



Planning Board

Meeting Agenda

July 15, 2014 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the June 17, 2014 meeting
2. 910 Washington Industrial (RZ1406). Request by Hernan A Alas to rezone property located at 910 Washington St (GPIN 8874984629) from Neighborhood Business (B-3) to Light Industrial (I-1).
3. Harden 5600A Group Home (SUP1404). Request by LaToya Murphy for a Special Use Permit for a Group Home for property located at 630 W Harden St (GPIN 8874840073).
4. Discuss Rules of Procedure

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

PLANNING ZONING BOARD

Tuesday, June 17, 2014

The Planning & Zoning Board held its regular meeting on Tuesday, June 17, 2014 in the Council Chambers of the Graham Municipal Building immediately following the Board of Adjustment meeting at 7:00 p.m. Board members present were Ricky Hall, Bill Teer, Andy Rumley, Dean Ward and Bonnie Blalock. Members absent were Michael Benesch and Tim Beshel. Staff members present were Melissa Guilbeau, City Planner and Martha Johnson, Zoning/Inspections Technician.

Chairman Andy Rumley called the meeting to order and explained the function of the Board.

1. Approve minutes of the May 20, 2014 meeting. Bonnie Blalock made a motion to approve, second by Ricky Hall. All voted in favor.

Invocation was given by Ricky Hall.

2. Shannon Dr Internet Marketing Center (SUP1401). Melissa Guilbeau stated this request is a continuation for a request for a Special Use Permit by Chase Brooks at 107 E Shannon Dr for an electronic internet or sweepstakes use. Ms. Guilbeau said there is an existing building on the property which contains a garden center. The property is zoned B-2 and electronic internet sweepstakes gaming is a permitted use at that location with a special use permit.

Ricky Hall made a motion to deny this request, second by Bill Teer. All voted 5 to 0 for denial.

3. 220 W Harden Multifamily (RZ1405). Melissa Guilbeau said this is a request by Third Wave Housing to rezone property located at 220 W Harden St from Light Industrial (I-1) to Residential (multifamily) (R-MF) and the stated reason for this rezoning request is "we are doing an adaptive reuse of the mill building into apartments using the existing interior spaces."

Richard Angino from Third Wave Housing, 463-1/2 Carolina Cir Winston Salem, NC spoke as the applicant. Mr. Angino said the plans are to convert this vacant building to 24 loft apartments and add parking. Dean Ward asked if this project would be under the Section 42 Affordable Housing Act and Mr. Angino said no they will be market rate. Andy Rumley asked if this development will be consistent with the ones across the street and Mr. Angino answered yes. Dean Ward asked if they are going to be able to meet the landscape requirements and Mr. Angino said they are still working on that part. Dean Ward asked what type of lighting is proposed for the parking lot. Mr. Angino stated it is generally surface mount on the building. Mr. Angino asked if there was concern for the lighting. Mr. Ward stated he was concerned about the project in general with the apartments here and across the street with the number of people going to be in this area. Mr. Ward would like for it to be well lit along with some down lighting without protruding into the neighbor's area.

Andy Rumley asked Ms. Guilbeau about landscaping requirements. Ms. Guilbeau stated that only new construction or expansions would require landscaping so as long as there is no expansion to the existing parking area or building there would not be any landscaping requirements.

Larry Brooks, 1509 Stonegate Dr, had questions concerning fencing and concern about no sewer on Harden St. Ms. Guilbeau stated that she had talked to Ladd Nall, Water & Sewer Superintendent; there is public sewer that does cross the property and goes to W Elm St.

Ricky Hall stated it would be a good fit for the property and it is like what is going to be across the street.

Bill Teer made a motion to approve, second by Ricky Hall. The vote was 4 to 1 with Dean Ward dissenting.

4. Granite Cellular Communication Tower (SUP1403). Ms. Guilbeau stated this is a request for a Special Use Permit by Tower Engineering for a cellular communication tower on a small portion of the property on the western side. This location is on E Hanover Rd and the property is currently vacant. The property is zoned I-1 and cellular towers are allowed with a Special Use Permit. Ms. Guilbeau mentioned the items that were submitted in the application package and said this proposal is for a 150' monopole that will occupy a 100'x100' area with a 12' wide gravel drive with one parking space. The facility is designed for future co-location with one 230sf appurtenant structure. Ms. Guilbeau said the applicant intends to use existing vegetation to meet screening and landscaping requirements.

Justin Cosgrove from Tower Engineering Professionals, 326 Tryon Rd, Raleigh, NC spoke representing the engineering firm responsible for the project. Mr. Cosgrove said they went through TRC last month and the one outstanding item was addressed in letter form this afternoon and was sent to Planning late today regarding interference with radio and TV signals. Mr. Cosgrove said he had drawings if there were any questions regarding the tower.

Dean Ward asked how many different companies will have use of this tower and Mr. Cosgrove said only one carrier and that is Verizon. The others are future carriers. Mr. Cosgrove said access would be once or twice a month for maintenance. Mr. Ward asked Ms. Guilbeau how far the other cell tower that is currently behind the car wash is from this tower and she wasn't sure. Ricky Hall said it is approximately 1/4 to 1/2 mile. Dean Ward asked if any consideration had been given to use any existing structures already in town to put the antennas on and Mr. Cosgrove said there was a study done concerning that and there is no other existing structures at the 150' height that the carrier could utilize to meet the height requirement for the current antenna.

Mr. Teer made a motion to approve, second by Ricky Hall. All voted aye.

Ms. Guilbeau said she had prepared a power point presentation for tonight's meeting and she hoped it was easier to work with than the ones used in previous meeting and she also provided the Board with a sample of motions when it comes time to make a motion that you can use that is very similar to the one City Council uses. Also Ms. Guilbeau said she was working on rules of procedure for the Board and hopes to have them next month.

Dean Ward had concerns about the Nicks Building on the corner of Court Square with the steps being a potential trip hazard. He also had concerns about the burned building of Carver's on Elm Street where the restoration and cleanup company has posted a sign; how long are we going to allow the sign to stay up. Ms. Guilbeau said she would send a note to Darcy Sperry tomorrow.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

910 Washington Industrial (RZ1406)

Type of Request: Rezoning

Meeting Dates

Planning Board on July 15, 2014

City Council on August 5, 2014

Contact Information

Hernan A. Alas

705 S Sellars Mill Rd, Burlington, NC 27217

336-380-1331; santana102585@gmail.com

Summary

This is a request to rezone the subject property from B-3 to I-1. The property is currently vacant. The stated reason for this rezoning request is "I am looking to expand my business, at the moment my current zone is district B-3. I would like to open a car sales location in the corner lot that I own. Several other businesses are located near by, with the rezoning I might be able to go through with my plans."



Location

910 Washington St

GPIN: 8874984629

Current Zoning

Neighborhood Business (B-3)

Proposed Zoning

Light Industrial (I-1)

Overlay District

none

Surrounding Zoning

R-7, B-3 & I-1

Surrounding Land Uses

Single family, Commercial and Light Industrial

Size

0.1 acres

Public Water & Sewer

Yes, on Washington St & Scott St

Floodplain

No

Staff Recommendation

Denial

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.3.3. Encourage new industries to locate within existing industrial parks within the City or designated areas located on the future development map. *The property is located in an area designated for a future neighborhood center, which is designed “to offer local residents an opportunity to shop for everyday items close to home.” Rezoning the property to I-1 would permit a number of light industrial uses.*
- 6.3.3. Prohibit the encroachment of industrial development into non-industrial areas. *Rezoning the property to light industrial would permit the expansion of an existing industrial area into an existing non-industrial area.*

Applicable Planning District Policies and Recommendations

- 7.3.4.1.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *Development of this vacant property would be infill development; however, no building could be built on this property with the setbacks required for the I-1 zoning district.*

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends denial** of the rezoning. The following supports this recommendation:

- Rezoning the property to I-1 would not be consistent with the Neighborhood Center or Neighborhood Residential development type, nor would it further goals and policies of the *Growth Management Plan*.
- Staff feels that a rezoning to Conditional Business might be an opportunity for the applicant to realize his goals. However, staff was unable to get in touch with the applicant to discuss this possibility.

Planning District

North

Development Type

Neighborhood Center and
Neighborhood Residential

Located near a major
thoroughfare

For single family residential,
townhouses, commercial, office/
institutional, and mixed use

Characteristics include
open space; parks included with
development; pedestrian-
oriented; automobile-oriented;
design requirements; sidewalks;
street trees; landscaping;
buffering/screening; parking
provided on-site; height of
structures regulated; controlled
access; building orientation

Density of 3+ DU/acre or
<10,000sf of retail

Infrastructure includes
water, sewer, street connectivity
and underground utilities



Application for REZONING or CONDITIONAL REZONING

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: 910 Washington St

Tax Map#: 135333 GPIN: 8874984629

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: None

Total Site Acres: 0.10

Property Owner: Hernan A. Alas

Mailing Address: 910 Washington St

City, State, Zip: Graham NC 27253

Applicant

Property Owner Other _____

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: Hernan A. Alas

Mailing Address: 705 S. Sellars Mill Rd

City, State, Zip: Burlington NC 27217

Phone # 336-380-1331

Email: Santana102585@gmail.com

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

Hernan Antonio Alas 6-3-14
Signature of Applicant Date

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*s, 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:

I'am looking to expand my business, at the moment my current zone is district B-3. I would like to open a car sales location in the corner lot that I own. Several other business are located near by, with the rezoning I might be able to go through with my plans.

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For Conditional Rezonings, 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# RZ140p

Call Oscar Santana with any questions
336-567-6948



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 "City of Graham Growth Management Plan 2000-2020" 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 "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

910 Washington Industrial (RZ1406)

Type of Request

Rezoning

Meeting Dates

Planning Board on July 15, 2014

City Council on August 5, 2014

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

I move to **recommend DENIAL**.

The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.

The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 15th day of July, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Harden 5600A Group Home (SUP1404)

Type of Request: Special Use Permit

Meeting Dates

Planning Board on July 15, 2014

City Council on August 5, 2014

Contact Information

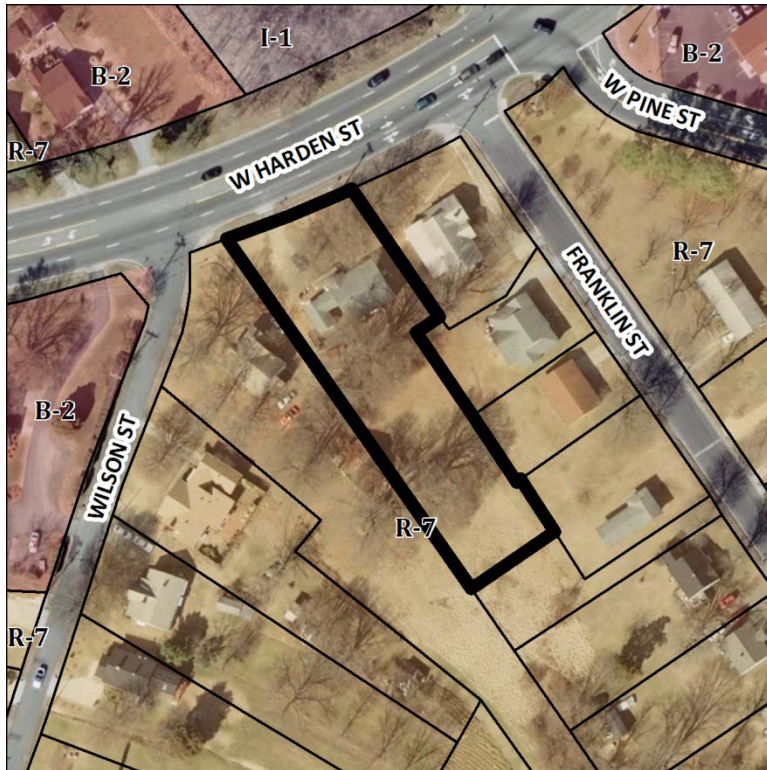
LaToya Murphy

610 Daniely Way, Elon, NC 27244

336-266-5175; murphygrouphome@aol.com

Summary

This is a request for a Special Use Permit for a group home at 630 W Harden St. There is an existing single family home on the property.



Because this is a new use for the property, the development will be required to comply with off-street parking requirements, which are one space for each two residents of driving age and ability plus one space per employee. The applicant states that there will be only one employee at any time and that none of the residents have driving ability. The plot plan that was submitted with the application shows space for parking behind the house.

Location

630 W Harden St

GPIN: 8874840073

Proposed Special Use

Group Home

Current Zoning

Residential (high density) (R-7)

Overlay District

None

Surrounding Zoning

R-7, B-2 & I-1

Surrounding Land Uses

Single Family Houses
& Light Industrial

Size

0.70 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.2.3. Provide various and adequate community facilities for all residents throughout the City (i.e. Senior Citizens Center). *This special use permit would permit a group home.*

Applicable Planning District Policies and Recommendations

- None are applicable

DRAFT Findings of Fact and Conclusions

In granting a special use permit, the City Council shall find that all of the six conditions listed below have been met, or it shall be denied. Staff has prepared the following DRAFT findings of fact for each of the six conditions. These findings should be modified by the Council as it considers its decision.

1. All applicable regulations of the zoning district in which the use is proposed are complied with.

The property is zoned R-7. "Group Home" is permitted in this zoning district with a Special Use Permit. The proposed group home will be located in the existing single family house built in 1953, which appears to meet the area, height and yard regulations. Any new signs will require a sign permit.

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

The following requirements are specific to this use:

- *Off-street parking is required in the amount of one space for each two residents of driving age and ability plus one space per employee. It shall be located to the side and/or rear of the building. Space for parking for one employee is proposed to be located to the rear of the house. The applicant states that there will be no residents of driving age or ability.*
- *Group homes should be located in areas where employment, goods and services can readily be reached by a variety of means of transportation. Access to transit, a sidewalk network and/or close proximity to employment, goods and services are encouraged for approval of a special use permit unless the applicant can satisfactorily demonstrate that the intended residents of the group home do not require this service. The group home will be a "5600A group home." There are no sidewalks in this area. The home is within a five minute walk of commercial establishments along W Harden St and its intersection with W Elm St.*

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

The proposed 5600A group home will not materially endanger the public health or safety.

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

The proposed 5600A group home will not substantially injure the value of adjoining property.

Planning District

North

Development Type

Neighborhood Residential

Located near a major thoroughfare

For single family residential and townhouses

Characteristics include open space; parks included within development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3-5+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

The proposed 5600A group home is a residential use that will be located in an existing single family home and is in general conformity with the Growth Management Plan 2000-2020.

6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Satisfactory provision has been made for vehicle circulation and parking.

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and the *City of Graham Development Ordinance*, staff **recommends approval** of the Special Use Permit. The following supports this recommendation:

- The development furthers goals of the *Growth Management Plan* and is in conformance with the Neighborhood Residential development type.
- The development complies with the standards of the *Development Ordinance*.
- The development meets all six conditions required by Section 10.144 of the *Development Ordinance*.



Application for SPECIAL USE PERMIT

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

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: 630 W Harden St
Tax Map#: 134727 GPIN: 8874840073
Current Zoning District(s): R-7
Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
Current Use: vacant house
Property Owner: Allison Paige Braxton
Mailing Address: 3302 Golden Oaks Road
City, State, Zip: Graham NC 27253
Phone # 336-516-4152
Email: apbraxto@gmail.com

Applicant and Project Contact

Name: LaToya Murphy
 Property Owner Other Business Owner
Mailing Address: 610 Daniely Way
City, State, Zip: Elon, NC 27244
Phone # (336) 266-5175
Email: murphygrouphome@aol.com

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

[Signature] 6/25/14
Signature of Applicant Date

Alison P. Braxton Scarlett 6/25/2014
Signature of Property Owner Date
(if other than applicant)

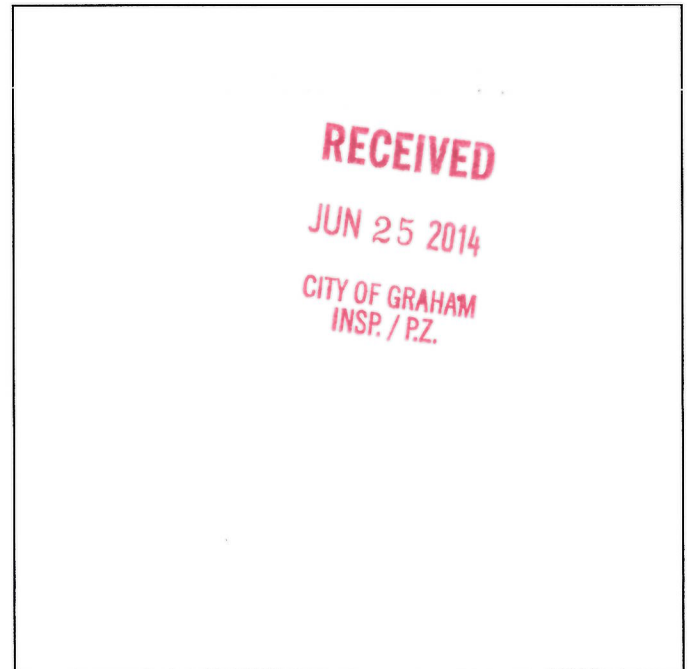
Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Group Home

Check if this use is also listed in Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

- Preliminary Site Plan
- Descriptive Information



Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing

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SWP1404

To whom this may concern:

Please consider my experience and qualifications for wanting to open a 5600 A group home.

I believe that I can contribute to helping consumers that have a disability to become independent and live stable lives in the community.

My Family owns and operates a chain of group homes throughout the triad area. My desire now for wanting a group home in the graham area is to relocate to a bigger home. Which will be more suitable for the needs of my consumers. If you have any questions or concerns please feel free to contact me.

Thanks kindly!
Jawaya Mejoy

336-437-7559

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SUP1404



No Legend Provided

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This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition, and accuracy, which aspects produce inconsistencies among features represented together on this map. The Partnership shall not be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.

1 employee = 1 parking space



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 "City of Graham Growth Management Plan 2000-2020" 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 "City of Graham Growth Management Plan 2000-2020" shall not preclude consideration or approval of the proposed amendment by the City Council.

Harden 5600A Group Home (SUP1404)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on July 15, 2014
City Council on August 5, 2014

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL with the following conditions:**
- o [Insert additional or other conditions]
- I move to **recommend DENIAL.**

-
- The application is **consistent** with the *City of Graham Growth Management Plan 2000-2020*.
- The application is **not fully consistent** with the *City of Graham Growth Management Plan 2000-2020*.

This report reflects the recommendation of the Planning Board, this the 15th day of July, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary

Rules of Procedure Planning Board Graham, North Carolina

I. General Rules

The Planning Board shall follow procedures which are regular and properly judicial and the Board's decisions shall be in accordance with the recognized body of zoning and land use law.

The Board shall comply with all procedures set forth in the State Statutes, the City of Graham Development Ordinance and these Rules of Procedure, which shall be effective upon enactment by the Board. In cases where the Rules and Procedures conflict with any Federal or North Carolina State Statute, or City Ordinance, said statutes and ordinances shall govern.

II. Officers and Duties

- A. Chair. The Chair shall have the following powers and duties:
 - i. To preside at all meetings and public hearings of the Board;
 - ii. To decide all points of order and procedure;
 - iii. To entertain and answer questions of parliamentary law or procedures;
 - iv. To call a brief recess at any time;
 - v. To adjourn in an emergency meeting;
 - vi. To appoint members to all standing and temporary committees;
 - vii. To certify rulings of the Board;
 - viii. Shall exercise full voting rights on all matters under consideration.
- B. Vice-Chair. The Vice-Chair shall serve as acting Chair in the absence or disability of the Chair. At such times, he shall have and exercise the same powers and duties as the Chair.
- C. Secretary. The Secretary shall be appointed by the Planning Board. Selection of a secretary may include an officer or an employee of the city. The Secretary shall keep a record of all business transacted at any meeting of the Planning Board.

III. Committees

Reserved

IV. Meetings

- A. Regular Meetings. Regular meetings of the Planning Board shall be held on the third Tuesday of each month at 7:00pm in the Council Chambers of City Hall, 201 South Main Street.
- B. Special Meetings and Emergency Meetings. Special meetings and emergency meetings of the Board may be called at any time by the Chair in conformance with G.S. 143-318.12, and the

place and subject of the meeting shall be given. This notice may either be telephonic, written or via email, and shall be given by either the Secretary or the Chair of the Board.

- C. Cancellation of Meetings. Whenever there is no business to come before the Board, the Chair may dispense with the regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- D. Conduct of the Meeting
 - i. Public Meetings. All meetings of the Board shall be open to the Public and be subject to all provisions of the North Carolina Open Meetings Law.
 - ii. Order of Business. The board's business shall be placed on the agenda according to the Order of Business listed below. However, by general consent of the board, items may be considered out of order.
 - a. Call meeting to order
 - b. Invocation
 - c. Overview of Board and general meeting rules
 - d. Public comment on non-agenda items
 - e. Approval of minutes
 - f. Committee reports
 - g. Old Business
 - h. New Business
 - 1. Rezoning
 - 2. Conditional Rezoning
 - 3. Special Use Permits
 - 4. Subdivisions
 - 5. Text Amendments
 - 6. Other types of business
 - i. Adjournment
- E. Hearing Procedure. Board procedure on all hearings shall be in the order listed below. The Chair shall have the privilege of limiting arguments by both proponents and opponents to avoid redundant, cumulative or repetitive testimony or argument.
 - i. Staff report
 - ii. Applicant presentation
 - iii. Public comments
 - iv. Applicant rebuttal
 - v. Discussion
 - vi. Motion
- F. Public Address to the Board. The following applies to members of the general public and does not apply to an applicant in relation to his/her case.



- i. Sign-up for Non-Agenda Items. Those members of the public who wish to address the Board regarding Planning-related items that are not on the agenda shall print their name on the “sign-up sheet” to be made available by the Secretary immediately prior to each Board meeting.
 - ii. Time. All speakers, whether speaking on agenda or non-agenda items, will be limited to four (4) minutes and may not yield time to other people. The Board may vote by majority to extend additional time to a speaker or modify the agenda to accommodate a speaker. The Chair, or his designee, shall be the timekeeper.
 - iii. Addressing the Board. All persons before addressing the Board shall state their name and address for the record. A speaker’s comments or questions must be a relevant topic within the purview of and be directed towards the Board. No speaker may directly address the applicant, city staff or members of the audience. Such comments or inquiries should solely be directed towards the Board and, in turn, the Board may seek an answer from the applicant, city staff or members of the audience.
- G. Voting. Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of remaining members present. No member shall be excused from voting except on matters involving their own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.
- H. Procedural Motions
- Action by the Board shall proceed by a motion, followed by a second to the motion. Any member, including the Chair, may make a motion or a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending. The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:
- i. The member who makes the motion is entitled to speak first.
 - ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
 - iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority, the procedural motions are as follows:

- i. To Adjourn. The motion may be made only when action on a pending matter concludes; it may not interrupt deliberations of a pending matter.
- ii. To Take a Recess. This motion is not debatable and the length of time for the recess shall be stated in the motion.
- iii. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.



- iv. To Suspend the Rules. For adoption, the motion requires a vote equal to the number required for a quorum.
 - v. To Divide a Complex Motion and Consider It by Parts.
 - vi. To Defer Consideration. A substantive motion can defer consideration to the next public meeting date.
 - vii. Call of the Previous Question. The motion is not in order until there has been at least twenty (20) minutes of debate, or every member has had an opportunity to speak once.
 - viii. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, any member may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
 - ix. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.
 - x. To Reconsider. A member who voted with the prevailing side must take the motion. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
 - xi. To Rescind or Repeat. A motion may be withdrawn by the introducer at any time before a vote.
- I. Contact with Parties Involved in Applications. The public meeting is the primary place where petitioners and others interested in requests for zoning map and text amendments should present opinions and information concerning the requests. Contact between interested parties and board members prior to the public meeting should be avoided. Board members shall not accept any gift, meal or any other item of value from any party involved in a request. Board members should not indicate their positions regarding requests prior to receiving all information presented at the public meetings.
 - J. Minutes. The minutes of the Planning Board shall be known as unofficial minutes until approved by the Planning Board, at which time they become official minutes. The minutes shall be public record and kept on file in the office of the Planning Board and available for inspection during regular business hours.

V. Ethical Principles in Planning

The planning process must continuously pursue and faithfully serve the public interest. To accomplish this, planning process participants should:

- A. Recognize the rights of citizens to participate in planning decisions.
- B. Strive to provide citizens (including those who lack formal organization or influence) full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.



- C. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.
- D. Assist in the clarification of community goals, objectives, and policies in plan-making.
- E. Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision-makers is made available to the public in a convenient format and sufficiently in advance of any decision.
- F. Strive to protect the integrity of the natural environment and the heritage of the built environment.
- G. Pay special attention to the interrelatedness of decisions and the long-range consequence of present actions.
- H. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained. To accomplish this, planning process participants should:
 - I. Exercise fair, honest, and independent judgment in their roles as decision-makers and advisors.
 - J. Make public disclosures of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision-maker.
 - K. Define “personal interest” broadly to include any actual or potential benefits, or advantages that they, a spouse, family members, or person living in their household might directly or indirectly obtain from a planning decision.
 - L. Abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency, or court with jurisdiction to rule on ethics matters has expressly authorized their participation.
- M. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as advisor or decision-maker in the planning process.
- N. Do not participate as an advisor or decision-maker on any plan or project in which they have previously participated as a paid advocate.
- O. Serve as advocates only when the client’s objectives are ethical and consistent with the public interest.



- P. Do not participate as a paid advocate on any aspect of a plan or program on which they have previously served as advisor or decision-maker, unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency. Such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer. Under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision-maker.
- Q. Do not use confidential information acquired in the course of their duties to further a personal interest.
- R. Do not disclose confidential information acquired in the course of their duties, except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons—provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions.
- S. Do not misrepresent facts or distort information for the purpose of achieving a desired outcome.
- T. Do not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.
- U. Respect the rights of all persons, and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

VI. Amendments

These Rules of Procedure may be amended by a majority vote of the Board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the Board. Submissions to amend these Rules of Procedure may only be proposed by current Planning Board members, City Council members, or City of Graham staff.

