be used solely for the development of roads, including design, land acquisition, and construction. Any municipality receiving funds from a county under this section is authorized to expend such funds outside its corporate limits for the purposes specified in the agreement between the municipality and the county. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the county determines that a combination is in the best interest of the citizens of the area to be served.

(e) The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards. To assure compliance with these and other ordinance requirements, the ordinance may provide for performance guarantees to assure successful completion of required improvements. ~~If a performance guarantee is required, the county shall provide a range of options of types of performance guarantees, including, but not limited to, surety bonds or letters of credit, from which the developer may choose.~~ improvements at the time the plat is recorded as provided in subsection (b) of this section. For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer.

(f) The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the board of commissioners or the planning board. For the authorization to reserve school sites to be effective, the board of commissioners or planning board, before approving a comprehensive land use plan, shall determine jointly with the board of education with jurisdiction over the area the specific location and size of each school site to be reserved, and this information shall appear in the plan. Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the board of commissioners or the planning board shall immediately notify the board of education. The board of education shall promptly decide whether it still wishes the site to be reserved and shall notify the board of commissioners or planning board of its decision. If the board of education does not wish the site to be reserved, no site may be reserved. If the board of education does wish the site to be reserved, the subdivision may not be approved without the reservation. The board of education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the board of education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation.

(g) Any performance guarantee shall comply with G.S. 160A-372(g)."

SECTION 1.(c) G.S. 160A-400.25 is amended by adding a new subsection to read:

"(e) Any performance guarantees under the development agreement shall comply with G.S. 160A-372(g)."

SECTION 1.(d) G.S. 153A-349.6 is amended by adding a new subsection to read:

"(e) Any performance guarantees under the development agreement shall comply with G.S. 160A-372(g)."

SECTION 2.(a) G.S. 160A-417 is amended by adding a new subsection to read:

"(e) No city may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this Article unless otherwise authorized by law or unless the city reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy."

SECTION 2.(b) G.S. 153A-357 is amended by adding a new subsection to read:

"(f) No county may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this Article unless otherwise authorized by law or unless the county reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy."

SECTION 3. This act becomes effective October 1, 2015, and applies to performance guarantees or extensions of performance guarantees issued on or after that date.

In the General Assembly read three times and ratified this the 29th day of July, 2015.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Paul Stam
Speaker Pro Tempore of the House of Representatives

s/ Pat McCrory
Governor

Approved 3:12 p.m. this 5th day of August, 2015



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Construction Surety and Letters of Credit

Type of Request
Text Amendment

Meeting Dates
Planning Board on December 15, 2015
City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Definitions: Future Development

Contact Information
Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015
City Council on January 5, 2016

Summary

Staff proposes to amend the *Development Ordinance* to define 'future development.'

The following amendments to the Development Ordinance are proposed:

- Add "Future Development" to Article II. Definitions.

Future Development – Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations and storage of materials.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

<u>Project Name</u> Future Development
<u>Location</u> city-wide
<u>Current Zoning</u> not applicable
<u>Proposed Zoning</u> not applicable
<u>Overlay District</u> not applicable
<u>Staff Recommendation</u> Approval

<u>Planning District</u> All
<u>Development Type</u> All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment does not change the intent, purpose, or applicability of the ordinance, but communicates what qualifies as "future development" within the City of Graham.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

10.446, 10.471; Future Development

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Handicapped Parking Requirements

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Summary

Staff proposes to amend the *Development Ordinance* to add the Handicapped Parking requirements to the DO where they will be visible by developers in the Off-Street Parking Chapter.

The following amendments to the Development Ordinance are proposed:

10.240.b.1

ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

10.240.b.2. **Van Spaces** For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space. See Section 1106 NC Building Code for more detail.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

The Development Ordinance is more accessible to the public and easier to understand than the North Carolina Building Code. This amendment would allow for quick reference of the required number of handicapped parking spaces for new developments.

Applicable Planning District Policies and Recommendations

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Planning District

All

Development Type

All

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed Handicapped Parking text amendment permits easier access to developer requirements, and will accomplish the purpose of the revisions.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Handicapped Parking

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Parking Maximums

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Contact Information

Not applicable

Summary

Staff proposes to amend the *Development Ordinance* to remove minimum requirements for parking spaces as the impact of past development patterns has become more apparent. For the last two years, with two exceptions, each development that has been built in the City provided the minimum number of spaces, indicating that the regulations are requiring spaces above and beyond what the market would dictate as required for each use. These parking spaces are expensive, with the least expensive asphalt parking space costing about \$10,000 (dependent upon land value). Much of this cost is a result of downstream stormwater effects, which in turn increase floodplains, and require additional upsizing of existing infrastructure. Additionally, the current organization of parking need often misses the point and is based upon erroneous equations, as show in image 1.

Location city-wide
Current Zoning not applicable
Proposed Zoning not applicable
Overlay District not applicable
Staff Recommendation Approval

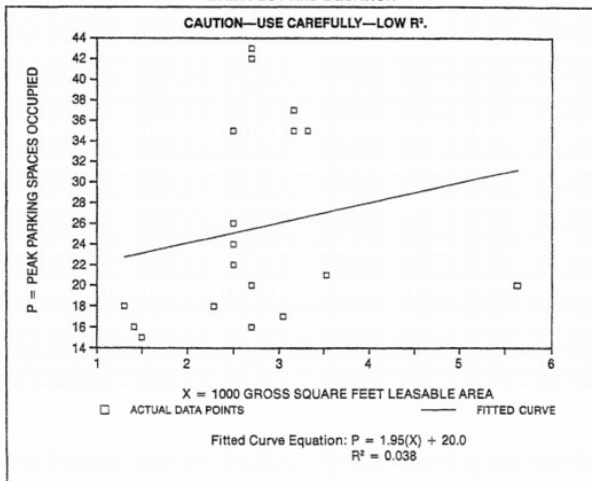
FAST FOOD RESTAURANT WITH DRIVE-IN WINDOW (836)

Peak Parking Spaces Occupied vs: 1,000 GROSS SQUARE FEET LEASABLE AREA
On a: WEEKDAY

PARKING GENERATION RATES

Average Rate	Range of Rates	Standard Deviation	Number of Studies	Average 1,000 GSF Leasable Area
9.95	3.55-15.92	3.41	18	3

DATA PLOT AND EQUATION



The R^2 value indicates the statistical significance of the relationship between parking spaces occupied versus the square feet of leasable area, which our ordinance currently uses. This value, 0.038 indicates that the building size dictates 3.8% of the variance in parking requirements. As we have all see with the Mykonos taking over the old Lucky Bamboo, it is not the type of use that is important, but how popular that use is.

Watercourse Apartments is required to have 324 spaces, and provided 345. The DaVita Dialysis center was required to have 0 spaces (it is within a Unified Business Development with excess capacity) and provided 32. If it was not part of the UBD, the minimum would have been 19 new spaces. This has negative impacts upon open space, and increases downstream runoff. The City is responsible for many of the roadway culverts and underground streams. These are

very expensive to maintain and upsize, with the work at one small pipe under Walker Avenue being proposed to cost more than \$100,000 even if nothing goes wrong during the reconstruction. Additionally, it often precludes redevelopment of existing lots for uses that would be compatible with a lesser quantity of parking. As such, the City Council should default with reducing the number of parking spaces, but should be willing to accept a higher number if a developer made a compelling case for offsetting the additional costs to taxpayers.

The following amendments to the Development Ordinance are proposed:

Division 11. Off Street Parking

Section 10.240 Off-street parking

In all districts, except the B-1 district, when a building is constructed, or at the time a principal building is enlarged or increased in capacity, or before conversion from one type of use to another, permanent off-street parking space in the amount specified by this section shall be provided. Adequate maneuvering space to allow vehicle entrance into each parking space shall also be provided. The off-street parking spaces required by this section shall be entirely outside any street right-of-way and shall not be used for any purpose except parking. Such parking may be provided in a parking garage or properly graded open area. A parking space shall consist of an area at least nine feet wide and at least 18 feet deep. Where the city council determines that the off-street parking requirements of this section would impose undue hardship upon development it may reduce or waive off-street parking requirements for that lot.

- (1) Certificate of ~~minimum~~ parking requirements. Each application for a zoning permit submitted to the zoning enforcement officer as provided for in this article shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning enforcement officer to determine whether or not the requirements of this section are met.
- (2) Remote parking spaces. Except for dwelling units, if the off-street parking space required by this article cannot reasonably be provided on the same lot on which the principal use is located, such space may be provided on any land as long as it is in a zoning district in which such parking is permitted.
- (3) ~~Minimum parking~~ Parking requirements. The number of off-street parking spaces required in the table below shall be considered as the minimum **or maximum, as appropriate** and the developer shall evaluate his own needs to determine if they ~~are greater than the minimum specified~~ **by differ from** this table. Requirements based on number of employees shall apply to the highest number of employees present during any regular work period or shift.
- (4) Driveways.
 - (a) New driveways within the corporate limits for all uses shall be surfaced with an all-weather material with edges clearly delineated. Gravel shall be prohibited for the first 10-feet of the driveway.
 - (b) Driveways shall not exceed twenty-five (25) feet in width unless wider driveways are shown on a City Council approved site plan or plot plan.
 - (c) Except for driveways, no additional curb cuts or vehicle access points shall be permitted.

- (d) Where two or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater. If the driveway fronts a State Road, the minimum distance between such driveways may be increased depending on comments from NCDOT.
- (e) No driveway shall be located closer than twenty-five (25) feet to any street intersection. If the driveway fronts a State Road, the minimum distance between such driveways and the street intersection may be increased depending on comments from NCDOT.
- (f) Parked vehicles shall not block pedestrian walkways.

USE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES
RESIDENTIAL AND RELATED	
MINIMUM NUMBER OF REQUIRED OFF-STREET RESIDENTIAL PARKING SPACES	
Dwelling, one-family detached	2 spaces
Dwellings, two-family	2 spaces per dwelling unit
Dwellings, multifamily	One and one-half for each one-bedroom unit, and each two-bedroom unit, plus 2 for each 3 or more bedroom units – See Section 10.241 for additional parking requirements for multifamily developments
Dwellings, multifamily sponsored by public or nonprofit agency for restricted-income families or elderly persons	One parking space for each dwelling unit
Group Care Facilities and Group Homes	One space for each two residents of driving age and ability, plus one space per employee
Home occupations	One space in addition to residential requirements
Manufactured homes on individual lots	Two spaces per manufactured home
Manufactured home parks	Two parking spaces per manufactured home if parking is provided on each manufactured home plot. In the alternative, Parking may be provided in off-street parking lots providing at least 1 ½ spaces per manufactured home plot [are] served; no required parking space shall be more than 100 feet distant from the dwelling unit it serves or on the opposite side of the street from the dwelling unit it serves.
NONRESIDENTIAL	
MAXIMUM NUMBER OF REQUIRED OFF-STREET COMMERCIAL/INDUSTRIAL PARKING SPACES	
Amusements, commercial	One space for each 4 persons in designed capacity
Animal hospital, veterinarian	Four spaces for each doctor, plus one for each employee
Auditoriums, gymnasiums. Stadiums, etc.	One space for each 4 seats, plus one space for each 40 square feet of floor space where movable seats are used
Automobile accessories sales	One space for each 200 square feet gross floor area
Automobile assembling, Painting, upholstering, rebuilding, reconditioning, body and fender repairing	One space for each 200 square feet gross floor area

USE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Automobile laundry	15 spaces
Automobile sales	One space for each 600 square feet gross floor area
Banks, savings and loans, financial institutions, and restaurants (including drive-thru)	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area, plus waiting space for at least four cars at each drive-in banking device or restaurant drive-thru
Building material storage, contractor's yards	Two spaces for each three employees Two spaces, plus one space per employee
Building supply sales	One space for each 600 square feet gross area
Churches	One space for each seven seats
Community centers, libraries, art galleries, museums	One space for each 200 square feet gross floor area used by the public
Day nurseries and kindergartens	One space for each employee
Dry cleaning and pressing plants	Two spaces for each three employees
Dry cleaning pickup establishments	One space for each 200 square feet gross floor area used by the public, plus waiting space for at least four cars at any drive-up window
Fairs, circuses, carnivals, sideshows	One space for each 600 square feet gross area
Food, and beverage storage and distribution, food processing	Two spaces for each three employees
Funeral homes	One space for each four seats in chapel (or parlor, if no chapel)
Golf, swimming and tennis clubs	One space for each four persons in designed capacity
Government buildings	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area
Greenhouses, commercial and plant nurseries	Three spaces, plus one space for each employee
Hospitals	One space for each two beds, plus one space for each doctor and each nurse, plus one space for each four other employees
Hotels, motels, tourist home	One space for each rental unit
Electronic, Internet, or Sweepstakes Gaming	One parking space per two terminals
Laboratories, research facilities	Two spaces for each three employees
Laundries	One space for each 200 square feet gross floor area
Lodges, clubs	One space for each four persons in designed capacity
Medical, dental and paramedical offices and clinics	Four spaces for each doctor, plus one space for each other employee
Nursing homes, convalescent homes, homes for the aged	One space for each four beds, plus one space for each doctor and each nurse, plus one space for each four other employees

USE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Offices	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area
Philanthropic, nonprofit institutions	One space for each 200 square feet gross floor area
Photographer's studio	One space each 300 square feet gross floor area
Radio, television studio	One space for each employee
Retail establishments, high volume, such as grocery stores, drug stores, department stores, etc.	One space for each 200 square feet gross floor area
Retail stores, low volume, such as furniture stores, machinery sales, manufactured home sales, carpet stores, etc.	One space for each 600 square feet gross floor area
Schools, commercial, vocational, music, art, dancing	One space for each employee, plus one space for each four persons in design capacity
Schools, elementary	One space for each employee
Schools, high schools	One space for each employee, plus three spaces for each classroom
Service establishments dealing frequently with the public, such as barber shops, beauty shops, etc.	One space for each 200 square feet gross floor area
Service establishments dealing infrequently with the public, such as repair services, secretarial services, etc.	One space for each 600 square feet gross floor area
Service stations, no repair area	One space per employee, plus off-street waiting space for at least two cars in each line
Service stations, with repair area	One space per employee, plus two spaces for each repair bay (in addition to the bay itself); plus off-street waiting space for at least two cars in each line
Stables, commercial	One space for each two stalls
Theaters, indoor	One space for each four seats
Transportation terminals, freight	Two spaces for each three employees
Transportation terminals, passenger	One space for each 200 square feet gross floor area
Warehouses and Industrial Buildings	One space for each employee
Wholesale establishments	One space for each 900 square feet gross floor area

(Amended 11/7/2000, 5/4/2004, 7/11/2006, 1/8/2013, 1/5/2016)

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

One of the six issues identified during public engagement, the increasing of Walkability, includes safe access to parks, museums, stores, and restaurants. *The denser development that would be created along commercial corridors would permit a greater number of walkable destinations within a reasonable distance.*

<p align="center">Planning District All</p>
<p align="center">Development Type All</p>

- **Develop a compact, mixed-use, and focused pattern of growth.** Graham will... efficiently provide public services and infrastructure, and promote infill development and redevelopment. *The over provision of parking requirements reinforces a cycle wherein sprawling development requires a car to get around. Allowing the provision of parking to be in the hands of the developer will create greater flexibility and more compact development.*
- **1.3.2 Town Center and S. Main Street.** Initiate a corridor improvement program for the Town Center and South Main Street that will place utilities underground, improve pedestrian crossing, and construct a landscaped median on South Main Street. *The removal of parking minimums would permit developers to build what the market requires in terms of parking; this reducing the cost for new structures and infill development along the corridor.*
- **2.2.1 Focused Development.** In order to maintain Graham’s affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *By building only the necessary number of parking spaces, development can be denser, more walkable, and therefore more affordable.*
- **2.3.3 Retail Centers.** Because of market limitations on the amount of retail space the City can viably support, Graham promotes retail within focused centers of activity that will host a large variety of small retail spaces while generally discouraging sprawling isolated retail that does not promote a cohesive urban fabric.
- **2.4.2 Promote Industrial Redevelopment.** Encourage reinvestment and intensification at existing industrial sites. Encourage redevelopment of existing buildings and infrastructure for industrial growth. *Because many of our uses have current parking maximums designed around the square footage of the building, redevelopment can be prohibited on some parcels.*
- **3.1.1 Parking Space Maximums.** Include flexibility and incentives in zoning regulations to encourage approaches that avoid the overdevelopment of parking.
- **3.1.4 Shared Automobile Parking.** To improve parking efficiency and limit the development cost of parking, promote shared parking arrangements.
- **Parking** – Though the plan promotes multiple modes of transportation, it does not ignore the fact that most people in Graham own vehicles and use them to travel to work, the store, and recreational areas. Many businesses rely on sufficient parking capacity to attract customers. This plan accommodates parking yet acknowledges that it should not jeopardize pedestrian safety and accessibility.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed text amendment furthers the goals of *The Graham 2035 Comprehensive Plan* and will accomplish the purposes of the revisions.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Parking Maximums

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Sidewalk Payment-in-Lieu

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Summary

The Planning Board proposes to amend the *Development Ordinance* to remove an option for a payment in lieu of constructing required sidewalks. This option has been requested by some developers and many other cities provide this option. It allows a developer who is required to construct a sidewalk to request to make a payment in lieu of constructing the sidewalk when the developer can demonstrate that unique site characteristics make it difficult to construct the sidewalk. Payment-in-lieu would not be an option for the construction of new streets. The payment is equal to the construction cost of the sidewalk, including engineering costs. Staff currently decides whether to allow this option to be used, and this decision, like others, could be appealed to the Board of Adjustment. The payment would go into a fund designated for sidewalks and would be spent at the City's discretion on new pedestrian infrastructure throughout the city, with priority given to projects identified in an adopted plan, such as our Pedestrian Transportation Plan.

<p><u>Location</u> city-wide</p> <p><u>Current Zoning</u> not applicable</p> <p><u>Proposed Zoning</u> not applicable</p> <p><u>Overlay District</u> not applicable</p> <p><u>Staff Recommendation</u> Denial</p>
--

The following amendments to the Development Ordinance are proposed:

- Remove or amend subsection (5) to Section 10.347(c) Procedures for Site Plans as follows:

~~Where this ordinance requires the installation of a public sidewalk, and where it can be demonstrated that unique site characteristics would make the construction of the sidewalk a hardship, the applicant may request to make a payment in lieu of constructing the required sidewalk. The payment shall be in an amount equal to the estimated cost of construction of the required sidewalk, which would include the cost of all materials, labor and engineering. The payment shall be used at the discretion of the City to construct or install new pedestrian infrastructure, with priority given to projects identified in an adopted plan. The City Planner, with guidance from the TRC, shall decide upon requests for this payment in lieu option.~~

- Or:

~~Where this ordinance requires the installation of a public sidewalk, and where it can be demonstrated that unique site characteristics would make the construction of the sidewalk a~~

hardship, the applicant may request to make a payment in lieu of constructing the required sidewalk. The payment shall be in an amount equal to the estimated cost of construction of the required sidewalk, which would include the cost of all materials, labor and engineering. The payment shall be used at the discretion of the City to construct or install new pedestrian infrastructure, with priority given to projects identified in an adopted plan. The City Planner, with guidance from the TRC, shall decide upon requests for this payment-in-lieu option.

Payment in lieu is not permitted if it is located adjacent to any existing sidewalk, adjacent to sidewalk appearing on a proposed development plan, adjacent to any sidewalk planned for construction within one year or any sidewalk planned for construction except where less than 150 feet of sidewalk is required.

Showing new proposed text;

Where this ordinance requires the installation of a public sidewalk, the applicant may request to make a payment in lieu of constructing the required sidewalk. The payment shall be in an amount equal to the estimated cost of construction of the required sidewalk, which would include the cost of all materials, labor and engineering. The payment shall be used at the discretion of the City to construct or install new pedestrian infrastructure, with priority given to projects identified in an adopted plan. The City Planner, with guidance from the TRC, shall decide upon requests for this payment-in-lieu option.

Payment in lieu is not permitted if it is located adjacent to any existing sidewalk, adjacent to sidewalk appearing on a proposed development plan, adjacent to any sidewalk planned for construction within one year or any sidewalk planned for construction except where less than 150 feet of sidewalk is required.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

One of the six issues identified during public engagement, the increasing of Walkability, includes safe access to parks, museums, stores, and restaurants. *The Payment-in-lieu allows the City to complete networks in key areas, as identified by the Pedestrian Plan, rather than responding only to new development.*

<u>Planning District</u> All
<u>Development Type</u> All

- **1.3.2 Town Center and S. Main Street.** Initiate a corridor improvement program for the Town Center and South Main Street that will place utilities underground, improve pedestrian crossing, and construct a landscaped median on South Main Street. *The Pedestrian Plan identifies S. Main Street as a priority corridor, and thus requires improvement in the short-term. The funds from the payment-in-lieu are currently designated for use in front of the Children’s Museum.*
- **3.1.1 Context-Sensitive Infrastructure.** New transportation infrastructure should promote and correspond with the land use goals of the Graham 2035 Comprehensive Plan, including the Future Land Use Map. *The added flexibility of placing sidewalks where they are planned will result in connected, usable paths rather than “sidewalks-to-nowhere.”*

- **3.2.1 Connectivity.** Promote interconnectivity within residential and commercial developments. *The added flexibility of the program allows for the City to place infrastructure in the highest-priority areas.*
- **Transportation** – *The various use types have different goals with regards to infrastructure. However, most of the land use types suggest that pedestrian infrastructure be installed. For example; Downtown streets should be built as places, not just transportation corridors, and should primarily accommodate pedestrians and bicyclists. As such, the ability to use sidewalk monies in higher priority areas is a higher utilization of capital resources.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and research of other jurisdictions and best practices, staff **recommends denial** of the text amendment. The following supports this recommendation:

- The proposed removal of the sidewalk payment-in-lieu text amendment does not further goals of *The Graham 2035 Comprehensive Plan* nor will it accomplish the purposes of the revisions.

Payment-in-Lieu for Sidewalks

Community	Population Estimate	Yes / No	Approval	Justification	Amount	Location	
City of Graham, NC	14,280	Yes	City Planner with guidance from TRC	Unique site characteristics would make the construction of the sidewalk a hardship	Equal to the cost of construction, materials, labor, and engineering	Discretion of the City with priority given to projects identified in an adopted plan.	
City of Burlington, NC	51,510	No	N/A	N/A	N/A	N/A	
City of Mebane, NC	12,981	Yes	City Council	Waived in ETJ when no sidewalk was nearby (sidewalk to nowhere)	Estimate the current cost		
Town of Hillsborough, NC	6,381	Yes	Staff, Board of Adjustment, Commissioners (depends on type)	For high priority sidewalks, the applicant must provide evidence that compliance is not economically feasible or only a sidewalk can be constructed	Payment of 80% of an engineer's estimate of the cost to construct what they would be required to construct.	Town's sidewalk construction capital fund.	
Town of Morrisville, NC	21,932	Yes	Town Council	(e.g. the site is located next to a buffered stream and they cannot obtain a permit since a full stream crossing is required)	150% of the amount to construct (clearing, grading, concrete, etc.)		
City of Shelby, NC	20,325	No	N/A	N/A	N/A	N/A	
City of Brevard, NC	7,645	Yes	Plan Reviewer	Impractical because of topography, would not connect anything, not part of an adopted plan, or similar.	Their engineer or contractor provides estimate. City confirm with ours. Only the cost of materials, not installation.	Pedestrian infrastructure in same neighborhood the funds were collected.	
City of Conover, NC	8,236	Yes	Planning Director with guidance from Site Review Committee	For development projects fronting upon a thoroughfare that has not been identified as a priority corridor for sidewalk construction within the most recent Sidewalk Master Plan.	Amount is provided by the developer's engineers cost estimate then checked by staff engineer to confirm accuracy.	Such funds shall be used at the discretion of the city within a priority sidewalk area as identified by the Conover Pedestrian Plan.	
Town of Granite Quarry, NC	2,998	No	N/A	N/A	N/A	N/A	
City of Jacksonville, NC	78,190	Yes		A property owner or developer may select the option to pay a fee in lieu of installing the required bicycle and pedestrian facilities based on the annual Sidewalk Master Plan.	Depending on width and depth, the cost ranges from \$23 to \$45 per linear foot	In accordance with established CIP	
Town of Shallotte, NC	3,687	Yes	Town Planner and TRC	When the approving authority determines that the construction of a required sidewalk along an existing public/municipal street is unfeasible	plus \$25 in lieu of gutter installation / 5-feet sidewalks: \$25 per linear foot plus \$25 in lieu of gutter installation	Town identifies priority areas on an adopted plan included in the UDO.	
City of Greensboro, NC	279,639	Yes	Director of Transportation and TRC		Equal or Better	Last city project bid per linear foot	Identified City Projects within 4 years
City of Fayetteville, NC	204,408	Yes	City Engineer	(1) The street is designated as a state highway or route subject to widening or improvement in the foreseeable future; (2) The street is planned for widening or improvement in the foreseeable future.	4-foot sidewalks: \$20.99 per linear foot / 5-foot sidewalks: \$31.31 per linear foot / 6-foot sidewalks: \$35.62 per linear foot	Still researching	
City of Conway, SC	19,300	Yes	City Council	No foreseeable connectivity	Equal to the cost of construction of the required sidewalk, which includes any required infrastructure improvements for that sidewalk.	To use in building or completing pedestrian, bikeway, and / or pathway systems	
City of Salisbury, NC	33,604	Yes	Engineering Dept		Payment based upon land-use score (i.e. elementary school or industrial warehouse).		
City of Havelock, NC	20,735	Yes	Staff of Board of Commissioners		At request of the developer	Market Cost +25%	CIP - Sidewalks
City of Statesville, NC	25,432	Yes	Engineering Dept		"any development"	Average linear foot cost	Sidewalk Master Plan



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Sidewalk Payment-in-Lieu

Type of Request

Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for Solar Farms

Type of Request: Text Amendment

Meeting Dates

Planning Board on December 15, 2015

City Council on January 5, 2016

Contact Information

Not applicable

Summary

Staff, in conjunction with ESA Renewables, LLC., proposes to amend the *Development Ordinance* to add "Solar Farm" to our Table of Permitted Uses, and update definitions.

The following additions to the Development Ordinance are proposed:

Article II. Definitions:

Solar Farm – A utility-scale commercial solar energy system, the full size of which (including all equipment, accessory buildings, and planting yards) is one acre or more. Solar Farm site plans shall require the approval of the TRC. *(added xx/xx/xxxx)*

Decommissioning Plan – A plan which has the following stipulations and is recorded at the Register of Deeds;

1. Defined conditions upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, etc.)
2. Removal of all non-utility owned equipment, structures, fencing, roads, and foundations, etc.; and restoration of property to condition prior to development of the development.
3. The time-frame for completion of removal and decommissioning activities.
4. Signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility. *(added xx/xx/xxxx)*

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-1	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Solar Farm, See Note 24						C				C				C	X	C	X	C	C	2

Note 24. **Solar Farms** - Power inverters and other sound producing equipment shall be no less than 150' from any property line. All solar farms shall be enclosed with a minimum of six feet high security fencing. Solar farms shall be constructed with at least a Type C planting yard, and shall abide by higher

requirements when applicable. The height of no panel can exceed fifteen feet. Prior to final approval of the Electrical Permit, a Decommissioning Plan (see definitions) shall be submitted to the City. (*added xx/xx/xxxx*)

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

In the Vision of the GCP, the plan calls for a healthy environment which includes investments in renewable energy sources.

<u>Planning District</u> All
<u>Development Type</u> All

- **2.4.4 Green Industry Growth.** Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of new technology and design, conserving trees on industrial properties, and use of renewable energy sources. *The approval of Solar Farms as a use by right in the Industrial districts will permit their placement in appropriate areas.*
- **2.4.5 Attract Green Industry.** Work to attract environmentally responsible companies and foster growth in green industries in Graham. *Permitting Solar Farms in this location, with these regulations, will allow green industry to develop while still protecting the interests of neighboring property owners.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and best practices, staff recommends **approval** of the text amendment. The following supports this recommendation:

- The proposed solar farm text amendment furthers goals of *The Graham 2035 Comprehensive Plan* and will accomplish the purposes of the revisions.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Solar Farms

Type of Request
Text Amendment

Meeting Dates
Planning Board on December 15, 2015
City Council on January 5, 2015

I move to **recommend APPROVAL** of the application as presented.

I move to **recommend DENIAL**.

The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

This report reflects the recommendation of the Planning Board, this the 15th day of December, 2015.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary