



Planning Board

Meeting Agenda

August 19, 2014 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the July 15, 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. Woodard General Business (RZ1407). Request by Donald R. Woodard to rezone property adjacent to 307 S Marshall St (previously a portion of GPIN 8884220649) from Residential (high density) (R-7) to General Business (B-2).
4. Grace Bible Multifamily (RZ1408). Request by Rev. Ken Harmon to rezone property located on Ivey Rd (GPIN 8883681878) from Residential (low density) (R-18) and Light Industrial (I-1) to Residential (multifamily) (R-MF).
5. Text Amendment for Historic Resources. Request by staff to amend the *Development Ordinance* related to historic resources.
6. Discuss Rules of Procedure

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

PLANNING ZONING BOARD

Tuesday, July 15, 2014

The Planning & Zoning Board held their regular meeting on Tuesday, July 15, 2014 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Ricky Hall, Bill Teer, Andy Rumley, Dean Ward, Michael Benesh, Tim Beshel and Bonnie Blalock. 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.

Invocation was given by Ricky Hall.

1. Approve minutes of the June 17, 2014 meeting. Ricky Hall made a motion to approve, second by Bonnie Blalock. All voted in favor.

2. 910 Washington Industrial (RZ1406). Request by Hernan A Alas to rezone property located at 910 Washington Street (GPIN 8874984629) from Neighborhood Business (B-3) to Light Industrial (I-1). Melissa Guilbeau stated the reason for this request is I am looking to expand my business and I would like to open a car sales location in the corner lot he owns. Mr. Hernan A Alas of 705 S Sellars Mill Rd, Burlington, spoke as the owner of this project. Mr. Alas said he is already at a different location and is trying to expand. Michael Benesch asked where his other car lot was located and Mr. Alas replied W Webb Ave in Burlington. Bonnie Blalock had concerns for dropping a business in the middle of this residential neighborhood. Mr. Benesch said at one time there was a garage on that property and above that there was an insurance agency. Mr. Hall felt that keeping this property residential would be a good buffer between the industrial and residential. Andy Rumley asked Ms. Guilbeau about the last bullet point under staff recommendations. He asked if they were able to converse before this evening about the Conditional Business. Ms. Guilbeau said they met last Tuesday and they discussed it briefly but at that point it was too late to change it but it still is an option. Ricky Hall made a motion to table this item to give the applicant the opportunity to change their request to C-B, second by Dean Ward. All voted aye.

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). Melissa Guilbeau said it is currently zoned R-7 with a single family dwelling and group homes are allowed in that zone with a special use permit.

Mr. Rumley disclosed that the property owner is his sister-in-law's sister and he has no financial stake in it and wanted input from the Board if he should recuse himself. The Board felt there would be no problem with it.

Garnetta Enoch of 2988 Ethan Pointe, Burlington, spoke representing the project. Ms. Enoch said they already have licenses to operate a group home and they are just trying to relocate to a bigger home. Andy Rumley asked how many people would be there and Ms. Enoch said the capacity is six people. Dean Ward asked what 5600A designates and Ms. Enoch said it is pertaining to disabilities. Mr. Ward stated then every resident there has disabilities and Ms. Enoch replied yes. Mr. Rumley asked if it was a 24 hour facility. Ms. Enoch said someone has to be there 24 hours a day. Mr. Ward asked the average age of the residents and Ms. Enoch said 18 and up. Mr. Ward asked how many employees will be working and Ms. Enoch stated one employee per shift.

LaToya Murphy of 610 Daniely Way, Elon, the applicant, spoke next. Dean Ward asked if any of the residents are court ordered and Ms. Murphy said none were court ordered. Mr. Rumley asked her if it was a locked facility or are they allowed to come and go as they please or is it structured. Ms. Murphy said it was structured, they have programs they go to during the day and someone is with them 24 hours a day but family members can

come and pick them up and sign in and out. Bill Teer asked her if the house would need to be modified in any way. Ms. Murphy stated wheelchair ramps are already there but she has been fixing up the house with paint, new ceiling fans and replacing kitchen flooring. Mr. Ward asked the square footage of the house but Ms. Murphy didn't know. She said there were two bathrooms and five bedrooms.

Michael Benesh asked Ms. Murphy if she had talked to the neighbors in the area and Ms. Murphy said she had briefly spoken to some. Mr. Benesch asked if there had been any objections and Ms. Murphy said no. Bonnie Blalock asked since Ms. Murphy was familiar with the folks that you have if anyone was inclined to wander away because that is a busy intersection. Ms. Murphy said no and the place she is moving from was a very busy road and they were there between two and three years and no one ever got hurt.

Tim Beshel made a motion to approve, second by Ricky Hall. All voted aye.

4. Discuss Rules of Procedure. Ms. Guilbeau said everyone was given a copy for review. These are basically in addition to our *Development Ordinance* and in state statute with more specific rules to follow during the meeting. These were developed by looking at examples from other jurisdictions. This item was tabled until the next meeting.

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 business 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 Rezonings*, 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.

RECEIVED

JUN 10 2014

CITY OF GRAHAM
INSP. / P.Z.

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 Rezonings*

Office Use Only. DEVID#

RZ140p

Call Oscar Santana with any
336-567-6948 questions



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

Woodard General Business (RZ1407)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 19, 2014

City Council on September 2, 2014

Contact Information

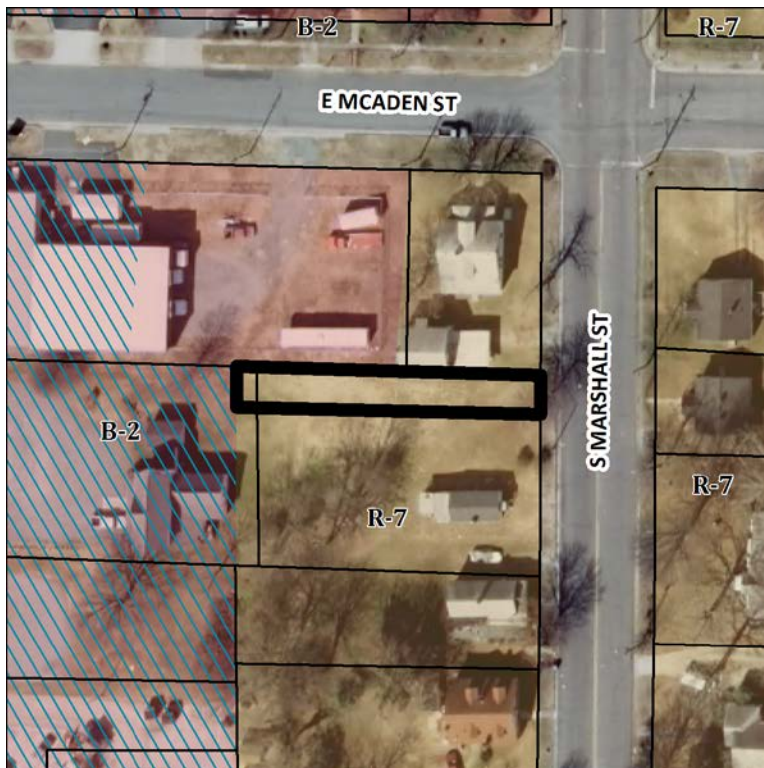
Donald R. Woodard

PO Box 1090, Graham, NC 27253

336-260-4532

Summary

This is a request to rezone the subject property from R-7 to B-2. The property is a 20 foot wide portion that was previously part of the lot at 307 S Marshall St and was recombined with the lot at 304 S Main St on July 14, 2014. The stated reason for this rezoning request is "part of recombine lots and to install rear drive for Woodard Eye Care."



Location

next to 307 S Marshall St

GPIN: previously a portion of
8884220649

Current Zoning

Residential (high density) (R-7)

Proposed Zoning

General Business (B-2)

Overlay District

none

Surrounding Zoning

R-7 & B-2

Surrounding Land Uses

Single family and Commercial

Size

0.07 acres

Public Water & Sewer

Yes, on S Marshall St

Floodplain

No

Staff Recommendation

Approval

Rezoning to B-2 would permit the following uses (this list is not exhaustive): Most types of personal and professional services; most types of retail; bed and breakfast; dwelling, single family detached; hospital; hotel; nightclub and bar; nursing home; school; wholesale distribution, not otherwise listed.

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

Applicable Goals to Guide Us into the Future

- 6.2.1. Reduce and restrict the number of curb cuts and driveways along major arterials. *Rezoning the property would allow a driveway connection to S Marshall St in addition to or in lieu of driveways along S Main St.*
- 6.3.2. Prohibit the encroachment of commercial development into established or planned residential areas. *Rezoning the property would provide an opportunity for a new commercial driveway in an area of transition next to an established and planned residential area.*

Applicable Planning District Policies and Recommendations

- 7.3.4.1.3. Preserve established residential neighborhoods within the district. *Rezoning the property would provide an opportunity for a new commercial driveway in an area of transition next to an established residential neighborhood.*
- 7.3.4.1.8. Create alternative routes for commercial traffic through the Town Center. *Rezoning the property would provide an opportunity for some traffic generated by the subject property to be directed onto S Marshall St, a roughly 44' wide collector street, instead of all onto S Main St.*

Staff Recommendation

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

- Rezoning the property to B-2 would be consistent with the Highway Commercial development type in an area of transition with the Neighborhood Residential development type, and would further some goals and policies of the *Growth Management Plan*.

Planning District

North

Development Type

Neighborhood Residential
adjacent to Highway Commercial

Located near a major
thoroughfare

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

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
10,001-100,000sf 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: 307 S Marshall St

Tax Map#: 172-693-15A GPIN: 8884220649

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: _____

Total Site Acres: 0.07 AC

Property Owner: Donald R. Woodard

Mailing Address: PO Box 1090

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: Donald R. Woodard

Mailing Address: PO Box 1090

City, State, Zip: Graham NC 27253

Phone # 336 260 4532

Email: _____

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

DR Woodard 7/16/14
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*, 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:

Part of recombine Lots
and to install rear
drive for Woodard Eye
Care.

RECEIVED

JUL 16 2014

CITY OF GRAHAM
INSP. / PZ.

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#

RZ1407

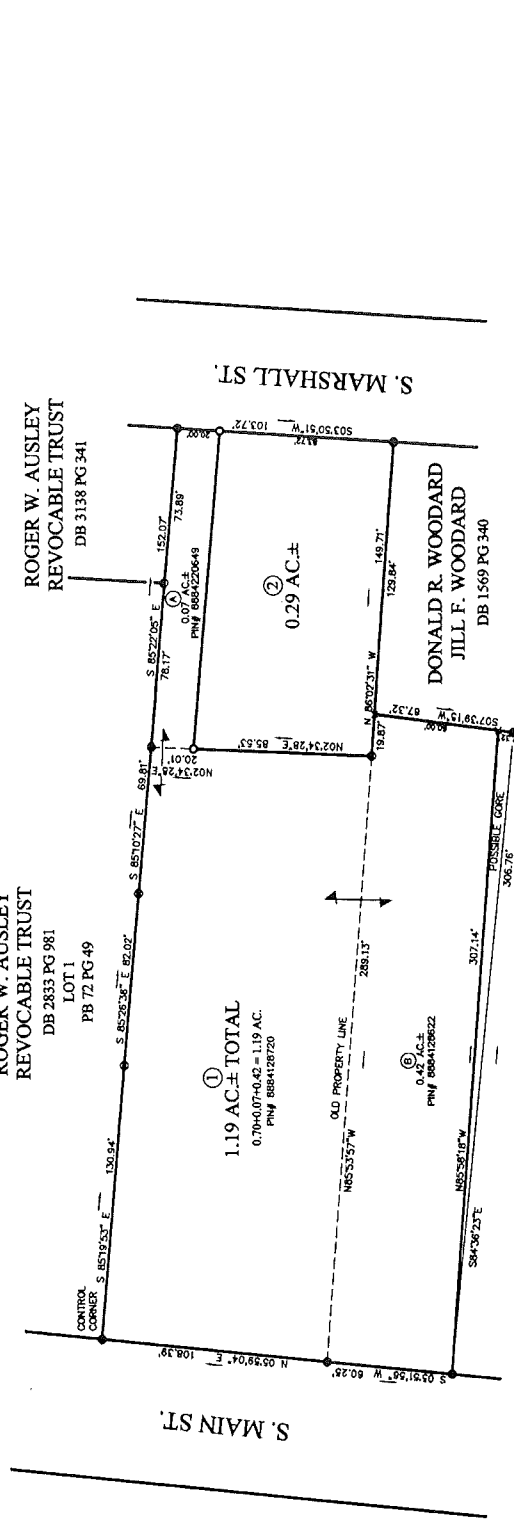
Zoning Enforcement Officer Certificate
 No assigned required under Ordinance of the City of Graham.
 Date: 7-14-2014
 Zoning Enforcement Officer/Planner
 Signature: *Alison Cantelero*
 Date: 7-14-2014
 County of Surinam
 Signature: *William G. Cantelero*
 Date: 7-14-2014
 County of Surinam

Certification of Accuracy and Liability
 I, the undersigned, certify that the plat was drawn under my direction and supervision, and that I am a duly Licensed Professional Land Surveyor in the State of North Carolina.
 Signature: *Donald R. Woodard*
 Date: 7-11-14
 Signature: *Jill F. Woodard*
 Date: 7-11-14
 Signature: _____
 Date: _____

Certification of Accuracy
 I, the undersigned, certify that the plat was drawn under my direction and supervision, and that I am a duly Licensed Professional Land Surveyor in the State of North Carolina.
 Signature: *Donald R. Woodard*
 Date: 7-11-14
 Signature: *Jill F. Woodard*
 Date: 7-11-14
 Signature: _____
 Date: _____

Certification of Accuracy
 I, the undersigned, certify that the plat was drawn under my direction and supervision, and that I am a duly Licensed Professional Land Surveyor in the State of North Carolina.
 Signature: *Donald R. Woodard*
 Date: 7-11-14
 Signature: *Jill F. Woodard*
 Date: 7-11-14
 Signature: _____
 Date: _____

NOTES:
 A) NO TITLE SEARCH WAS PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
 B) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
 C) THIS FIRM MAKES NO GUARANTEE AS TO THE EXISTENCE OR LOCATION OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS. ANY SUCH UTILITIES OR IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED FROM VISIBLE EVIDENCE AND AVAILABLE INFORMATION.
 D) NO NORTH CAROLINA GEODETIC CONTROL MONUMENTS WERE FOUND WITHIN 2000 FEET OF THIS PROPERTY.
 E) NO INTERNAL INSPECTION OF THIS PROPERTY WAS MADE DURING THE COURSE OF THIS SURVEY.



**FINAL PLAT
 RECOMBINATION SURVEY
 DONALD R. WOODARD
 AND WIFE
 JILL F. WOODARD
 GRAHAM TOWNSHIP
 ALAMANCE COUNTY, NORTH CAROLINA
 GRAPHIC SCALE**

Graphic Scale: 1 inch = 40 ft. (IN FEET)

CAROLINA CORNERSTONE SURVEYING & LAND DESIGN 3028-D ROCK HILL ROAD BURLINGTON, NORTH CAROLINA 27215 (336) 223-1856 (336) 215-2539 EPHESIANS 2:19-20 BUSINESS LIC. F-0975	
SCALE: 1" = 40'	DATE: 07/11/14
SURVEY BY: JHL	DWG BY: JHL
APPD BY: JHL	
TAX LOT: 172-693-15, 15A, & 1	JOB# 140614

RECEIVED
 JUL 16 2014
 CITY OF GRAHAM
 INSP. / P.Z.

Doc ID: 0189020001 Type: CDP
 Recorded: 07/17/2014 at 10:11:06 AM
 ALAMANCE COUNTY, NC
 HUBBARD & ASSOCIATES
 76 #306

OWNER: DONALD R. WOODARD
 PO BOX 1090
 GRAHAM, NC 27253



DB 1569 PG 340
 DB 3299 PG 224



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.

Woodard General Business (RZ1407)

Type of Request

Rezoning

Meeting Dates

Planning Board on August 19, 2014

City Council on September 2, 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 19th day of August, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Grace Bible Multifamily (RZ1408)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 19, 2014

City Council on September 2, 2014

Contact Information

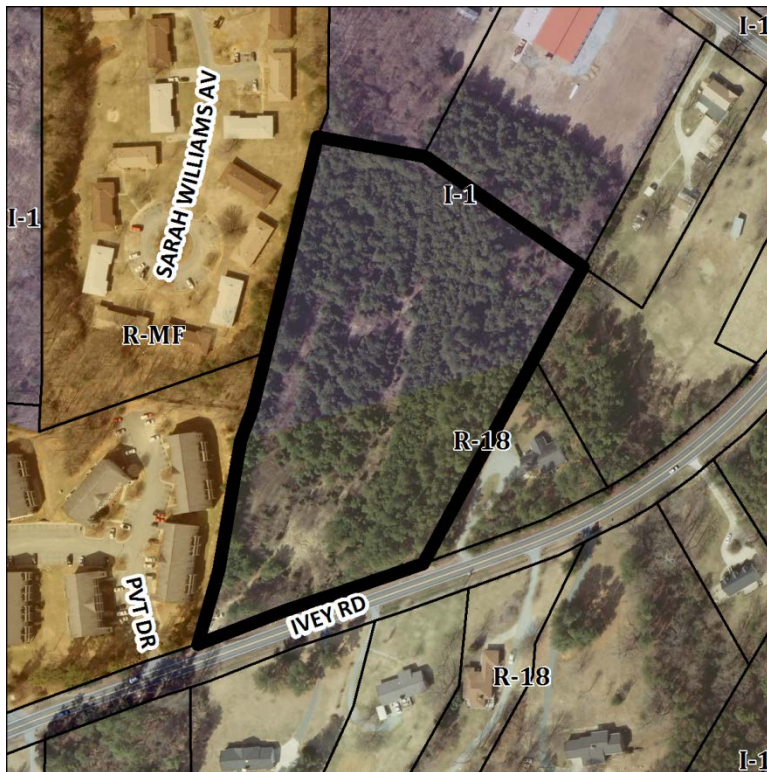
Rev. Ken Harmon

2228 Moran St, Burlington, NC 27215

336-263-7121; kenharmon7@gmail.com

Summary

This is a request to rezone the subject property from R-18 and I-1 to R-MF. The stated reason for this rezoning request is "to reflect the City of Graham Growth Management Plan."



Rezoning to R-MF would permit the following uses (this list is not exhaustive): ambulance, fire and rescue stations; bed and breakfast; day care center, adult (less than 6); day care center, child; dwelling, duplex; dwelling, condominium; dwelling, multifamily; dwelling, single family detached; dwelling, townhouse; nursing home.

Location

Ivey Rd,
to the east of the Pines Apts

GPIN: 8883681878

Current Zoning

Residential (low density) (R-18)
& Light Industrial (I-1)

Proposed Zoning

Residential (multifamily) (R-MF)

Overlay District

none

Surrounding Zoning

R-18, R-MF & I-1

Surrounding Land Uses

Single family, Multifamily and
Light Industrial

Size

6.14 acres

Public Water & Sewer

Yes, on Ivey Rd

Floodplain

No

Staff Recommendation

Approval

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

Applicable Goals to Guide Us into the Future

- 6.3.1. Prohibit residential development that is in close proximity to incompatible uses or provide proper buffering to protect existing uses and new development. *Rezoning to R-MF would permit a number of residential development types adjacent to existing single family, multifamily and light industrial development.*
- 6.3.3. Encourage new industries to locate within existing industrial parks within the City or designated areas located on the future development map. *Rezoning the property would change the current I-1 zoning designation, which is not an existing industrial park or consistent with the Neighborhood Residential development type.*

Applicable Planning District Policies and Recommendations

- 7.4.4.1.8. Encourage neighborhood residential development in remaining undeveloped areas that are adjacent to existing residential developments. Additionally, interconnectivity between neighborhoods should be a priority for new developments. *Rezoning to R-MF would permit a number of residential development types adjacent to existing single family and multifamily development. Interconnectivity will be as required by the Development Ordinance.*

Planning District

Central

Development Type

Neighborhood Residential

Located near a major thoroughfare

For single family residential and townhouses

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

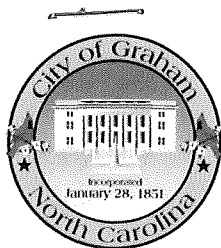
Density of 3+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Staff Recommendation

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

- Rezoning the property to R-MF would further some goals and policies of the *Growth Management Plan*.
- Because rezoning to R-MF would permit the development of apartments, it would not be entirely consistent with the Neighborhood Residential development type. However, staff feels that the *Growth Management Plan* may not provide adequate guidance in this case, with existing apartments and R-MF and I-1 zoning immediately adjacent to this parcel, and considering the other types of residential development that are also permitted in the R-MF zone.



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 Text

Street Address: Ivey Road
Tax Map#: 144944 GPIN: 8883681878

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
Vacant Land

Current Use: _____

Total Site Acres: 6.14 acres

Property Owner: Grace Bible Fellowship of Alaman

Mailing Address: 2228 Moran Street

City, State, Zip: Burlington, NC 27215

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: Rev. Ken Harmon

Mailing Address: 2228 Moran St.

City, State, Zip: Burlington, NC 27215

Phone # 336-263-7121

Email: kenharmon7@gmail.com

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

Ken Harmon 7/31/14
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*, 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:

To rezone property to reflect the City of Graham Growth Management Plan.

RECEIVED

JUL 22 2014

CITY OF GRAHAM
INSP. / PZ.

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#

RZ1408



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.

Grace Bible Multifamily (RZ1408)

Type of Request
Rezoning

Meeting Dates
Planning Board on August 19, 2014
City Council on September 2, 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 19th day of August, 2014.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Historic Resources

Type of Request: Text Amendment

Contact Information

Not applicable

Meeting Dates

Historic District Commission on August 6, 2014

Planning Board on August 19, 2014 (tentative)

City Council on September 2, 2014 (tentative)

Summary

Staff proposes to adopt revised versions of Division 9 and Division 10 of Article IV of the *Development Ordinance*. These revisions are in response to the following:

- It was brought to staff's attention that there was confusion between the City and Alamance County regarding jurisdiction over the designation of local historic landmarks. The Historic District Commission voted for the City to have jurisdiction to designate local historic landmarks and requested that staff make the necessary ordinance revisions.
- In making revisions, staff took the opportunity to update the ordinance to reflect current state statute and reorganize it to be easier to understand and apply.
- Staff also researched the opportunity for the City to become a "Certified Local Government" (CLG) which would provide the City with access to resources for the work we are already doing. Staff consulted with the State Historic Preservation Officer to ensure that the proposed new ordinance meets their criteria for becoming a CLG should the City decide to pursue that opportunity.

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

The proposed revised Article IV, Division 10 is attached. Also attached is a table that shows each section in the current ordinance, what happened to it in the proposed new ordinance, and explanation for any changes.

The following major changes are proposed:

- Change the name of the commission to the Historic Resources Commission. This is recommended because the commission will have jurisdiction over both historic districts and historic landmarks. If the name remains as the Historic District Commission, it suggests that the commission has jurisdiction over only historic districts, not historic landmarks. Another naming option is the Historic Preservation Commission, but this is the name used by both Alamance County and Burlington for their historic commissions.
- Set a regular meeting date for the commission. This is a requirement for being a CLG. The regular meeting date can be voted upon by the commission when it adopts its rules of procedure.
- Establish procedures and criteria for designating historic districts and historic landmarks. These were developed in accordance with current state statute.

- Reorganization and updates. Many of the sections of the divisions were moved, combined or revised, and some were deleted. The state statute that the ordinance was drafted under in 1983 was repealed in 1989 and replaced by new state statute.

The following amendments to the Development Ordinance are proposed:

- Amend Section 10.142 Role of Historic District Commission as follows:

Showing changes

Role of Historic ~~District~~ Resources Commission. As provided for in Section 10-~~207.205~~, the Historic ~~District~~ Resources Commission is authorized to review and comment on special use applications for proposed uses within the Historic District Overlay Zone any historic district or historic landmark. Recommendations and comments from the commission shall be relayed directly to the City Council for consideration along with the Planning Board's recommendations.

Final result

Role of Historic Resources Commission. As provided for in Section 10.205, the Historic Resources Commission is authorized to review and comment on special use applications for proposed uses within any historic district or historic landmark. Recommendations and comments from the commission shall be relayed directly to the City Council for consideration along with the Planning Board's recommendations.

- Amend Section 10.186 Historic District Overlay Zone Established as follows:

Showing changes

The Courthouse Square Historic District is hereby established as a district which overlaps and overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map ~~for Graham. The boundaries of the Courthouse Square Historic District are as shown on the official zoning map.~~

Final result

The Courthouse Square Historic District is hereby established as a district which overlaps and overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map.

- Amend Section 10.187 Uses Conform to Underlying District as follows:

Showing changes

The Courthouse Square Historic District overlays several zoning districts. All uses permitted in any such zoning district, ~~whether by right or as a special use~~, shall be permitted in the historic district according to the procedures established ~~for such uses in the Graham zoning~~ this ordinance.

Final result

The Courthouse Square Historic District overlays several zoning districts. All uses permitted in any such zoning district shall be permitted in the historic district according to the procedures established in this ordinance.

- Amend Section 10.188 Dimensions Conform to Underlying District, Exceptions as follows:

Showing changes

Dimensional requirements shall be the same as those for the underlying zoning districts, except that:

- (1) No structure or part thereof shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 200 feet on each side of such building and fronting on the same side of the street.
- ~~(2) The side and rear lot areas shall be equal to the distances required in the Table of Area, Yard, Height Requirements of this ordinance~~

Final result

Dimensional requirements shall be the same as those for the underlying zoning districts, except that:

- (1) No structure or part thereof shall extend nearer to or be required to be set back further from the front lot line than the average distance of the setbacks of the nearest principal buildings within 200 feet on each side of such building and fronting on the same side of the street.

- Replace Section 10.189 Jurisdiction with Section 10.189 Criteria to Determine Appropriateness

Final result

The Historic Resources Commission shall develop and publish design guidelines that reflect and support the special character of the Courthouse Square Historic District. These guidelines shall be used by the Historic Resources Commission when deciding upon certificates of appropriateness for structures in the district.

- Replace “Article IV. Zoning, Division 10. Historic District Commission” with “Article IV. Zoning, Division 10. Historic Resources”

The proposed new Article IV, Division 10 is attached.

- Amend Appendix A. Historic District Design Guidelines for Signs as follows:

Showing changes

These guidelines are to be used by the City of Graham Staff to approve sign permits within the ~~Downtown Courthouse Square~~ Historic District. The items listed below are additional guidelines to “Article X, Signs” in the City of Graham Development Ordinance. Issuance of a sign permit cannot be denied without first being considered by the City of Graham

~~Historic District Resources Commission (City of Graham Development Ordinance, Section 10.202(15)).~~

Final result

These guidelines are to be used by the City of Graham Staff to approve sign permits within the Courthouse Square Historic District. The items listed below are additional guidelines to “Article X, Signs” in the City of Graham Development Ordinance. Issuance of a sign permit cannot be denied without first being considered by the City of Graham Historic Resources Commission.

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

Applicable Goals to Guide Us into the Future

- 6.1.2. Continue to support efforts that identify, restore and/or reuse cultural and historic structures, buildings, monuments, and neighborhoods. *The proposed revisions to the Development Ordinance will allow the City to designate local historic landmarks and historic districts. It will also allow the City to apply to become a CLG, which will give the City access to technical resources, grant opportunities, and jurisdiction to review and comment on nominations to the National Register of Historic Places.*
- 6.1.2. Discourage the destruction of cultural and historic resources within the Planning area. *The proposed revisions set out clear criteria and procedures for designating historic districts and historic landmarks. When an area or property is locally designated, its demolition can be delayed to give interested parties the opportunity to try to save it.*

Planning District

All

Development Type

All

Applicable Planning District Policies and Recommendations

- None

Staff Recommendation

Based on the *Growth Management Plan 2000-2020* and research of State regulations, other jurisdictions and best practices, staff **recommends approval** of the text amendments. The following supports this recommendation:

- The proposed text amendments will further goals of the *Growth Management Plan* and will accomplish the purposes of the revisions.

ARTICLE IV. ZONING

DIVISION 10. HISTORIC RESOURCES

Section 10.200 Purpose

The purpose of this division is to recognize and preserve Graham's historical heritage. It provides that Graham's heritage might be safeguarded by preserving any district or landmark that embodies important elements of Graham's culture, history, architectural history or prehistory and promotes the use and conservation of those districts and landmarks for the education, pleasure and enrichment of the residents of and visitors to Graham.

Section 10.201 Historic Resources Commission

- (a) Creation. The Graham Historic Resources Commission is hereby established, referred to in this division as the "commission."
- (b) Purpose, Authority and Powers. The commission shall seek to promote, enhance and preserve the character of historic districts and historic landmarks. The commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this division and Article 19, Part 3C of Chapter 160A of the General Statutes of North Carolina, including but not limited to the following:
 - (1) Undertake and maintain an inventory of properties of historical, prehistorical, architectural and/or cultural significance;
 - (2) Recommend to the Planning Board and City Council areas to be designated by ordinance as "historic districts" or that designation of any historic district or any part thereof be revoked or removed for cause;
 - (3) Recommend to the City Council individual structures, buildings, sites, areas, or objects to be designated by ordinance as "historic landmarks" or that designation of any historic landmark be revoked or removed for cause;
 - (4) Prepare and publish guidelines and criteria for the review of certificates of appropriateness for all designated historic districts and historic landmarks;
 - (5) Prepare and publish rules of procedure;
 - (6) Review and act upon applications for certificates of appropriateness;
 - (7) Establish criteria, procedures and guidelines by which designated city staff may review and approve certificates of appropriateness for minor works;
 - (8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;

- (9) Prepare and recommend the adoption of a preservation element as part of the City's comprehensive plan;
- (10) Propose to the city council changes to this division or any related ordinance and to propose new ordinances or laws relating to the total program for the development of the historic resources of the city and its environs;
- (11) Cooperate with other city boards or commissions or with agencies of the city or other governmental units, including federal and state governments, to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest;
- (12) Conduct an educational program with respect to historic districts and landmarks within its jurisdiction;
- (13) Undertake programs of information, research, or analysis relating to any matters under its purview;
- (14) Request the zoning enforcement officer to take such action as may be appropriate to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in any historic district or historic landmark in violation of the provisions of this division.
- (15) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate; and,
- (16) To exercise such other powers and perform such other duties as are required elsewhere by this division, the General Statutes of North Carolina or by the city council.

(c) Members, Officers and Meetings

- (1) Members. The commission shall be composed of nine (9) members appointed by the Graham City Council. All members shall be residents of the territorial zoning jurisdiction of Graham and shall have demonstrated special interest, experience or knowledge in history, architecture, archaeology, or a related field. Members shall serve overlapping terms of four years. The City Council shall strive to fill any vacancy within 60 calendar days. Individuals appointed to fill vacancies on the commission shall serve out the term of the member whom they replace.
- (2) Attendance at meetings. Any member who misses more than two consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the commission and shall be replaced or reappointed by the City Council. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.
- (3) Chair and Vice-Chair. Members of the commission shall elect a chair at the last regular meeting of each calendar year. The chair shall decide all points of order and procedure, subject to the rules of procedure, and shall appoint any committees found necessary to investigate any matters before the commission. A vice-chair shall be elected in the same manner and for the same term as the chair and shall serve as acting chair in the absence of the chair.

Comment [MG1]: Consider reducing to 7?
Would make it easier to get a quorum.

- (4) Meetings. The commission shall establish a regular meeting time, and shall meet at least quarterly and more often as it shall determine and require. All meetings shall conform to the North Carolina open meetings law (G.S. Chapter 143, Article 33C). The commission shall adopt and publish rules of procedure for the conduct of its business.
- (5) Minutes of meetings. The commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, actions and the reasons for its actions. The minutes of the commission shall be a public record.
- (6) Quorum and Voting. A quorum shall consist of a majority of the members of the commission. The vote of a majority of those members present shall be sufficient to decide matters before the commission, provided a quorum is present. No commission member shall participate in the decision of any matter in which he has a personal financial interest.
- (7) Annual report. An annual report shall be prepared and submitted to the City Council at or before its regular March meeting. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the commission, as well as any budget requests and/or recommendations.

Section 10.202 Designation of Historic Districts

- (a) Criteria for Designation. Historic districts shall be of special significance in terms of their history, prehistory, architecture and/or culture, and possess integrity of design, setting, materials, feeling and association.
- (b) Procedures
 - (1) Any person authorized to propose amendments to the text of this ordinance may propose that an area be designated as an historic district. Said proposal must include the following information related to the proposed district:
 - a. A description and map of the district boundaries;
 - b. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in the district; and,
 - c. The proposed text amendment to this ordinance that will create and govern the district, which shall specify criteria to be used in reviewing certificates of appropriateness.
 - (2) Upon receiving a complete proposal, staff shall forward items (a) and (b) above to the State Historic Preservation Officer, North Carolina Department of Cultural Resources. If the Department does not submit written comments or recommendation in connection with the report within 30 days following receipt by the Department of the report, the commission, Planning Board and City Council shall be relieved of any responsibility to consider such comments.
 - (3) Consideration by the Historic Resources Commission. The commission shall consider the proposal and any timely comments received from the State Historic Preservation Officer or his or her designee at its first possible regular meeting. If necessary, the commission shall work with

the proposer to make any revisions to the proposed text amendment that it deems necessary. At or before the second regular meeting at which the proposal is considered, the commission shall forward the proposal to the Planning Board along with a recommendation to either approve or deny the proposed text amendment.

- (4) The proposal will then proceed in the same manner as amendments to the text of this ordinance.

Section 10.203 Designation of Historic Landmarks

- (a) Criteria for Designation. No property shall be recommended for designation as an historic landmark unless it is deemed and found by the commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.
- (b) Procedures
 - (1) Pre-Application Conference. Before submitting an application, applicants are encouraged to schedule a pre-application conference with the City Planner to discuss the procedures, standards and regulations of designation of an historic landmark.
 - (2) Application. A complete application shall be filed with the City Planner at least 45 calendar days before the next meeting of the commission. A complete application shall include a report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation, and a historic landmark designation fee fixed by the City Council. The report shall include the suggested minimum standards set forth by the State Historic Preservation Office and as otherwise required by the commission.
 - (3) Within 5 calendar days of receiving a complete application, staff shall forward said application to the State Historic Preservation Officer, North Carolina Department of Cultural Resources. If the Department does not submit written comments or recommendation in connection with the application within 30 days following receipt by the Department of the report, the commission and City Council shall be relieved of any responsibility to consider such comments.
 - (4) Consideration by the Historic Resources Commission. The commission shall consider the application and any timely comments received from the State Historic Preservation Officer or his or her designee at its first possible regular meeting, and shall hold a public hearing on the proposed designation ordinance. The public hearing shall be advertised in the same manner as zoning amendments, except that a notice posted on the site is not required. The commission shall have two consecutive regular meetings at which to consider the proposed designation. Only designations that are recommended for adoption shall be forwarded to the City Council.
 - (5) Consideration by City Council. The City Council shall hold a public hearing on the proposed designation ordinance. The public hearing shall be advertised in the same manner as zoning amendments, except that a notice posted on the site is not required. The City Council may adopt the designation ordinance as proposed, adopt with any amendments it deems necessary, or reject the proposed designation ordinance.

- (6) If the designation ordinance is adopted, the owners and occupants of each designated landmark shall be given written notification of such designation. A copy of the designation ordinance and all amendments thereto shall be filed with the City Clerk, Chief Building Inspector, Alamance County Register of Deeds, and Alamance County Tax Office.
- (c) Standards for Designation Ordinance. The designation ordinance shall include, at a minimum, the following information for each property to be designated:
 - (1) Identification of the property;
 - (2) Specification of the exact boundaries of the designation;
 - (3) Specification of the property's features that are included in the designation, such as exteriors of buildings and other structures, interior features (if any), and significant landscape, archaeological or natural features;
 - (4) Certification that the requirements of state law have been met;
 - (5) The main facts supporting the finding that the property has special historical, prehistorical, architectural or cultural significance; and,
 - (6) Designation of the property as a historic landmark pursuant to state law.

Section 10.204 Certificates of Appropriateness

- (a) Applicability. A certificate of appropriateness shall be required for (1) any changes in the external appearance of existing structures; (2) design of new structures; and (3) for demolition or relocation of existing structures within locally designated historic districts and/or locally designated historic landmarks within Graham's territorial jurisdiction. Specifically:
 - (1) No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of sign shall be erected, altered, restored, moved or demolished until after a certificate of appropriateness has been approved. Such certificate must be issued prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this division. A certificate of appropriateness shall be required whether or not a building or other permit is required. Any building permit or such other permit not issued in conformity with this Section shall be invalid.
 - (2) The city and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the city or public utility companies.
- (b) Procedures
 - (1) Application. A complete application shall be filed with the City Planner at least 10 calendar days before the next meeting of the commission. The commission shall, by uniform rule in its rules of

procedure, require data and exhibits as are reasonably necessary to determine the nature of the application. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

- (2) Public Notice. The staff shall notify by mail, not less than one week before the meeting at which the matter is to be heard, the affected property owners within 100 feet on all sides of the subject property for applications which involve a use by right or within 500 feet on all sides of the subject property for applications which involve a special use permit.
 - (3) Review and Approval. The commission shall take action on the application and in doing so shall apply any officially adopted review criteria or guidelines. The commission's action on the application shall be approval, approval with modifications, or denial. The applicant and affected property owners shall be given an opportunity to be heard at the meeting at which the application is presented. If the commission fails to take final action at or before the second regular meeting at which the application is considered and within no more than 180 days from the date the application is filed, the application shall be deemed to be approved.
 - (4) If the application is approved, the secretary for the commission shall transmit a certificate of appropriateness in letter form, clearly describing the nature of the work which has been approved. A copy of the letter shall be forwarded to the city department which is responsible for its enforcement.
 - (5) If the application is denied, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving. The entire application process shall begin anew once an application is resubmitted.
- (c) Delay in Demolition or Relocation. An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within the district may not be denied except as provided in subsection (d) below. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition, or removal. If the commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the City Council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission for a period of up to 180 days or until the City Council takes final action on the designation, whichever occurs first.
- (d) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied

except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

- (e) Appeal. An appeal from the commission's action in granting or denying a certificate of appropriateness may be taken to the board of adjustment.
- (f) Compliance
 - (1) The zoning enforcement officer shall enforce compliance with the terms of the certificate of appropriateness. Failure to comply with a certificate of appropriateness shall be a violation of this article. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of six months shall be considered as a failure to comply with a certificate of appropriateness.
 - (2) Nothing contained in this division shall prohibit, impair, or limit in any way the power of the city to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in any historic district or historic landmark in violation of the provisions of this division. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 10.205 Commission Recommendation on Special Use and Conditional Rezoning

When an application for a special use permit or conditional district rezoning within an historic district or historic landmark has been submitted, the Historic Resources Commission shall review the application and forward its comments and recommendations to the City Council within 30 days of the filing of the application.

Section 10.206 – 10.239 Reserved

Comparison Table

Section #		Comments
Current	New	
DIVISION 9		
185	185	No changes
186	186	Minor changes
187	187	Minor changes
188	188	Removed 2 because it was redundant and not an exception
189	204	
190	190	No changes

Comparison Table

Section #		Comments
Current	New	
DIVISION 10		
200	201(a)	
201	201(b)	Updated to reflect current state statutes
202	201(b)	Updated to reflect current state statutes
203	201(c)	Updated and reorganized
204	201(b)	
205	del	From old state statute and covered by the variance process
206	del	Covered by the variance process
207	205	Broadened to include all historic districts and landmarks, not just Courthouse Square HD
208	204(a)	
209	204(a)	
210	del	Incorporated into 202 and 203
211	189	Specific criteria will be published in the Handbook that is being developed
212	204(b)(1)	
213	204(b)	
214	204(b)(1)	
215	del	Can be addressed in Rules of Procedure if necessary
216	204(b)(3)	
217	204(b)(3)	Specific criteria will be published in the Handbook that is being developed
218	del	A COA is required specifically for exterior work; this statement is not needed
219	del	Incorporated into 201(b)(8) and (11)
220	del	No advertising in local newspaper
221	del	To be addressed in the Rules of Procedure
222	204(b)	Also to be addressed in the Rules of Procedure
223	201(c)(6)	
224	201(c)(5)	
225	204(b)(3)	State statute time limit is 180 days
226	204(b)(5)	
227	del	From old state statute and covered by other sections
228	204(c)	
229	201(b)(14)	Minor changes
230	204(e)	Revised to simply direct to the BOA
231	204(f)	Minor changes
na	200	Added purpose by adapting language from state statute
na	202	Added criteria and procedures for designating historic districts
na	203	Added criteria and procedures for designating historic landmarks



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.

Text Amendment for Historic Resources

Type of Request
Text Amendment

Meeting Dates
Planning Board on August 19, 2014
City Council on September 2, 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 19th day of August, 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.

