



Planning Board

Meeting Agenda

November 20, 2012 at 7:00pm
Council Chambers, 201 S Main St

Invocation

1. Approve minutes of the September 18, 2012 meeting
2. Consider the following text amendments to the City of Graham Development Ordinances:
 - Add "Group Care Facility" as a permitted use; define the term; establish parking and other development standards; modify the definition and development standards for "Group Home"
 - Modify the composition of the Board of Adjustment to specify that members of the Planning Board also serve as members of the Board of Adjustment; change the term for Planning Board members from 5 to 3 years
 - Add language that will allow staff to make non-substantive changes to the Development Ordinance without formal adoption by the City Council
 - Simplify the definition of "Family Care Home;" delete related, unneeded definitions
Correct permitted zoning districts for nursing homes
3. Elect a Chair and Vice Chair for 2013

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

PLANNING ZONING BOARD
Tuesday, September 18, 2012

The Planning & Zoning Board held its regular meeting on Tuesday, September 18, 2012 at 7:00 p.m. in the Council Chambers of the Graham Municipal Building. Board members present were Andy Rumley, Dean Ward, Ricky Hall, Bill Teer, Michael Benesch and Tim Beshel. Staff members present were Frankie Maness, Assistant City Manager, Martha Johnson, Zoning Inspections Technician, Darcy Sperry, Zoning Enforcement Officer and Melissa Guilbeau, City Planner.

Chairman Andy Rumley called the meeting to order, explained the function of the Board to those present and business was conducted as follows:

Invocation was given by Ricky Hall.

1. Ricky Hall made a motion for approval for the July 17, 2012 minutes, second by Dean Ward. All voted in favor.

2. Request of Frank Tinnin to rezone from R7 to CR property located at East Elm Street (vacant lot). Old Tax ID 176-710-132 and GPIN#8884450065.

Todd Lambert with Simmons Engineering & Survey of 109 N. Main Street, Graham, spoke on behalf of the project on Elm Street. Mr. Lambert stated this would be a good transition for that location. This development would not generate much traffic and no kids playing where if a subdivision were to be developed at this location it would be different. He said the parking lot configuration was distributed with an island and sized like the typical City of Graham cul-de-sac. Mr. Lambert said he didn't foresee any traffic problem with the island. The dumpster pads were set up so the trucks can get out without backing out on Elm Street.

Mr. Teer asked where the entrance would be located on the property and Mr. Lambert said on Elm Street.

Michael Benesch mentioned the parking spaces needed per the City of Graham ordinance would require 14 spaces for 3 employees. Mr. Lambert replied that this would be comparable to the Whitsett Street Nursing Home currently in the City of Graham.

Dean Ward asked how many employees would the facility have and Mr. Lambert stated there would typically be one doctor, one nurse on staff and may have one or two non professional staff members at a time and they may come and go, so four or five total at some of the peak hours during the day. Mr. Ward asked if there was any more room for additional parking on the property. Mr. Lambert said not realistically. Mr. Lambert said talking with staff and going through the breakdown on what they foresaw and comparing it to the other previous property that they had some dealings with and based it on that.

Andy Rumley asked how much traffic would be in and out during the day and Mr. Lambert said there would be relatively low volume during the day. Mr. Rumley was concerned that it would be tough for the fire trucks getting in and to the fire hydrant.

Mr. Rumley asked about fencing or screening. Mr. Lambert stated that would be considered during the next phase.

Dean Ward asked what kind of outdoor lighting would be installed. Mr. Lambert replied the typical pole lights would be around the building, at the walkways and at the parking lot. The Elm Street side would not have bright lights.

Dean Ward asked about the interpretation of minimum parking spaces. Mr. Maness replied that he wasn't sure if the ordinance speaks directly to that, he said we evaluate it based on the information furnished to us with the number of employees, physicians and nurses. As presented it does meet the minimum standards.

Mr. Maness stated that some of the City of Graham Departments were concerned for more parking but it does meet the minimum standard based on information provided.

Ricky Hall requested that the Board deny this Rezoning not being suitable lot size for this project, second by Dean Ward, unanimous denial carried 6-0.

3. The next item on the agenda was the Board vacancy to be filled. Per Mr. Maness we had three applicants and two were present. First to speak was Lauren Nance and the second was Bonnie Blalock. Both expressed their interest in serving the Board.

The Planning Board recommended to the City Council to appoint Bonnie Blalock.

Next Mr. Maness introduced and welcomed our new Planner, Melissa Guilbeau.

There being no further business the meeting was adjourned.

Respectively Submitted,
Martha Johnson
Secretary



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Shelters

Contact Information

Type of Request: Text Amendment

not applicable

Meeting Dates

Planning Board on November 20, 2012

City Council on January 8, 2012 (tentative)

Summary

It has been brought to staff's attention that there is currently no type of use in our Development Ordinance that includes shelters or transitional housing. Therefore, staff proposes to amend the text of the Development Ordinance to:

- Add a definition for "Group Care Facility;"
- Modify the definition of "Group Home" to correlate it to the new "Group Care Facility" definition and correct a reference to a repealed state statute;
- Modify the term "Group Care Facility (Group Home)" in the Table of Permitted Uses to simply "Group Home" and modify its permitted zoning districts;
- Add the term "Group Care Facility" to the Table of Permitted Uses and define its permitted zoning districts and additional development standards;
- Define off-street parking requirements for "Group Care Facilities and Group Homes."

<p><u>Project Name</u> Text Amendment for Shelters</p> <p><u>Location</u> citywide</p> <p><u>GPIN</u> not applicable</p> <p><u>Current Zoning</u> not applicable</p> <p><u>Proposed Zoning</u> not applicable</p> <p><u>Staff Recommendation</u> Approval</p>

The following amendments to the Development Ordinance are proposed:

- Add the following definition to Article II, Section 10.16:
Group Care Facility - A facility with support and supervisory personnel that provides room and board, personal care or habilitation services in a group environment for more than 6 people. Examples include homeless shelters, transitional housing shelters, substance abuse programs or halfway houses. This does not include "Family Care Homes."

- Modify the following definition in Article II, Section 10.16:

Showing changes

Group Home - A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family residential environment for not more than 30 6 people. See G.S. 131D-2. This does not include "Family Care Homes."

Final result

Group Home – A facility with support and supervisory personnel that provides room and board, personal care or habilitation services in a residential environment for not more than 6 people. This does not include “Family Care Homes.”

- Modify the following Use Type in Section 10.135 Table of Permitted Uses:

Showing changes

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Group Care Facility (Group Home), See Note 24	S	S	S	S	S	C	S	S	S	C	S	S	§	C	§		§	C	C	1

Final result

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

- Add the following Use Type and associated permitted zoning districts and LUC to Section 10.135 Table of Permitted Uses:

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Group Care Facility, See Notes 23 & 24						C	S	S	S	C	S	S	S	C				C	C	3

- Add the following Note to Section 10.136 Notes to the Table of Permitted Uses:
23. Group Care Facilities in B-1 district – Group Care Facilities located in the B-1 district are not permitted on the ground floor of a commercial building. Offices or other common areas associated with a Group Care Facility that are meant for use by the general public may be located on the ground floor.
- Add the following Note to Section 10.136 Notes to the Table of Permitted Uses:
24. Group Care Facilities and Group Homes, Development Standards – Off-street parking, as required by Section 10.240, shall be located to the side and/or rear of the building. Group Care Facilities and 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 or facility do not require this service. For halfway houses, there shall be on-site supervision at all times by persons employed by or volunteers trained by the agency operating the halfway house. Rules of conduct shall be established and enforced by the agency operating a halfway house. These rules shall prohibit the use or possession of drugs, alcohol or weapons, as well as disorderly conduct.

- Modify Section 10.240 Off-Street Parking as follows:

Showing changes

Use	Minimum Number of Required Off-Street Parking Spaces
Residential and Related	
<u>Group Care Facilities and Group homes for youth</u>	<u>One space for each two residents of driving age and ability, plus one space per employee</u>

Final result

Use	Minimum Number of Required Off-Street Parking Spaces
Residential and Related	
Group Care Facilities and Group homes	One space for each two residents of driving age and ability, plus one space per employee

Conformity to the *Growth Management Plan (GMP)*

Planning District: not applicable

Development Type: not applicable

Description of Development Type

not applicable

Development Toolkit Checklist

not applicable

Applicable Goals to Guide Us into the Future

- 6.2.1. Promote development that reduces the number of trips generated by incorporating multiples uses at one site. *This is accomplished by encouraging these facilities to be located in areas where employment, goods and services can readily be reached by a variety of means of transportation, and by allowing Group Care Facilities in the B-1 district.*
- 6.2.3. Provide various and adequate community facilities for all residents throughout the City (i.e. Senior Citizens Center). *Group Care Facilities and Group Homes provide a place of shelter and needed services for a subset of the population.*

Applicable Planning District Policies and Recommendations

- Not applicable; citywide text amendment not located in a Planning District

Staff Recommendation

Based on the *Growth Management Plan 2000-2020*, the *City of Graham Development Ordinances* and research of other jurisdictions and best practices, staff **recommends approval of the text amendment.**

The following supports this recommendation:

- These amendments will allow the development of Group Care Facilities and Group Homes in accordance with prescribed regulations. Currently, these facilities are limited to those licensed by the state and to no more than 30 individuals.



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 Shelters

Type of Request
Text Amendment

Meeting Dates

Planning Board on November 20, 2012
City Council on January 8, 2012

- I move to **recommend APPROVAL** in that the application is consistent with all of the objectives and policies for growth and development contained in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o Based on the recommendations of the *Growth Management Plan*
 - o [Insert reasons]
- I move to **recommend DENIAL** of the request because the application is not fully consistent with the objectives and policies for growth and development in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o [Insert reasons]

The report reflects the recommendation of the Planning Board, this the 20th day of November, 2012.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Board of Adjustment

Contact Information

Type of Request: Text Amendment

not applicable

Meeting Dates

Planning Board on November 20, 2012

City Council on January 8, 2012 (tentative)

Summary

The City of Graham Board of Adjustment is a 7-member board that meets on an as-needed basis to hear appeals of administrative decisions and variance requests. The Board has not met since May 2007. As such, it has been difficult to maintain the membership of this Board. Additionally, with so much time between meetings, board members may not be up-to-date on the City's ordinances or on the procedures of a quasi-judicial hearing.

State statute (§ 160A-388) specifically allows cities to designate a planning board or governing board to serve any or all functions of the board of adjustment. Several cities in North Carolina have successfully done this, with some or all of the members of their planning board also serving as the members of their board of adjustment.

Staff recommends amending the text of the Development Ordinance to specify that Board of Adjustment members shall be members of the Planning Board, and to make other related amendments. Staff recommends having five Planning Board members appointed to the Board of Adjustment, with the other two Planning Board members serving as alternates, so that it is easier to get a quorum. State statute specifies that a Board of Adjustment have a minimum of five members.

Also, State statute specifies that members of a Board of Adjustment be appointed for 3-year terms. Therefore, the terms of the Planning Board must be changed from 5 years to 3 years so that members' Planning Board and Board of Adjustment terms are concurrent.

The following amendments to the Development Ordinance are proposed:

- Amend Section 10.95 Creation; members; appointment; compensation, as follows:

Showing changes

There shall be and is hereby created a board of adjustment, referred to in this division as the "board," consisting of ~~seven~~ five members of the City of Graham Planning Board. ~~Five~~ Three members shall be citizens and residents of the City of Graham and shall be appointed by the City Council; two members shall be citizens and residents of the area lying outside the corporate limits of the City of Graham (extraterritorial area) but within the Graham planning area and shall be appointed by the Alamance County Board of Commissioners in accordance with section 160A-362 of

Project Name

Text Amendment for Board of Adjustment

Location

citywide

GPIN

not applicable

Current Zoning

not applicable

Proposed Zoning

not applicable

Staff Recommendation

Approval

the General Statutes of North Carolina. Extraterritorial members shall have equal rights, privileges, and duties with the other members. The Council ~~may, in its discretion,~~ shall appoint the remaining two members of the City of Graham Planning Board as alternate members to serve on the board in the absence or temporary disqualification of any City member or to fill a vacancy pending appointment of a City member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as City members. Each alternate member, while attending any City or special meeting of the board and serving on behalf of any City member, shall have and may exercise all powers and duties of a City member. The members of the board of adjustment shall receive no compensation for their services.

Final result

There shall be and is hereby created a board of adjustment, referred to in this division as the "board," consisting of five members of the City of Graham Planning Board. Three members shall be citizens and residents of the City of Graham and shall be appointed by the City Council; two members shall be citizens and residents of the area lying outside the corporate limits of the City of Graham (extraterritorial area) but within the Graham planning area and shall be appointed by the Alamance County Board of Commissioners in accordance with section 160A-362 of the General Statutes of North Carolina. Extraterritorial members shall have equal rights, privileges, and duties with the other members. The Council shall appoint the remaining two members of the City of Graham Planning Board as alternate members to serve on the board in the absence or temporary disqualification of any City member or to fill a vacancy pending appointment of a City member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as City members. Each alternate member, while attending any City or special meeting of the board and serving on behalf of any City member, shall have and may exercise all powers and duties of a City member. The members of the board of adjustment shall receive no compensation for their services.

- Amend Section 10.96 Officers; proceedings generally, as follows:

Showing changes

The board shall elect a chair and a vice-chair, each of whom shall serve for one year or until s/he is re-elected or his/her successor is elected. The board shall appoint a secretary who may be an officer or an employee of the city. It shall adopt rules for the conduct of its business. Meetings shall be held at the call of the chair and at such other times as the board may determine. A quorum for a meeting shall consist of ~~6,~~ a majority of the members of the board, not including vacancies. The chair or, in his/her absence, the vice-chair, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The secretary shall keep minutes of the proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.

Final result

The board shall elect a chair and a vice-chair, each of whom shall serve for one year or until s/he is re-elected or his/her successor is elected. The board shall appoint a secretary who may be an officer or an employee of the city. It shall adopt rules for the conduct of its business. Meetings shall be held at the call of the chair and at such other times as the board may determine. A quorum for a meeting shall consist of a majority of the members of the board, not including vacancies. The chair or, in his/her absence, the vice-chair, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The secretary shall keep minutes of the proceedings, showing the vote of each member upon each question or, if absent or failing to

vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.

- Amend Section 10.102(a) Terms; vacancies; removal, as follows:

Showing changes

The term of office of the members of the board of adjustment shall ~~be for overlapping terms of three years. Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after such vacancy occurs by the proper board making the appointment. Such appointment shall be for the period of the unexpired terms, or for a longer term up to three years if needed to prevent the termination of four or more terms in the same year~~ run concurrent with their Planning Board term.

Final result

The term of office of the members of the board of adjustment shall run concurrent with their Planning Board term.

- Delete the following definition from Section 10.16:
~~Board of Adjustment – A quasi-judicial body, appointed by the City Council, composed of residents of Graham and its extraterritorial area, empowered to hear appeals from decisions of the Zoning Enforcement Officer, grant special use permits in certain cases and minor variances from the provisions of the Zoning Ordinance. The City Council shall appoint five persons to the Board of Adjustment. Two additional individuals shall be appointed by the Alamance County Board of Commissioners.~~

- Amend Section 10.17, Created, as follows:

Showing changes

There is hereby created a planning board, referred to in this article as the "board," to be composed of seven members, five members appointed by the city and two members appointed by the county commissioners to represent the extraterritorial area. ~~Original appointments by the city shall be done in the following manner: One member shall be appointed for one year, one member for two years, one member for three years, one member for four years and one member for five years. Original appointments by the county commissioners shall be done as follows: One member for two years and one member for three years. All successors shall be appointed for a term of five years. Vacancies on the board shall be filled by appointment for the unexpired term. All members of the board, before entering upon their duties, shall take and subscribe to the oath of office required to be taken by officials of the city.~~

Final result

There is hereby created a planning board, referred to in this article as the "board," to be composed of seven members, five members appointed by the city and two members appointed by the county commissioners to represent the extraterritorial area. All members of the board, before entering upon their duties, shall take and subscribe to the oath of office required to be taken by officials of the city.

- Amend Section 10.20(a), Terms; vacancies; removal, as follows:

Showing changes

The term of office of the members of the planning board shall be for overlapping terms of ~~five~~ three years, notwithstanding current appointments. Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after such vacancy occurs by the proper board making the appointment. Such appointment shall be for the period of the unexpired

terms, or for a longer term ~~that is up to three~~ two years longer if needed to prevent the termination of four or more terms in the same year. The Board shall elect a Chair and a Vice-Chair, each of whom will serve for one year or until he/she is re-elected or his/her successor is elected. Elections shall occur at the regularly scheduled November meeting of the Board.

Final result

The term of office of the members of the planning board shall be for overlapping terms of three years, notwithstanding current appointments. Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after such vacancy occurs by the proper board making the appointment. Such appointment shall be for the period of the unexpired terms, or for a term that is up to two years longer if needed to prevent the termination of four or more terms in the same year. The Board shall elect a Chair and a Vice-Chair, each of whom will serve for one year or until he/she is re-elected or his/her successor is elected. Elections shall occur at the regularly scheduled November meeting of the Board.

Conformity to the *Growth Management Plan (GMP)*

Planning District: not applicable

Development Type: not applicable

Description of Development Type

not applicable

Development Toolkit Checklist

not applicable

Applicable Goals to Guide Us into the Future

- 6.1.3. Encourage development that compliments existing architectural designs of the neighborhood. *This may be accomplished by having a reliable and informed Board of Adjustment to hear variance requests.*
- 6.3.1. Encourage the conversion and development of higher density residential development around the downtown and other designated activity areas. *This may be accomplished by having a reliable and informed Board of Adjustment to hear variance requests.*
- 6.3.4. Encourage the development of mixed-use projects that combine compatible uses within one site. *This may be accomplished by having a reliable and informed Board of Adjustment to hear variance requests.*

Applicable Planning District Policies and Recommendations

- Not applicable; citywide text amendment not located in a Planning District

Staff Recommendation

Based on the *Growth Management Plan 2000-2020*, the *City of Graham Development Ordinances* and research of State statutes, other jurisdictions and best practices, staff **recommends approval of the text amendment**. The following supports this recommendation:

- Since the Planning Board meets regularly, its members are tuned in to the city. Having them also serve as members of the Board of Adjustment would make it easier to process variance requests; this may help to accomplish some of the goals of the Growth Management Plan.
- State statute allows municipalities to designate a planning board to serve any or all functions of the board of adjustment.
- At least nine other cities in North Carolina have a Planning Board that also serves as the Board of Adjustment. Some have been operating like this successfully for as long as 20 years.



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 Board of Adjustment

Type of Request
Text Amendment

Meeting Dates

Planning Board on November 20, 2012
City Council on January 8, 2012

- I move to **recommend APPROVAL** in that the application is consistent with all of the objectives and policies for growth and development contained in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o Based on the recommendations of the *Growth Management Plan*
 - o [Insert reasons]
- I move to **recommend DENIAL** of the request because the application is not fully consistent with the objectives and policies for growth and development in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o [Insert reasons]

The report reflects the recommendation of the Planning Board, this the 20th day of November, 2012.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Non-Substantive Errors

Contact Information

Type of Request: Text Amendment

not applicable

Meeting Dates

Planning Board on November 20, 2012

City Council on January 8, 2012 (tentative)

Summary

There are a number of non-substantive errors in the Development Ordinance, including typographical errors, numerical reference errors, errors in section or page numbering, and similar errors. Currently, correcting these non-substantive errors requires a public hearing process. Staff proposes to amend the text of the Development Ordinance to allow staff to make corrections to non-substantive errors administratively, providing City Council with documentation of the changes made, but not requiring any official action on the part of Council.

The following amendments to the Development Ordinance are proposed:

- Add the following as a new Section in Article I to address non-substantive errors:

Section 10.4 Amendments in General; Non-Substantive Errors.

- a) Amendments to the text of this Chapter may be made in accordance with NCGS § 160A-364(a), or in the case of non-substantive editorial changes, may be made administratively by the City Planner, as described in subsection (b).
- b) Non-Substantive Errors. The City Planner may correct typographical errors, numerical reference errors, spelling errors, errors in section or page numbering and may make similar non-substantive changes to the text of this Chapter without formal adoption by the City Council, provided the changes necessary to correct any errors do not change the meaning of the ordinance. Any correction made pursuant to this section must be documented to the City Council and made a part of the City Council's regular meeting minutes.

Project Name

Text Amendment for Non-Substantive Errors

Location

citywide

GPIN

not applicable

Current Zoning

not applicable

Proposed Zoning

not applicable

Staff Recommendation

Approval

Conformity to the *Growth Management Plan (GMP)*

Planning District: not applicable

Development Type: not applicable

Applicable Goals to Guide Us into the Future

- 6.2. To provide effective and efficient services for all. *This amendment will allow staff to correct typos and other similar, non-substantive errors in the Development Ordinance, which will make it easier to interpret and enforce the ordinance.*

Applicable Planning District Policies and Recommendations

- Not applicable; citywide text amendment not located in a Planning District

Description of Development Type
--

not applicable

Development Toolkit Checklist

not applicable

Staff Recommendation

Based on the *Growth Management Plan 2000-2020*, the *City of Graham Development Ordinances* and research of other jurisdictions and best practices, staff **recommends approval of the text amendment.**

The following supports this recommendation:

- This amendment will make it easier for staff to interpret and enforce the Development Ordinance by simplifying definitions and removing inconsistencies in the ordinance.
- The language for this amendment was borrowed from the Town of Aberdeen, who successfully uses this to correct any typographical, reference or similar non-substantive errors.



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 Non-Substantive Errors

Type of Request
Text Amendment

Meeting Dates

Planning Board on November 20, 2012
City Council on January 8, 2012

- I move to **recommend APPROVAL** in that the application is consistent with all of the objectives and policies for growth and development contained in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- Based on the recommendations of the *Growth Management Plan*
 - [Insert reasons]
- I move to **recommend DENIAL** of the request because the application is not fully consistent with the objectives and policies for growth and development in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- [Insert reasons]

The report reflects the recommendation of the Planning Board, this the 20th day of November, 2012.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson



STAFF REPORT

Prepared by Melissa Guilbeau, City Planner

Text Amendment for Miscellaneous Changes

Contact Information

Type of Request: Text Amendment

not applicable

Meeting Dates

Planning Board on November 20, 2012

City Council on January 8, 2012 (tentative)

Summary

While doing research for the Text Amendment for Shelters, staff identified opportunities to improve the Development Ordinance and one substantive error related to nursing homes that needs to be addressed.

The following amendments to the Development Ordinance are proposed:

- Modify the definition of “Family Care Home” to simplify it while also linking it to the state definition of “persons with disabilities” and correcting a reference to a repealed state statute. Specifically, modify the following definition in Article II, Section 10.16:

Showing changes

Family Care Home - A ~~domiciliary~~ home that provides room and board, support and supervisory personnel and personal care and habilitation services for 2 to 6 resident ~~handicapped~~ persons with disabilities (as defined in NCGS § 168-21(2) or its successor) in a family environment. ~~“Handicapped person” means a person with a temporary or permanent physical, emotional, or mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others. For zoning purposes a family care home shall be deemed a residential use of property and shall be permissible in all residential districts. No political subdivision of the state may require that a family care home obtain a conditional use permit or special use permit because of the use; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home. (G.S. 131D-2 and G.S. 168-21).~~

Final result

Family Care Home – A home that provides room and board, support and supervisory personnel and personal care and habilitation services for 2 to 6 resident persons with disabilities (as defined in NCGS § 168-21(2) or its successor) in a family environment.

- Delete the definition of “Domiciliary Home” since its only use in the Ordinance was in the definition of “Family Care Home.” Specifically, delete the following definition from Article II, Section 10.16:
Domiciliary Home – A facility, by whatever name it is called, which provides residential care for aged

Project Name

Text Amendment for Miscellaneous Changes

Location

citywide

GPIN

not applicable

Current Zoning

not applicable

Proposed Zoning

not applicable

Staff Recommendation

Approval

or disabled persons whose principal need is a home which provides the supervision and personal care appropriate to their age or disability. The three types of domiciliary homes are: (1) homes for the aged and disabled, (2) family care homes and (3) group homes for developmentally disabled adults.

- Delete the definition of “Handicapped Person” since its only use in the Ordinance was in the definition of “Family Care Home.” Specifically, delete the following definition from Article II, Section 10.16:

~~Handicapped Person—Handicapped person means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. section 122-58.2(1)b.~~

- Delete the following from Section 10.135 Table of Permitted Uses, since it is a duplicate and inconsistent entry:

Showing changes

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Nursing Home, Rest Home, Convalescent Home	S	S	S	S	S	C	X	X	S	C	S	X		C				C	C	3
Rest Home, Nursing Home, Convalescent Home	S	S		S	S	C	X	X	S	C	S	X		C	X		S	C	C	3

Final result

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1	C-I	I-2	C-MXR	C-MXC	LUC
Nursing Home, Rest Home, Convalescent Home	S	S	S	S	S	C	X	X	S	C	S	X		C				C	C	3

Conformity to the *Growth Management Plan (GMP)*

Planning District: not applicable

Development Type: not applicable

Applicable Goals to Guide Us into the Future

- 6.2. To provide effective and efficient services for all.
Simplifying the definitions and correcting the error will make it easier for staff to interpret and enforce the Development Ordinance.

Description of Development Type

not applicable

Development Toolkit Checklist

not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; citywide text amendment not located in a Planning District

Staff Recommendation

Based on the *Growth Management Plan 2000-2020*, the *City of Graham Development Ordinances* and research of other jurisdictions and best practices, staff **recommends approval of the text amendment**.

The following supports this recommendation:

- These amendments will make it easier for staff to interpret and enforce the Development Ordinance by simplifying definitions and removing inconsistencies in the ordinance.



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 Miscellaneous Changes

Type of Request
Text Amendment

Meeting Dates
Planning Board on November 20, 2012
City Council on January 8, 2012

- I move to **recommend APPROVAL** in that the application is consistent with all of the objectives and policies for growth and development contained in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o Based on the recommendations of the *Growth Management Plan*
 - o [Insert reasons]
- I move to **recommend DENIAL** of the request because the application is not fully consistent with the objectives and policies for growth and development in *The City of Graham Growth Management Plan 2000-2020* because of the following reasons:
- o [Insert reasons]

The report reflects the recommendation of the Planning Board, this the 20th day of November, 2012.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson