City of Graham City Council Regular Meeting Agenda April 12, 2022 6:00 p.m.



CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION: Bird – Dockless Electric Micro-Mobility Vehicle Company

CONSENT AGENDA:

- **a.** To approve the minutes of the February 23, 2022, Special Meeting and March 8, 2022, Regular Meeting.
- **b.** To approve a Petition for a Voluntary Contiguous Annexation for approximately 2.00 acres located at 165 Andrews Avenue (GPIN 8883359616) (AN2202):
 - i. To approve a Resolution requesting the City Clerk to Investigate the Sufficiency of the requested annexation petition per G.S. 160A-31.
 - ii. To approve a Resolution Fixing Date of Public Hearing on May 10, 2022, for the Question of Annexation.
- **c.** To approve the amended grant payment schedule between the City of Graham and Lidl US LLC and to authorize the City Manager and City Attorney to effectuate the amended agreement.
- **d.** To approve a Resolution authorizing the application for Loan and Grant Assistance from the State of North Carolina for the drinking water distribution system and wastewater collections system projects.
- e. To award a contract, in the amount of \$75,000.00, to A&J Electrical Services of Trinity, NC, for the Boyd Creek Lift Station Generator project.
- **f.** To approve a Resolution authorizing the application for Loan and Grant Assistance from the State of North Carolina for the Wastewater Treatment Plant improvements and expansion.

PUBLIC HEARINGS:

- VOLUNTARY CONTIGUOUS ANNEXATION 57.225 ACRES LACY HOLT ROAD
 (AN22201): A public hearing has been scheduled to consider a voluntary contiguous annexation containing 57.225 acres located on Lacy Holt Road, GPIN 8873512978 & 8873625474.
- 2. CONDITIONAL REZONING 200 S. MARSHALL STREET CONDITIONAL BUSINESS

 (RZ2202): A public hearing has been scheduled to consider an application by Lee Kimrey to rezone 0.50 acres of property located at 200 South Marshall Street, from Office Institutional (O-I) to Conditional

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Business (C-B). (GPIN 8884233706) (Planning Board approved the rezoning with added conditions at its March 15, 2022, regular meeting)

- 3. CONDITIONAL REZONING 1242 HANFORD ROAD CONDITIONAL RESIDENTIAL

 (RZ2203): A public hearing has been scheduled to consider an application to rezone 14.03 acres of property located at 1242 Hanford Road, from Single Family Residential (R-12 & R-18) to Conditional Residential (C-R). (Planning Board approved the rezoning with added conditions at its March 15, 2022, regular meeting)
- 4. CONDITIONAL REZONING 302 NORTH MAPLE STREET & 203, 207, & 213 WEST MARKET STREET (RZ2204): A public hearing has been scheduled to consider an application by Jason Cox on behalf of NJA Properties, LLC, and NRS Properties, LLC, to rezone approximately 1.15 acres of property located at 302 N. Maple Street and properties at 203, 207, and 213 W. Market Street. The applicant requests these properties be rezoned from High-Density Residential (R-7) to Conditional Residential (C-R).(GPIN: 8884151515, 8884150571, 8884059566, and 8884058556) The Planning Board approved with added conditions. (Planning Board approved the rezoning at its March 15, 2022, regular meeting)
- 5. AMENDMENT DEVELOPMENT ORDINANCE VISION CLEARANCE, FENCES, AND WALLS (AM2201): A public hearing has been scheduled to consider a text amendment to the Development Ordinance to create standards for fences and walls. This amendment defines fences and walls and sets types, heights, and locations. The proposed text amendment will be placed in Section 10.55 and Section 10.250 within the Development Ordinance. (Planning Board approved the text amendment at its March 15, 2022, regular meeting.)
- 6. AMENDMENT DEVELOPMENT ORDINANCE RECREATION & AMENITIES (AM2202): A public hearing has been re-advertised and continued to consider a text amendment to the Development Ordinance to create standards for recreation and amenities with the construction of a proposed subdivision with 100 or more units. The proposed text amendment includes a point system tied with listed amenities based on desirability. The proposed text amendment, if approved, would be placed in Section 10.251 within the Development Ordinance. (Continued from March 8, 2022, regular meeting.)
- 7. AMENDMENT DEVELOPMENT ORDINANCE ACCESSORY DWELLINGS UNITS (ADUS) (AM2204): A public hearing has been re-advertised and continued to consider a text amendment to the Development Ordinance to create standards for allowing accessory dwelling units in single-family residential zoning districts. The proposed text amendment, if approved, would be placed in Sections 10.252.1 through 10.252.4 within the Development Ordinance. (Continued from March 8, 2022, regular meeting.)

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- 8. AMENDMENT DEVELOPMENT ORDINANCE CRYPTOCURRENCY, VIRTUAL CURRENCY, AND BLOCKCHAIN MINING FACILITIES (AM2205): A public hearing has been scheduled to consider a text amendment to the Development Ordinance to create standards for crypto mining operations. The planning staff has worked at length with a local crypto mining facility leader and has brought forward an ordinance that has been mutually agreed upon. The proposed text amendment, if approved, will be placed in Sections 10.291 to 10.291.5 within the Development Ordinance. The Planning Board has recommended approval with recommended changes to City Council. (Planning Board approved this text amendment at its March 15, 2022, regular meeting.)
- 9. <u>AMENDMENT DEVELOPMENT ORDINANCE ARTS AND CRAFT STUDIOS (AM2206):</u> A public hearing has been scheduled to consider a text amendment to the Development Ordinance to include arts and craft studios' standards in the Table of Permitted Uses. The proposed text amendment, if approved, will be placed in Section 10. 15, 10.135, and 10.136 within the Development Ordinance if approved. (Planning Board has tabled this item its May 19, 2022, regular meeting)
- 10. AMENDMENT DEVELOPMENT ORDINANCE ARTICLE X FLAGS & BANNERS

 (AM2207): A public hearing has been scheduled to consider a text amendment to the Development Ordinance to revise the flags and feathered flags and banners standards. The proposed text amendment, if approved, will be placed in Article X, Sections 10.442 and 10.467, in the Development Ordinance.

 (Planning Board has tabled this item its May 19, 2022, regular meeting)

NEW BUSINESS:

- 11. <u>DISCUSSION CHERRY LANE OVERLAY:</u> Staff has received a request from Chad Huffine, on behalf of the Concerned Citizens of Cherry Lane, to look into numerous text amendments, including the adoption of an "Industrial Protection Overlay" along Cherry Lane, as well as a potential Future Land Use map amendment to return this corridor to its 2020 Plan designations. Staff recommends that this item is considered after the budget is adopted and preferably coinciding with a UDO and FLUP update. The Planning Board has asked City Council for direction and believes staff recommendation is the best course.
- **12.** <u>RECYCLING CONTRACT OPTIONS:</u> The City's current five-year recycling contract expires on June 30, 2022. City Staff will provide options for Council consideration.
- **13. <u>STREET CLOSURE REQUESTS:</u>** The Graham Recreation and Parks Department requests the following street closures for the following events:
 - a. <u>9/11 COMMEMORATIVE 5K EVENT:</u> Closure of the northbound lane of Maple Street from Pine to McAden Street, the westbound lane of McAden from South Main to Maple Street, the southbound lane of South Main Street from Pine to McAden Street, and the eastbound lane of Pine Street from Maple to South Main Street from 6:00 a.m. 12:00 p.m. on Saturday, September 10, 2022.
 - **b.** PUMPKIN BASH: Closure of the 100 blocks of East and West Elm Streets from 2:00 p.m. to 10:30 p.m., and closure of North and South Main Streets from 4:00 p.m. to 10:30 p.m. on October 28, 2022.

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- **14.** <u>VOTING DELEGATES FOR CITYVISION CONFERENCE:</u> City Council to discuss which members of Council will be designated the voting delegate and alternate voting delegate while attending the North Carolina League of Municipalities CityVision Annual Conference.
- **15. BUDGET PRESENTATION FY 2022-2023 WATER & SEWER FUND:** Staff will present the FY 2022-2023 Water & Sewer Fund proposed budget and fee schedule.

PUBLIC COMMENT PERIOD:

CITY STAFF COMMENTS:

CITY COUNCIL COMMENTS:

ADJOURN



Hello, Graham





What is Bird?

Dockless electric micro-mobility vehicle sharing company.

Our mission is make cities and campuses more livable and bring communities together by providing affordable, environmentally-friendly transportation.









Solve last-mile problem and connect more residents to transit options Reduce congestion and over-reliance on cars

Improve air quality and reduce GHG emissions Improve the overall quality of life on campus



First Mile Last Mile

Great solution for quick trips







Get to School or Work

Don't hassle to re-park

Connect to transit or go one way



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Bird's Story

Founded in 2017, Bird saw instant success as a pioneer in the space.

Today....

5 Continents.25 Countries.300 Cities.100M+ Rides.Listed on NYSE BRDS



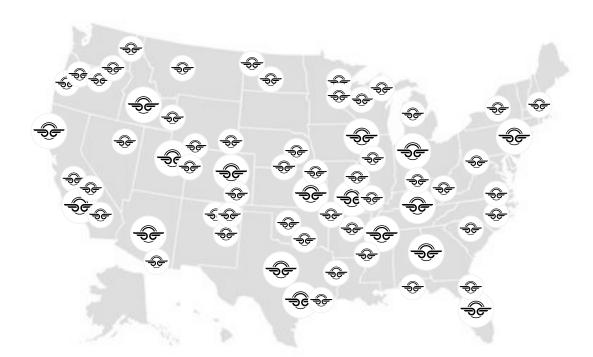








Cities Big and Small



City	Population		
Bridgewater, VA	6,062		
St. Albans, WV	10,265		
Cambridge, MD	12,376		
Martinsburg, WV	17,404		
Oswego, NY	17,470		
Kinston, NC	20,398		
Matthews, NC	32,044		
Manassas, VA	41,501		
Danville, VA	41,070		
Gastonia, NC	75,887		
Newport News, VA	179,388		





How it works

- 1. Download the Bird app
- 2. Sign user agreement & verify age (18+)
- 3. Add payment
- 4. Complete educational tutorials
- 5. Enjoy the ride!





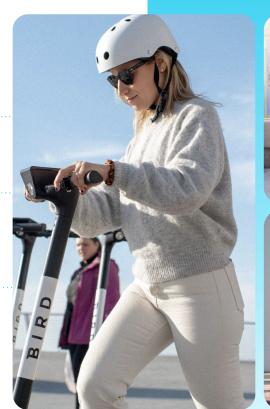
The Dockless Model

Follow the rules of the road like a bike

Freedom to choose where to pick up and drop off

Available for use within the designated 'operating zone'

Vehicle waits for next rider or is moved by Bird







Bird Plage et 220

Battery	36 V, 21.0 Ah 10S6P
Charge Time	5.8 hrs
Range	35 miles
Braking	Regen; Drum (front), disc (r)
Wheels	10" pneumatic
Top Speed	15 mph
Dimensions	47.7 in. x 19.3 in. x 46.8 in.
Lights	Front / Rear LEDs

Throttle-Brake Interlock -

Automatic safety actions to protect against accidentally holding the throttle.

Enhanced Lighting

Anti-Theft Encryption

Enhanced encryption keeps our riders safe and helps deter theft

Autonomous Damage Sensors

Self-reporting damage sensors and automotive-inspired diagnostic technology

Seamless Screws

Protection against injury and theft with no exposed screws

Puncture-Proof Tires

10" tires feature puncture-proof tech, higher traction, and decreased vibration.

Industry's Longest-Lasting Battery

Automotive-grade battery management system. Largest, safest, only operator with IP68 integrated battery

Tip Detection Technology

Anti-Tip Kick Stand

With a dual anti-tipping kickstand, this Bird stands on its own two feet.

Dual Wiper Throttle

Automotive-grade functional safety and guaranteeing absolute speed-control accuracy

Dynamic Stability Control Steering (DSCS)

Stabilizes out-of-control, sudden or erratic movements, guards against unsafe turns or over-corrections.

Status Indicator

Skid Detection

Only vehicle with skid detection technology to prevent improper riding behavior.

Performance

A rear motor gives Bird Three faster acceleration and more control in critical situations.

Performance

AEB brings the vehicle to a stop in the event of a brake failure.





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Pricing

Standard Pricing

\$1+ a per minute fee. Averaging ~\$6-\$8 a ride.

Equitable Pricing Options

Discounts available to those in government assistance programs, veterans, senior citizens, healthcare workers, students with pell grants, etc.



Significant economic benefits of micromobility



Supporting Local Businesses

Over 50% of riders report using a Bird to visit a local business, and the majority of those (70%+) said riding a Bird made them more likely to visit that business.¹



Expanding Job Access

By doubling or tripling how far people can travel to access public transit, Bird expands job access without lengthening commutes or adding cars to the road.



Job Creation

To manage local operations,
Bird partners with full time Fleet
Managers, responsible for
on-the-ground fleet logistics,
care, and community education.



Reduction in GHG Emissions

Each Bird Two prevents an estimated 103kg of greenhouse gas emissions during its lifetime.²

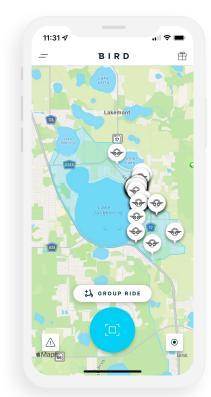


Operating Zone

Scooter will only be active within the city's boundary (highlighted in blue)

Operating Zone can be tailored based on city design

Vehicles will become inoperable should they leave the zone



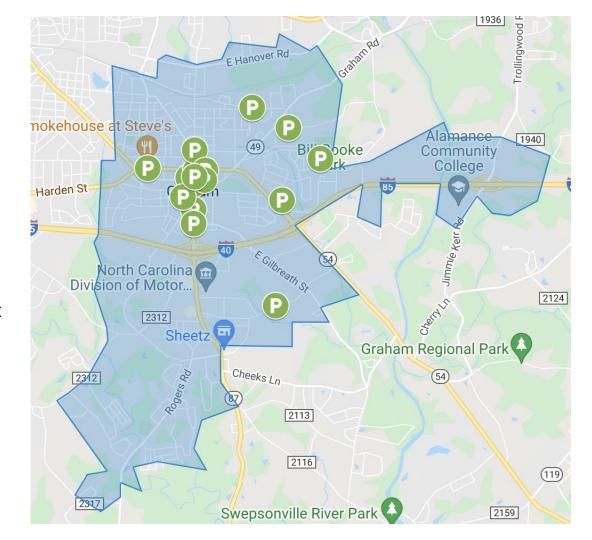


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- Operating Area highlighted in light Blue. Scooters only operable within this area & would cease to operate if ridden outside zone.
- Parking highlighted with Green "P's"; examples of suggested parking areas by downtown corridor, apartment complexes, etc.

Vehicles will become inoperable should they leave the zone or slow down in slow zones.

*please note this is just an example which can be adjusted and altered at any time with city's input.





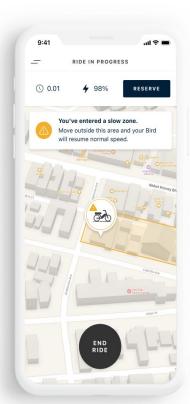
Geo-Zone Technology

All vehicles are tracked with GPS.

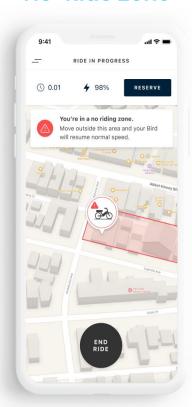
When riders enter a designated geo-zone, vehicles follow set rules.

Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.

Slow Zone



No-Ride Zone





Focus on Reducing Clutter

Bird's future relies on properly integrating dockless micromobility into our communities



Safety is our top priority.

We are committed to providing safe mobility—as evidenced by our industry-leading safety record.

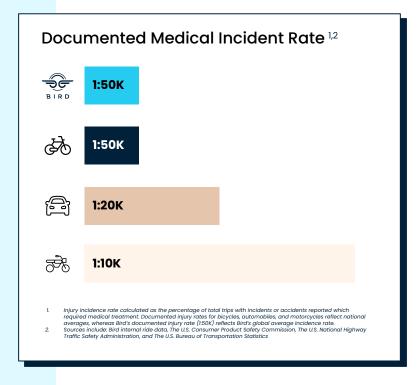
We hold ourselves to strict safety standards, and develop products and tools that protect riders and non-riders.



After 4 years and millions of rides taken on our shared fleets, we are pleased to report a global injury Incidence rate of 1:50K rides,

less than half the medical incident rate of cars.

Bird's safety focus has driven a safety record superior to cars and micromobility competition.



Fleet Manager Model

Developed in partnership with cities, our fleet management approach prioritizes compliance and fleet regulation.

How it works

- We partner with cities directly and are the day-to-day contact
- We thoroughly vet local fleet operators to support logistics on-the-ground
- FMs are given small fleet and then scale up based on compliance metrics and other KPIs
- Zero debt, do not need to buy vehicles, no cost to leave the program
- We tightly regulate our fleet operations, and develop features, such as "Ride Ready," to ensure compliance with local regulations





80% retention rates (v 30-40% for other contractor or hourly models) Many also employ support staff



Operational experts, experience in vehicle management and logistics



Create local businesses opportunities within the community

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\$1,500+

Average weekly payout¹

900+

Local business partnerships

80%

Retention rate at month 6

Prioritizing Local Economic Impact

Our Fleet Manager operating model drives local economic impact by creating local business partnerships and increasing spending at businesses for each vehicle on the street.

Our Commitment

- Re-invest in local communities
- Support businesses as they recover
- Provide flexible, self-directed opportunities

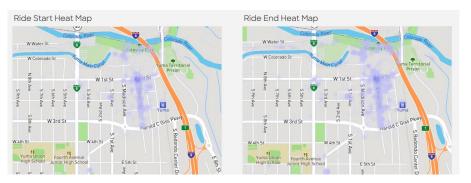
Data Dashboard

You get access to:

• Report Summary:

- Anonymized Rider behaviors such as frequency and length of rides
- Number and length of rides segmented in various dimensions
- Available Birds and number of rides/Bird
- Map view: The map will provide a view of the current location of vehicles and nests, with the ability to restrict the view by specific areas
- Usage heatmaps: Ride start & end, segmented by various dimensions





Proposal Proposal



- No Investment Required
- Dedicated Account Manager
- Oata Dashboard provided
- # of Vehicles: 50-75 (means % of fleet on street during peak ridership, others charging at FM Warehouse)
- Specific operating zone
- Launch Date: May '22
- Approval Documentation: Pilot Operating Agreement (POA)





Let's Ride

Camille Didio

Sr. Account Executive camille.didio@bird.co





CITY OF GRAHAM CITY COUNCIL SPECIAL MEETING MINUTES FRIDAY, FEBRUARY 23, 2022

The City Council of Graham held a special meeting beginning at 2:00 p.m. on February 23, 2022, in the Council Chamber of the City Hall Municipal Building located at 201 South Main Street, Graham, NC.

Councilmembers Present:

Mayor Jennifer Talley Mayor Pro Tem Ricky Hall Councilmember Bobby Chin Councilmember Joey Parsons

Staff Present:

Megan Garner, City Manager Aaron Holland, Assistant City Manager Darby Terrell, City Clerk Bryan Coleman, City Attorney Bob Ward, City Attorney

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order and presided at 2:00 p.m.

<u>ITEM 1: DISCUSSION – PROPOSED CHANGES TO ARTICLE VI – PARADES, PROTESTS, AND STREET EVENTS ORDINANCE:</u>

Mayor Talley stated that the Council was interested in suspending the Special Events Committee's authority to approve special event permit applications. Council Members discussed having staff create an amendment to this section of the ordinance to allow Council to approve all permits in the future and allow the Special Events Committee to give recommendations. The Council wishes to give business owners and citizens a way to comment on special event applications presented to the City for approval.

Mary Faucette, Downtown Development Coordinator, stated this ordinance and process were created under the previous Council's direction. She stated the Special Events Committee was viewed to have the authority to approve applications for special events on city roads with less than 10,000 cars per day. Ms. Faucette stated the current process allows input from citizens and business owners. She stated weekly emails, with updates, are sent to all downtown businesses, and property owners with Council Members included in these emails.

Mayor Talley stated she would like all approved applications from the Special Events Committee's meeting on February 1, 2022, to come before Council for approval during the March 8, 2022, regular meeting. Mayor Talley stated that it was unnecessary to include the Burlington Presbyterian Church's event since it was considered for permitting approval under the Alamance County jurisdiction.

Tom Boney, Alamance News, stated that his business had not been contacted for events being discussed.

Police Chief Kristi Cole stated that the original vision of the Special Events Committee was to provide a streamlined process for applicants. She stated she was in favor of keeping the committee even if were only to make recommendations to the Council.

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Jamie Paulen, 907 Eno Street, Hillsborough, opposed the Council requesting changes to the special events process.

Unknown Citizen spoke in opposition to Council requesting changes to the special events process.

Council Member Chin moved to suspend the authority of the Special Events Committee until the new ordinance was written and approved and to allow the Special Events Committee only to make recommendations on events and that future applicants must come before Council for approval, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 2: PAY PLAN ADJUSTMENTS – CITY EMPLOYEES

Council discussed several pay adjustment options including increasing all employees' salaries by two dollars an hour and possibly distributing the leftover unpaid salaries to department heads to distribute or focus on giving raises to the entry-level positions for certain departments.

Police Chief Cole spoke on the difficulty of finding certified applicants and the City's starting pay being much lower than surrounding municipalities.

Burke Robertson, Director of Public Works, spoke on the Public Works Department's inability to keep people in entry-level positions and how long the department had been without certain positions. He stated the Public Utilities Department had been working without positions being filled for much longer. Mr. Robertson stated that only increasing an entry-level position could create inequity within departments that could lead to retention issues with current employees.

Council discussed the City of Mebane's pay plan study to be inadequate for them to use to address salary issues brought to them by staff. Council members also discussed the need for the City to have its own pay plan study. City Manager Garner stated staff's recommendation would be to increase all employees' hourly rates by two dollars which would be the most equitable and would have less impact on a pay plan study. Council Member Chin inquired if staff could do a pay plan study in-house. Ms. Garner, City Manager, stated that this would be difficult to do in-house because of the time required to do an efficient and complete pay plan study.

City Manager Megan stated it would cost the City approximately \$179,000 to fund a two-dollar hour raise deducted from \$308,000 of lapsed salaries the City has from unfilled positions. She stated this increase would be for all employees starting at the next pay period, effective February 27, 2022.

The following Department Directors asked Council to consider giving all employees the two-dollar an hour raise: Jeff Wilson, IT Manager, Tonya Mann, Director of Public Utilities, Brian Faucette, Director of Recreation and Parks and Fire Chief Tommy Cole.

Tom Boney, Alamance News, spoke in opposition to the salary increase options and the pay plan study.

Council Member Parsons spoke in favor of giving all employees a two dollars an hour increase, followed by Mayor Pro Tem Hall and Council Member Chin.

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Brian Faucette, Director, and Emma Griffin, Program Supervisor of Recreation and Parks, spoke in reference to the pay plan study and asked Council to consider including part-time positions.

Mayor Talley moved to approve a two dollar an hour increase for all employees effective February 27, 2022, the beginning of the next pay period, and update the pay plan to reflect the increase, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ADJOURN

Mayor Talley motioned to adjourn at 4:13 p.m., seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Darby Terrell, City Clerk	

CITY OF GRAHAM CITY COUNCIL MEETING MINUTES TUESDAY, MARCH 8, 2022

The City Council of the City of Graham held a regularly scheduled meeting beginning at 6:00 p.m. on March 8, 2022, in the Council Chamber of the City Hall Municipal Building located at 201 South Main Street, Graham, NC.

Council Members Present:

Mayor Jennifer Talley Mayor Pro Tem Ricky Hall Council Member Bobby Chin Council Member Joey Parsons Council Member Bonnie Whitaker

Staff Present:

Megan Garner, City Manager Aaron Holland, Assistant City Manager Bryan Coleman, City Attorney Bob Ward, City Attorney Darby Terrell, City Clerk Justin Snyder, Planning Director

CALL TO ORDER:

Mayor Jennifer Talley called the meeting to order at 6:02 p.m. and presided. Mayor Talley asked Mayor Pro Tem Hall to recite the Pledge of Allegiance.

OATH OF OFFICE FOR NEWLY APPOINTED COUNCIL MEMBER:

Alamance County Clerk of Court Meredith Edwards administered the oath of office to the newly appointed Council Member Bonnie Whitaker.

SPECIAL PRESENTATION/HONORARY PROCLAMATIONS:

<u>CITY OF GRAHAM RETIREE</u>: Mayor Talley recognized on behalf of the City Council and the City of Graham, Paul Ingerick who retired from the City of Graham in January with 21 years of service. Mr. Ingerick was the Property Maintenance Supervisor in the Public Works Department.

CONSENT AGENDA:

- **a.** To approve the minutes of the February 8, 2022, regular meeting.
- **b.** To approve a Proclamation declaring April 29, 2022, as Arbor Day in the City of Graham.
- **c.** To approve the North Carolina Records Retention and Disposition for 2021 General and Program Records Schedule for Local Government Agencies.
- **d.** To approve the following members to the recombined Appearance Commission/Tree Board starting on April 1, 2022:
 - i. Zipporah Clark-Baldwin term ending June 2024
 - ii. Judy Hall term ending June 2023

- iii. Bernadette Konzelmann term ending June 2024
- iv. Carmen Larimore term ending June 2024
- v. Cheryl Ray term ending June 2023
- e. To award a contract, in the amount of \$956,937.00, to Triangle Grading and Paving, Inc. for the Water & Sewer Improvements Project on Long Avenue and Albright Avenue.
- **f.** To approve a Petition for a Voluntary Contiguous Annexation for approximately 57.23 acres located on Lacy Holt Road (GPIN 8893686572 & 8894906303) (AN2201):
 - i. To approve a Resolution Requesting the City Clerk to Investigate Sufficiency.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 FOR PROPERTY ON LACY HOLT ROAD (GPINS: 8873512978 and 8873625474) (AN2201)

WHEREAS, a petition requesting annexation of an area described in the said petition was received on March 8, 2022, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation. NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

ii. To approve a Resolution Fixing Date of Public Hearing on Question of Annexation.

RESOLUTION FIXING DATE OF APRIL 12, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 27.225 +/- ACRES ON LACY HOLT ROAD (AN2201)

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on April 12, 2022.

Section 2. The area proposed for annexation is described as follows:

Legal Description GPIN#: 8873512978 and 8873625474

Legal Description:

DESCRIPTION IS OF THE LEOTERRA GRAHAM, LLC PROPERTY,

BEING TAX PARCEL ID # 175818 & 175819

AS RECORDED IN DEED BOOK 417, PAGE 557 & 563 & SHOWN ON PLAT BOOK 80, PAGE 211 IN THE ALAMANCE COUNTY REGISTER OF DEEDS.

BEGINNING AT A 1½" EXISTING IRON PIPE, SAID PIPE HAVING A NC GRID COORDINATE OF N: 832,573.45 AND E: 1,875,772.60, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY AND THE CARROLLTON PLACE SUBDIVISION AND ALSO WITH PARCEL # 1 OF THE SUBJECT PROPERTY; THENCE WITH THE SOUTHERN LINE OF THE CARROLLTON PLACE SUBDIVISION N 63° 41' 31" E FOR A DISTANCE OF 1225.26 FEET TO A 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE MONROE ACRES

SECTION 1 SUBDIVISION; THENCE WITH THE WESTERN LINE OF THE MONROE ACRES SUBDIVISION S 31° 25' 38" E FOR A DISTANCE OF 1021.51 FEET TO A 3/4" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ROCKWOOD ESTATES SECTION 1 SUBDIVISION: THENCE WITH THE NORTHERN LINE OF THE ROCKWOOD ESTATES SUBDIVISION S 71° 25' 13" W FOR A DISTANCE OF 944.98 FEET TO A 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE GROUP INC PROPERTY S 71° 34' 36" W FOR A DISTANCE OF 356.22 FEET TO A 3/4" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE PROPERTY S 71° 52' 49" W FOR A DISTANCE OF 314.73 FEET TO AN EXISTING STONE, SAID STONE BEING A COMMON CORNER WITH THE JOSHUA & SYLVIA NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 13' 48" W FOR A DISTANCE OF 821.12 FEET TO A BENT 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE JEFFREY & PATTI NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 23' 29" W FOR A DISTANCE OF 181.30 FEET TO A BENT 1" EXISTING IRON PINCH TOP PIPE; THENCE CONTINUING S 71° 24' 13" W FOR A DISTANCE OF 66.62 FEET TO AN EXISTING IRON PIPE IN A ROCK PILE, SAID PIPE BEING A COMMON CORNER WITH THE JAMES & ANDREA ROLLINS PROPERTY; THENCE WITH THE ROLLINS PROPERTY S 71° 31' 11" W FOR A DISTANCE OF 282.36 FEET TO A 1" EXISTING IRON PIPE; THENCE CONTINUING S 71° 22' 34" W FOR A DISTANCE OF 30.45 FEET TO A CALCULATED POINT, SAID POINT BEING IN THE CENTERLINE OF LACY HOLT ROAD; THENCE WITH THE CENTERLINE OF LACY HOLT ROAD N 01° 44' 20" E FOR A DISTANCE OF 97.36 FEET TO A POINT; THENCE CONTINUING ALONG THE ROADWAY N 03° 16' 23" E FOR A DISTANCE OF 965.65 FEET TO A POINT; THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1414.63 FEET AND A CHORD BEARING OF N 02° 06' 23" E FOR A DISTANCE OF 35.84 FEET TO A POINT; THENCE LEAVING THE CENTERLINE N 80° 50' 51" E FOR A DISTANCE OF 30.50 FEET TO A 3/4" EXISTING IRON PIPE, SAID PIPE BEING IN THE EASTERN RIGHT OF WAY OF LACY HOLT ROAD AND ALSO A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY; THENCE WITH THE CASHION PROPERTY N 80° 50' 51" E FOR A DISTANCE OF 1135.84 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 57.225 ACRES MORE OR LESS.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 8th day of March 2022.

- **g.** To approve the City of Graham's Historic Resource Commission (HRC) to purchase plaques for historic buildings using the funds raised by the Graham Historical Society.
- **h.** To approve the following tax releases for \$419.29:

	CITY OF GRAHAM RELEASE ACCOUNTS					
FEBRU	FEBRUARY RELEASES					
				AMOUNT		
_ACCT#	YEAR	NAME	REASON FOR RELEASE	RELEASED		
702246	2021	SEBREN, SHELBY	PARCEL DOUBLE BILLED	\$113.75		
6967	2021	CAROLINA HOSIERY MILL	OUT CARD FROM ALA CO VALUE CORRECTIONS	\$258.12		
279829	2019	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51		
279829	2020	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51		
279829	2021	WALTERS, WILLIAM KEITH	SOLD BOAT	\$6.51		
491265	2021	OLIVER, GORDON/OLIVER RENTALS	MOBILE HOME SOLD IN 2020	\$27.89		

Mayor Pro Tem Hall moved to approve the consent agenda as presented, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 1: REZONING - CHERRY LANE (RZ2109)

A public hearing had been continued to consider a rezoning from Low-Density Residential (R-18) and Light Industrial (I-1), to Conditional Industrial (C-I) consisting of 78.12 acres on Cherry Lane. (GPIN 8893686572 & 8894906303) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. (Continued from January 11, 2022, regular meeting.)

Justin Snyder, Planning Director, stated the applicants for Items 1, 2, 3, and 6, 7, 8 had withdrawn their applications. Mr. Snyder stated staff recommended Council consider and accept the applicant's withdrawal with one motion.

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

After the motion, Council Member Chin and Council Member Parsons spoke on the topics listed below.

Commercial/Industrial Development for Graham Commerce Park

- This is why:
 - Development to date for the commerce park has been distribution warehouses
 - Apparent lack of a comprehensive, coordinated, and unified long term vision for commerce park development (NC Commerce Park – 2015 – 1100 acres zone I-1)
 - 2035 comprehensive plan is too vague to address the integration for the co-existence of industrial and resident development.
 - · Areas that need to be addressed with the commerce park
 - Heavy truck traffic
- Noise
- Light Pollution
- Aesthetics
- Gaps in the current development ordinance for industrial/commercial development such as Plan Unit Development
- What we want to do:
 - Vision have a long term plan where industrial/commercial/residential communities would co-exist to maintain the
 - Livability of the existing residential communities
 - Viability for future industrial/commercial development
- · Mission moving forward:
 - Develop a long-term plan that will co-exist with existing residential developments
 - Develop a technology overlay for Cherry Lane with focus on Information, Research, & Bio-Med Technologies, defined in a comprehensive Plan Unit Development.
 - Review the existing Development Ordinance for industrial/commercial ordinances. If necessary, establish standards or variances that address setbacks, berms, lights, landscaping, fencing, signage.

BOTTOM LINE: IF WE DON'T DEVELOP THE COMMERCIAL/INDUSTRIAL SECTOR IN GRAHAM, THE CONSEQUENCES WILL BE HIGHER PROPERTY TAXES TO COVER THE COST OF SERVICES FOR RESIDENTS.

Mayor Talley referenced the Graham Comprehensive Plan Goal 2.4.1 during the discussion.

Policy 2.4.1: NC Commerce Park

Promote growth of Graham's primary job creation opportunity, a joint planning area known as the North Carolina Commerce Park (NCCP), due to its location, regional accessibility, and highly developable status.

Strategy 2.4.1: NCCP Development

Develop a plan for the employment district in order to maximize economic growth within this area. Align plans and investments with efforts to recruit and grow strategic business opportunities in the NCCP.

ITEM 2: REZONING - INTERSECT GOVERNOR SCOTT FARM ROAD (RZ2110)

A public hearing had been continued to consider a rezoning from Low-Density Residential (R-18), to Conditional Industrial (C-I) consisting of 37.85 acres on Governor Scott Farm Road. (GPIN 8893886609) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

ITEM 3: REZONING - CHERRY LANE (RZ2111): A public hearing has been continued to consider a rezoning from Low-Density Residential (R-18), to Conditional Industrial (C-I) consisting of 9.10 acres on Cherry Lane. (GPIN 8893796670) The Planning Board recommended denying the rezoning request at its February 15, 2022, regular meeting. (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

ITEM 4: REZONING - 302 NORTH MAPLE STREET & 203, 207, & 213 WEST MARKET

STREET (RZ2201): A public hearing had been continued to consider an application by Jason Cox on behalf of NJA Properties, LLC, and NRS Properties, LLC, to rezone approximately 1.15 acres of property located at 302 N. Maple Street and properties at 203, 207, and 213 W. Market Street. The applicant requests these properties be rezoned from High-Density Residential (R-7) to Central Business (B-1) zone. (GPIN: 8884151515, 8884150571, 8884059566, and 8884058556) The Planning Board recommended denial at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated the applicant requested to rezone approximately 1.15 acres of property at 302 N. Maple Street and 203, 207, and 213 W. Market Street from High-Density Residential (R-7) to Central Business (B-1). He stated the area near the proposed rezoning comprises numerous older homes, mostly in poor to fair condition, and a mixture of vacant buildings and vacant lots. He stated this area was listed in the Future Land Use Map as Downtown Residential and uses allowed in a B-1 would match the description laid out for Downtown Residential. Mr. Snyder stated that this would be compatible if rezoned as long as the off-street parking needs could be met to serve the proposed uses.

Mayor Talley opened the public hearing, the following citizens spoke.

<u>Jason Cox (200 N Main Street) Applicant:</u> gave a brief explanation of having a mixed residential building and expanding the downtowns environment of walkability closer to residents. He stated the parking issue would be resolved by encouraging customers to use city parking lots located near the property.

<u>Niki Smith (402 South Maple Street):</u> spoke in favor of the rezoning and the applicant's idea of uses that would encourage more walkable areas. She stated the rezoning was compatible with the downtown architecture and encouraged a mode of transportation that would reduce the number of cars parking in the downtown area.

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Council Member Chin moved to close the public hearing, seconded by Mayor Talley. The motion passed unanimously.

Council agreed that they would have liked to see plans that show the applicant's potential uses for the requested rezoning. Council Member Parsons stated he agreed with the vision presented by the applicant but was hesitant to vote for its approval because there were no plans showing their vision.

Council stated the importance of providing off-street parking such as Conditional Business (C-B) or General Business (B-2) zonings. Council Members stated they viewed conditional rezoning as a better rezoning application than the one presented because it would allow the Council to make sure adequate parking was provided. During the discussion, Mayor Talley stated she viewed keeping the properties residential as another option for the applicant to consider.

Council Member Chin moved to deny the rezoning application because it was inconsistent with 2.1.1 Diverse Job market, 2.1.3 Economic resilience, and 2.1.4 Competitive advantage policies within The Graham 2035 Comprehensive Plan, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

ITEM 5: CONDITIONAL REZONING - GILBREATH - MIXED-USE REVISION (CR2101): A

public hearing had been continued to consider an application by Ben Green Hyconic Holdings LLC, to rezone 38 acres on E. Gilbreath Street from Light Industrial (I-1) and General Residential (R-G) to Conditional Mixed-Use Residential (C-MXR) to allow for 46 townhomes and 118 single-family lots. The Planning Board recommended approval at its February 15, 2022, regular meeting. (GPIN 8883885270, 8883872722, 8883886903)

Justin Snyder, Planning Director, stated this request was to rezone property from Light Industrial (I-1) to Conditional Mixed-Use Residential (C-MRX). He stated the revised application included 46 townhomes and 118 single-family lots. Mr. Snyder stated the project was expected to be built out in phases. He stated staff was recommending approval of this application because the design had the higher density clustered in the center with the lower density surrounding it on the perimeter. Mr. Snyder stated the conditions below were given to the developer by the Planning Board and the Technical Review Committee:

- 1. A dog park shall be provided on-site.
- 2. Landscaping in the buffer shall be appropriate to the buffer and shall be by City standards.
- 3. Street trees from the recommended planting list shall be provided as well as lot trees for each lot.
- 4. Playground equipment shall be provided.
- 5. A walking trail shall be provided adjacent to the river with a dedicated public access easement, and it shall connect to the internal sidewalk network.
- 6. A street stub-out shall be provided to the lot to the north of this site if feasible.

Council discussed the changes presented to them with the updated site plan for the development. Council asked if the Planning Board was aware of the changes, to which Mr. Snyder answered yes. Council discussed with staff the buffering requirements for fencing and if what was presented met the ordinance requirements. Mr. Snyder stated the ordinance requirements would be met and suggested Council consider adding a condition to have the fencing located on the property line side and the landscape buffering and sidewalk be located on the roadside.

Mayor Talley opened the public hearing, and the following individuals spoke.

<u>Amanda Hodierne (804 Green Valley Road, Suite 200, Greensboro):</u> spoke on behalf of the applicant. She stated developers had come up with a revised plan which changed the number of townhomes to 46 and the single-family homes to 118. She stated that the developers had revised the plan that increased the open space within the subdivision.

<u>Charlie Oakley (Perimeter Park Drive, Suite 112, Mooresville, NC):</u> spoke on behalf of the applicant as its engineer. Mr. Oakley stated that the developers planned for building a fence with landscaping where East Gilbreath Street is located for future residences. He also stated that the developers would be working with utility companies to ensure underground utilities are not hit during development. Mr. Oakley stated the revision helped address the floodplain areas on the property to be utilized as open space areas and the remaining land outside of the floodplain to be used for single-family lots.

<u>Jeanette Beaudry (308 East Harden Street):</u> spoke in reference to the flooding hazards on Gilbreath Street near the property.

Mayor Talley moved to close the public hearing, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Talley moved to approve the conditional rezoning application with the following conditions:

- 1. A dog park shall be provided on-site and paved access to the dog park.
- 2. Landscaping in the buffer shall be appropriate to the buffer and shall be in accordance with City standards.
- 3. Street trees from the recommended planting list shall be provided as well as lot trees for each lot.
- 4. Playground equipment shall be provided that is ADA accessible.
- 5. A walking trail shall be provided adjacent to the river with a dedicated public access easement, and it shall connect to the internal sidewalk network.
- 6. A street stub-out shall be provided to the lot to the north of this site if feasible.
- 7. The no-access easement for lots fronting along East Gilbreath Street shall be recorded prior to the approval of the final plat.
- 8. A fence shall be located on the interior of the landscaping and sidewalk with its friendly face side towards Gilbreath Street.

The motion was seconded by Mayor Pro Tem Hall and passed unanimously.

ITEM 6: VOLUNTARY CONTIGUOUS ANNEXATION - 78.12 ACRES - CHERRY LANE (AN2103): A public hearing had been continued to consider a voluntary contiguous annexation containing 78.12 acres on Cherry Lane. (GPIN 8893686572 & 8894906303) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

ITEM 7: VOLUNTARY CONTIGUOUS ANNEXATION - 37.85 ACRES - GOVERNOR SCOTT FARM ROAD (AN2104): A public hearing had been continued to consider a voluntary contiguous annexation containing 37.85 acres on Governor Scott Farm Road. (GPIN 8893886609) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

ITEM 8: VOLUNTARY CONTIGUOUS ANNEXATION - 9.10 ACRES - CHERRY LANE

(AN2105): A public hearing had been continued to consider a voluntary contiguous annexation containing 9.10 acres on Cherry Lane (GPIN 8893796670) (Continued from January 11, 2022, regular meeting.)

Council Member Bobby Chin moved to accept the applicant's withdrawal for Items 1, 2, 3, and 6, 7, 8, seconded by Mayor Pro Tem Ricky Hall. The motion was approved unanimously.

ITEM 9: AMENDMENT - DEVELOPMENT ORDINANCE - RECREATION & AMENITIES

(AM2202): A public hearing had been continued to consider a text amendment to the Development Ordinance to create standards for recreation and amenities for subdivisions that have five or more units. The proposed text amendment includes a point system tied for listed amenities based on desirability. The points are also based on the size of the development and the number of dwelling units. If approved by the City Council, this would be placed in the reserved section, Section 10.251, within the Development Ordinance. The Planning Board recommended approval of this item, with an amendment to Section I, at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated the proposed language was to create standards for recreation and amenities to be considered together when receiving a proposed subdivision with five or more units. He stated amenities required are based on a points system that is tied to how desirable the amenities are, and the number of required points is tied to the number of dwelling units and size of the development.

Council discussed the presented text amendment with staff and discussed language they would prefer to be taken out, such as the dedication of parks to the City. Council discussed with staff further changes made by the Planning Board.

Mayor Talley opened the public hearing, the following citizens and staff members spoke.

Brian Faucette, Recreation and Parks Director: spoke in favor of the amendment. He also asked Council to consider adding a fee system to balance out the increased demand a new development would put on City services.

Dean Ward, Planning Board Chair: spoke in favor of the text amendment and answered questions from Council on the changes made at the Planning Board meeting.

Mayor Pro Tem Hall moved to table this discussion to the next meeting on April 12, 2022, to allow Council to review the suggested changes, seconded by Council Member Parsons. The motion passed unanimously.

ITEM 10: AMENDMENT - DEVELOPMENT ORDINANCE - EXTERIOR LIGHTING

(AM2203): A public hearing had been continued to consider a text amendment to the Development Ordinance to create standards for exterior lighting throughout the City. The purpose of the proposed text amendment is to provide lighting standards throughout the City and help prevent site over-illumination and excess lighting from becoming a nuisance for adjacent properties. If approved by the City Council, this would be placed in the

reserved article and section, Article VI and Section 10.290. The Planning Board recommended approval of this item at its February 15, 2022, regular meeting. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated staff recommended language to create measurable lighting standards for exterior lighting throughout the City.

Mayor Talley opened the public hearing.

There were no comments.

Mayor Pro Tem Hall moved to close the public hearing, seconded by Mayor Talley; the motion passed unanimously.

Mayor Pro Tem Hall moved to approve the text amendment because it allowed the City to control lighting trespass, nuisance glare, and the illumination of properties to protect surrounding property owners and that it was consistent with The Graham 2035 Comprehensive Plan, other jurisdictions, and best practices, seconded by Council Member Whitaker. The motion passed unanimously.

ITEM 11: AMENDMENT - DEVELOPMENT ORDINANCE - ACCESSORY DWELLINGS

<u>UNITS (ADUS) (AM2204)</u>: A public hearing had been continued to consider a text amendment to the Development Ordinance to create standards and ways to allow accessory dwelling units in single-family residential zoning districts. The Planning Board recommended approval of this item, with an amendment, at its February 15, 2022, regular meeting. The suggested changes from the Planning Board to Council are to remove the water and sewer meter requirements, the Right-of-Way access requirements, and change the size to 1,600 square feet as the minimum listed in the amendment. (Continued from February 8, 2022, regular meeting.)

Justin Snyder, Planning Director, stated staff recommended the text amendment to create standards for allowing accessory dwelling units in residential districts. Mr. Snyder stated there was a need to allow these units in the city due to the aging population and the desire to age in place and live with kids outside the home. He stated that this would allow more density without being obtrusive. Mr. Snyder stated this would free up other dwelling units for people to move into without requiring significant land development. He stated that the Planning Board increased the footage to allow 1,600 square feet for an accessory dwelling unit.

Mayor Talley opened the public hearing. The following citizens and staff spoke:

Josh Johnson, Alley, Williams, Carmen, and King Inc. (AWCK) (740 Chapel Hill Road, Burlington) contracted engineer for the City, stated that he would like Council to consider including in the text amendment that all property owners connected to the City water system, to treat the accessory dwelling unit as new residential construction and require them to have a separate water meter and connection.

<u>Fire Chief Cole:</u> expressed concern regarding increased parking on streets, making it potentially problematic for the fire trucks to maneuver through neighborhood streets.

<u>Dean Ward, Planning Board Chair:</u> spoke in favor of the Planning Board's modification for dwellings to be a maximum of 1,600 square feet.

<u>Chuck Talley (808 Sideview Street):</u> spoke in reference to the setbacks required for an accessory dwelling.

<u>Chad Huffine (505 East Davis Street, Burlington):</u> asked Council to consider what had been discussed at the Planning Board meeting on how they would allow houses on a well and septic to have permitted accessory dwelling units.

Council discussed requesting staff to implement a minimum lot requirement of one acre, with approval from the Environmental Health Department. Council discussed directing staff to remove the first paragraph of section f of the proposed text amendment. Council discussed considering having the accessory dwelling units with a minimum square foot of 50% of the heated living area and allowing a maximum of 1600 square feet.

Mayor Talley moved to close the public hearing, seconded by Council Member Chin. The motion passed unanimously.

Bob Ward, City Attorney, requested that Council re-advertise the public hearing since the text amendment was adjusted.

Mayor Talley moved to reopen and continue the public hearing to April 12, 2022, and to direct staff to readvertise the hearing to include all changes, seconded by Council Member Chin. The motion passed unanimously.

NEW BUSINESS:

<u>ITEM 12: CITIZEN REQUEST - DISCUSSION - AMENDING TRAFFIC SCHEDULE</u>: A request was received from Judy Hall requesting Council to consider amending the traffic schedule to include no parking within the cul-de-sac of Pepperstone Drive.

Mayor Talley asked if there were any Council Members who had a conflict of interest regarding this request.

Council Member Whitaker asked to be removed from this decision due to serving on the HOA Board involved in this request.

Council Member Chin motioned to recuse Council Member Whitaker, seconded by Mayor Talley. The motion passed unanimously.

Mayor Pro Tem Hall also asked to be recused due to his affiliation with the HOA and residing in the subdivision.

Mayor Talley moved to recuse Mayor Pro Tem Hall, seconded by Council Member Parsons. The motion passed unanimously.

Aaron Holland, Assistant City Manager, recommended that staff conduct a traffic study and review the current traffic schedule. He suggested that the Council allow staff the ability to evaluate the area in question and report back to Council with a recommendation.

<u>Judy Hall (2501 Pepperstone Drive)</u>: spoke in reference to the letter she sent requesting Council to direct staff to investigate the cul-de-sac parking issue.

Brandy Moya (2722 Pepperstone Drive): spoke in reference to directing staff to conduct a traffic study on her cul-de-sac as well as other cul-de-sacs throughout the subdivision.

Pam Smith (2718 Pepperstone Drive): stated she had never experienced traffic or parking issues.

Council Member Chin moved to direct staff to evaluate the cul-de-sac at the end of Pepperstone Drive and the other cul-de-sacs in the subdivision for recommendations on parking.

Council Member Parsons moved to amend the motion to include all roads and cul-de-sacs in Valleyfield for parking on the street to be evaluated by staff, including road widths, and bring back recommendations to Council, seconded by Mayor Talley. The motion passed unanimously.

Mayor Talley moved to allow the Council Members who had recused themselves back to the dais, seconded by Council Member Parsons. The motion passed unanimously.

<u>ITEM 13: ROAD CLOSURES – SPECIAL EVENTS APPLICANTS</u>: On Wednesday, February 23, 2022, Council requested that all applications for road closures that had been approved previously by the Special Events Committee would now go to Council for final consideration. The Special Events Committee had reviewed the below-mentioned event applications and recommended approval for all requested road closures.

Mary Faucette, Downtown Development Coordinator and Chair of the Special Events Committee, reviewed the below events. She stated that most applicants are present to speak on behalf of their application and event.

- **a.** The Exchange Club's Family Center of The Central Piedmont: Ride Out Child Abuse: Closures of 100 block of West Elm on Saturday, April 30, 2022. The alternate date is May 7, 2022. The request is to schedule the closure from 1 pm to 6 pm.
- **b.** Together Community Events: Graham Food Truck Rodeo: Closures of 100 block West Elm on May 15, 2022. The request is to schedule the closure from 1 pm to 9 pm.
- c. Graham Recreation & Parks: Thursdays at Seven Concert Series: Closure of 100 blocks of West Elm on May 26th, June 23rd, July 28th, August 25th, September 8th, & September 22nd for the 2022 Thursdays at Seven Concert Series. The alternate dates also requested to be approved June 2nd, 9th, 16th & 30th; July 7th, 14th & 21st; August 4th, 11th & 18th; September 1st, 15th & 29th. The request is to schedule the closures for 5 pm to 11:30 pm.
- **d.** <u>Little Brother Brewing Barrel & Bottle: Dino Day Spring Festival:</u> Closures of 100 block West Elm on June 4, 2022. The request is to schedule the closure from 10 am to 9 pm.
- e. <u>Graham Recreation & Parks: Slice of Summer</u>: Closure of 100 blocks of East and West Elm, North and South Main Streets on June 18, 2022, and the alternate date of June 25, 2022. The request is to schedule the closures from 1 pm to 9 pm.
- **f.** <u>Little Brother Brewing Barrel & Bottle: Grahamtoberfest:</u> Closures of 100 block West Elm on September 24, 2022. The request is to schedule the closure from 12 pm to 11 pm.

g. <u>Family Abuse Services: Family Abuse Services Car Show:</u> Closures of 100 block East and West Elm, North and South Main Street, and Court Square on October 1, 2022, with the rain date of October 8, 2022. The request is to schedule the closure from 6 am to 3 pm.

Mary Faucette, Downtown Development Coordinator, stated that the Family Abuse Services Board's last event application, had come back to staff with the proposal to only use the outer parking areas around Court Square and to drop off the North Main Street road closure request.

Council Member Parsons suggested to the Family Abuse Services Board Member that a better request for street closures would have been to close Maple Street from the West Elm intersection to the Pine Street intersection, citing his previous experience with using this street for car shows.

Angie Hall, Family Abuse Services Board Member, spoke in reference to last year's event and what they have prepared for this year's event.

Police Captain Duane Flood stated that he was against putting cars in the inner circle for safety reasons. He also stated that Maple Street was a good alternative, but it was a state NCDOT street and staff would have to get permission. Police Captain Flood suggested closing Maple Street from Harden Street to Elm Street due to limiting access for public safety to Elm and Pine Streets.

Tom Boney, Alamance News, spoke in opposition to allowing privately owned businesses to have streets closed.

City Council and staff discussed that it had been relayed to organizations interested in street closures to begin the closure when they requested the application. The Recreation and Parks staff educated Council on the logistics of closing streets for special events.

Mayor Talley moved to approve the events listed, but amending item g (Family Abuse Services Car Show) for the road closures to be the 100 block of West Elm Street, City Municipal lot, Maple Street from the South Maple side to Pine Street, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Mayor Pro Tem Hall requested a five-minute break at 10:55 p.m. Mayor Talley called the meeting back to order at 11:01 p.m.

<u>ITEM 14: DISCUSSION - COUNCIL MEMBER COMMITTEE LIAISONS</u>: City Council will discuss assigning Council Members to an advisory committee as the Council liaison for each board.

After discussion between Council Members, Mayor Talley moved to select the liaison as follows:

Appearance Commission/Tree	Recreation Commission	Audit Committee
Board		
Council Member Whitaker	Council Member Whitaker	Mayor Talley
Graham Historical Museum	Alamance County Community	Piedmont Triad Regional Council
	Services Agency	Council Member Chin
Council Member Parsons	Mayor Pro Tem Hall	Alternate- Mayor Pro Tem Hall
Historical Resource	Alamance County Economic	Transportation Advisory
Commission	Development Committee	Committee
	Mayor Talley	Mayor Pro Tem Hall
Council Member Parsons	Alternate- Council Member Chin	Alternate- Council Member Chin

Council Member Chin seconded the motion, and the motion passed unanimously.

PUBLIC COMMENT PERIOD:

<u>Chad Huffines (2198 Cherry Lane)</u>: spoke in reference to the request for consideration of a Cherry Lane Overlay. He asked Council to consider providing direction to staff on how to handle these documents procedurally.

<u>Jeanette Beaudry (308 East Harden Street):</u> spoke in reference to the new roundabout put into place by NCDOT on East Elm and East Harden. She stated the new round-a-bout would consume a lot of land and parking from the Historical Children's Chapel United Church of Christ located near the proposed round-a-bout intersection.

CITY STAFF COMMENTS:

<u>Josh Johnson</u>, <u>AWCK</u>: stated that the water and sewer infrastructure project was starting to ramp up and he would have an update for Council at the April 12, 2022, City Council Meeting.

CITY COUNCIL COMMENTS:

<u>Mayor Jennifer Talley</u>: stated she wanted to speak to staff about dedicating a tree in memory of Judy Ward, a known community member.

<u>Council Member Parsons</u>: stated he had asked City Manager Garner to have staff look into adding a code of conduct section in the personnel policy that is being rewritten for employees and to include the Board and Commission Members.

City Manager Garner stated that the Board and Committee Code of Conduct draft would be ready for Council review by the end of the week and potentially be ready for the April 12, 2022, Council agenda. She stated the personnel policy rewrite would begin shortly and would be a longer process.

Council Member Chin stated he had also asked staff to update the personnel policy section to include the state's disciplinary policy.

Council discussed with City Manager Garner an update on the health insurance inquiry for employees. City Manager Garner stated staff had sent out the Request for Proposal (RFP) soliciting a broker and was in the process of receiving bids.

ADJOURN:

Mayor Talley motioned to adjourn at 11:43 p.m., seconded by Mayor Pro Tem Hall. The motion passed unanimously.

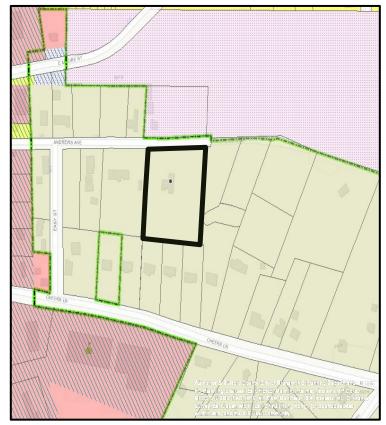
Darby	Terrell,	City	Clerk



SUBJECT:	ANNEXATION OF 2.00 +/- ACRES AT 165 ANDREWS AVENUE
PREPARED BY:	JUSTIN SNYDER, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the resolution fixing a date of May 10, 2022, for a public hearing on the question of contiguous annexation pursuant to G.S. 160A-31 for a 2.00-acre tract of land located at 165 Andrews Avenue.



BACKGROUND/SUMMARY:

The 2.00-acre area being considered for annexation is contiguous. Public sewer is available to this lot via the development across Andrews Avenue to the north known as Stillhouse Farm. Public water is located approximately 500 feet to the west of this property.

Approval of this resolution does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

FISCAL IMPACT:

There is an existing home on this lot, so the only net change in impact will be for serving the lot with City services. Projected revenue would be \$1,836.14 the first year, while projected expenditures would be approximately \$3,636.47. This is typical of most single-family residential uses.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

- 1. I move we approve the resolution directing the City clerk to investigate a petition received under G.S. 160A-31 for potential contiguous annexation of GPINs 8883359616 at 165 Andrews Avenue.
- 2. I move we approve the resolution fixing date of May 10, 2022, for a public hearing on the question of annexation pursuant to G.S. 160A-31 for 2.00 (+/-) acres at 165 Andrews Avenue.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 FOR PROPERTY AT 165 ANDREWS AVENUE (GPIN: 8883359616) (AN2202)

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 12, 2022, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

	Jennifer Talley, Mayor	
ATTEST:		
Darby Terrell, City Clerk		

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RESOLUTION FIXING DATE OF MAY 10, 2022, FOR A PUBLIC HEARING ON QUESTION OF CONTIGUOUS ANNEXATION PURSUANT TO G.S. 160A-31 FOR 2.00 +/- ACRES AT 165 ANDREWS AVENUE (AN2202)

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC, at 6:00 pm on May 10, 2022.
- Section 2. The area proposed for annexation is described as follows:

Legal Description GPIN#: 8883359616

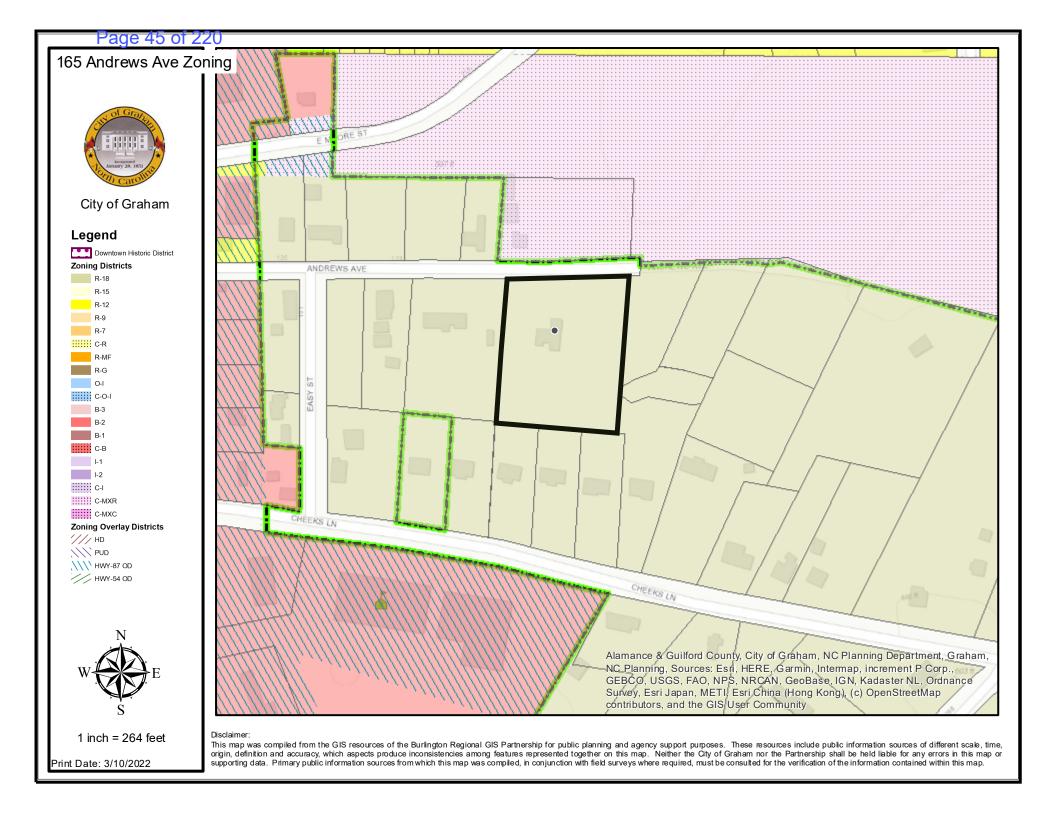
Legal Description:

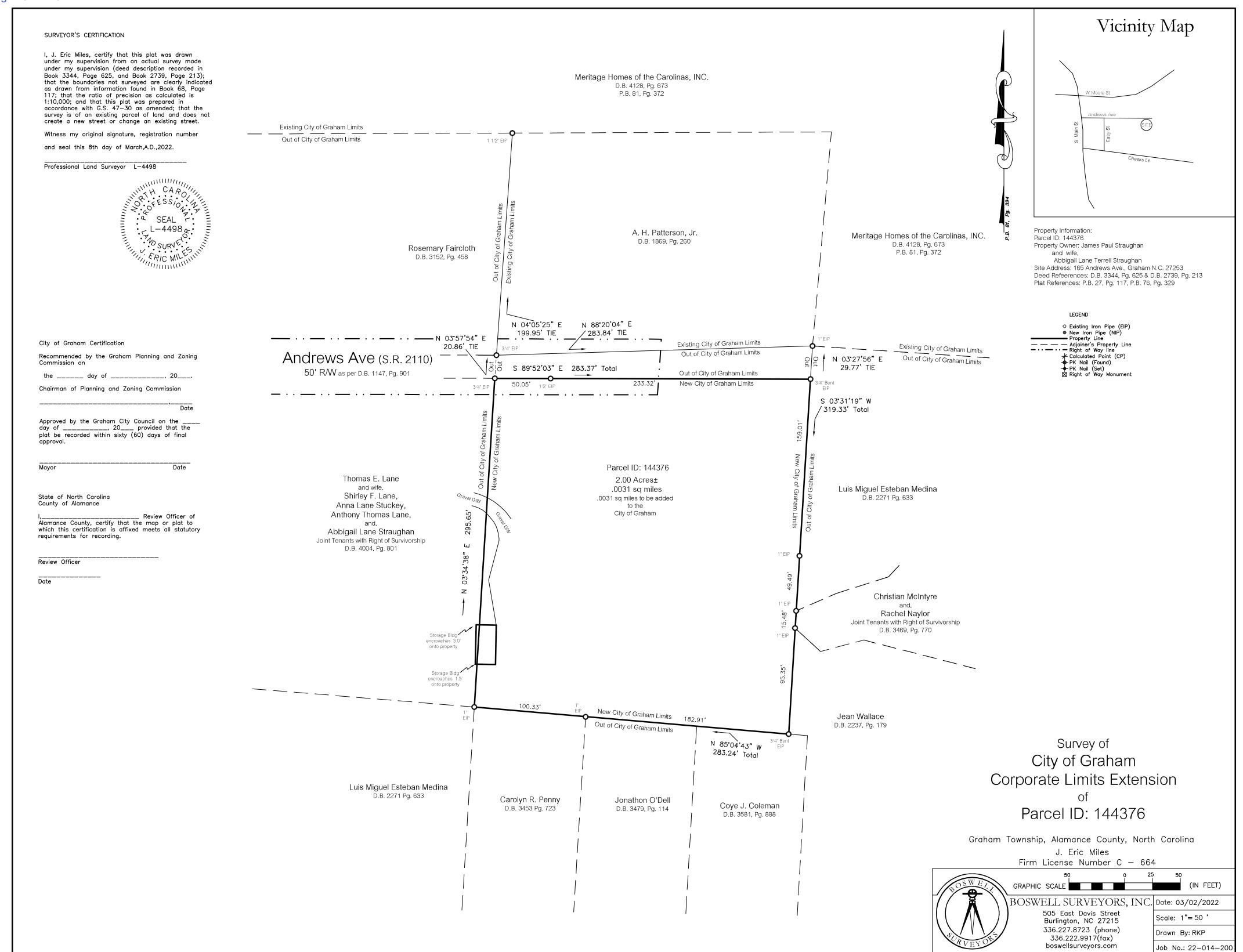
A certain tract or parcel of land located in Graham Township, Alamance County, North Carolina, adjoining Andrews Avenue (SR 2110) and being more particularly described as follows:

BEGINNING at a 3/" existing iron pipe (control corner) located in the southern margin of Andrews Avenue and the northwest corner of Lot 2 PB 76 Pg. 329 (0.34 acre-tract, Parcel ID#172020); thence with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 50.04 feet to a 1/2" pinch existing iron pipe located in the southern margin of Andrews Avenue; thence continuing with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 233.29 feet to a 34" bent existing iron stake located in the southern margin of Andrews Avenue and the western line of Lot 2A PB 68 PG 117; thence with the western line of Lot 2A, South 8 degs. 20' 48" West 319.48 feet to a 34" bent existing iron pipe located in the northern line of Lot 5 PB 68 PG 117; thence with Lots 5 and 4 PB 68 PG 117, North 80 degs. 16'15" West 182.99 feet to a 1" existing iron pipe located in the northwest corner of Lot 4 and the northeast corner of Lot 3 PB 68 PG 117; thence with the northern line of Lot 3, North 80 degs. 16' 15" West 50.32 feet to a calculated point in the northern line of lot 3; thence continuing with Lot 3, North 80 degs. 16' 15" West 50 feet to a 1" existing iron pipe (control corner) located in the northwest corner of Lot 3 and the southeast corner of Lot 10; thence with the eastern line of Lot 10, North 08 degs. 25' 30" East 295.75 feet to THE POINT AND PLACE OF BEGINNING and containing 2.00 acres, more or less, as shown on a plat entitled "Final Plat, Recombination for James Paul Straughan and wife, Abbigail Peyton Straughan" recorded in PLAT BOOK 76 at PAGE 329 of the Alamance County Registry, to which plat reference is hereby made for a more particular description.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 12 th day of April 2022.		
	Jennifer Talley, Mayor	
ATTEST:		
Darby Terrell, City Clerk		





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A certain tract or parcel of land located in Graham Township, Alamance County, North Carolina, adjoining Andrews Avenue (SR 2110) and being more particularly described as follows:

BEGINNING at a ³/₄" existing iron pipe (control corner) located in the southern margin of Andrews Avenue and the northwest corner of Lot 2 PB 76 Pg. 329 (0.34 acre-tract, Parcel ID#172020); thence with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 50.04 feet to a ½" pinch existing iron pipe located in the southern margin of Andrews Avenue; thence continuing with the southern margin of Andrews Avenue, South 85 degs. 04' 23" East 233.29 feet to a ³/₄" bent existing iron stake located in the southern margin of Andrews Avenue and the western line of Lot 2A PB 68 PG 117; thence with the western line of Lot 2A, South 8 degs. 20' 48" West 319.48 feet to a ³/₄" bent existing iron pipe located in the northern line of Lot 5 PB 68 PG 117; thence with Lots 5 and 4 PB 68 PG 117, North 80 degs. 16'15" West 182.99 feet to a 1" existing iron pipe located in the northwest corner of Lot 4 and the northeast corner of Lot 3 PB 68 PG 117; thence with the northern line of Lot 3, North 80 degs. 16' 15" West 50.32 feet to a calculated point in the northern line of lot 3; thence continuing with Lot 3, North 80 degs. 16' 15" West 50 feet to a 1" existing iron pipe (control corner) located in the northwest corner of Lot 3 and the southeast corner of Lot 10; thence with the eastern line of Lot 10, North 08 degs. 25' 30" East 295.75 feet to THE POINT AND PLACE OF BEGINNING and containing 2.00 acres, more or less, as shown on a plat entitled "Final Plat, Recombination for James Paul Straughan and wife, Abbigail Peyton Straughan" recorded in PLAT BOOK 76 at PAGE 329 of the Alamance County Registry, to which plat reference is hereby made for a more particular description.

STAFF REPORT

SUBJECT:	LIDL GRANT PAYMENT SCHEDULE AMENDMENT
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend the approved grant payment schedule between the City of Graham and Lidl US LLC.

BACKGROUND/SUMMARY:

As part of the incentive package offered to Lidl, the City of Graham along with the City of Mebane and Alamance County agreed to five grant payments per entity beginning in 2017. Due to reporting delays and the pandemic, payments were not made during the years of 2018 and 2021. In order to correct the discrepancies in payments outstanding, the agreement must be amended and approved by the governing body. The following amended agreement outlines the remaining grant payments owed by the City and the agreement has been reviewed by the City's attorney.

FISCAL IMPACT:

The amended agreement addresses the remaining payments which would occur over the next two fiscal years. In accordance with the following agreement, the remaining amounts shall be in such amounts as would have been made based upon the formula used to calculate the payment in the applicable year it was to have been paid in the original agreement.

STAFF RECOMMENDATION:

Approval. The payments were anticipated to be made as criteria for payment were met by the company.

SUGGESTED MOTION(S):

I move we authorize the City Manager and City Attorney to effectuate the amended agreement between the City of Graham and Lidl US LLC.

Amendment #1 BETWEEN LIDL US LLC AND THE CITY OF GRAHAM, NORTH CAROLINA

Pursuant to Section 9 of the Agreement made on the 10th of July 2015, among MGP RETAIL CONSULTING, LLC (hereinafter referred to as the "Company") and THE CITY OF MEBANE, a North Carolina municipal corporation, the CITY OF GRAHAM, a North Carolina municipal corporation (hereinafter referred to as "Graham"), and ALAMANCE COUNTY, a North Carolina county, collectively known as "the Parties." Pursuant to that Agreement, Graham and The Company, hereby agree to the following:

- 1. That Lidl US LLC ("LIDL") shall be the successor in interest to the Company and all duties and responsibilities of the Company in the Agreement shall be assumed by LIDL.
- 2. That the LIDL facility was operational in 2017.
- 3. That LIDL requested its first grant on September 18, 2017, and payments were received that year from Graham.
- 4. That LIDL requested its 2018 grant payments for the second year on January 28, 2019, however, no payments were made for that year.
- 5. That LIDL requested its 2019 payments for the third year on January 30, 2020, and payments were made by Graham.
- 6. That LIDL requested its 2020 grant payments for the fourth year on March 15, 2021, and payments have been received from Graham.
- 7. That prior to this amendment, LIDL intended to request its 2021 payments for the fifth year in 2022.
- 8. That because of issues related to the COVID-19 pandemic which interrupted the operations of LIDL and Graham, Graham acknowledges that delays in making the five payments have occurred.
- 9. That because payments for the 2018 cycle were not made by Graham, LIDL agrees to an amendment of the grant payment plan which was to be made over five consecutive years. meaning the final payment will be made in 2023.
- 10. That notwithstanding the provisions of Sections 2 (a), 2 (b), and 2 (c) of the Agreement related to the timing of both the submission of notices and the payments of the grants outlined in the Agreement, Graham agrees that the following schedule shall henceforth prevail with regard to the payment of outstanding grants which were not paid or which remain to be paid by Graham:
 - a. The grant which was supposed to be paid for 2018 will be paid on, or about, July 1, 2022 (in fiscal year 2023) based upon the information supplied to Graham for 2018.

- b. The grant for 2021, which constitutes the final payment under the agreement and was supposed to be paid in 2022, will be paid on, or about, July 1, 2023 (in fiscal year 2024). Such payment shall be conditioned upon the submission of information to Graham as required by the Agreement.
- 11. That the amounts of the remaining grants to be paid by Graham shall be free from interest and shall be in such amounts as would have been made based upon the formula used to calculate the payment in the applicable year it was to have been paid in the original Agreement.
- 12. That LIDL will work, in good faith, with Mebane and Alamance on any outstanding payments from those entities and the conditions for such grants shall be subject to a separate Agreement addendum.



STAFF REPORT

SUBJECT:	RESOLUTION AUTHORIZING APPLICATION FOR STATE LOANS FOR A DRINKING WATER DISTRIBUTION AND WASTEWATER COLLECTIONS SYSTEM PROJECTS
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve Resolution authorizing application for State loan assistance for drinking water distribution system and wastewater collections system projects.

BACKGROUND/SUMMARY:

The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of drinking water distribution system and wastewater collections system projects. As described in the attached resolution, the City of Graham has need for and intends to construct or conduct a study on drinking water distribution projects and studies. This also includes wastewater collection system projects and studies described as the replacement or expansion and rehabilitation of aging infrastructure and the further study of infrastructure assets using AIA funding that belong to the City of Graham.

The drinking water projects include replacement of the 10" water transmission main to northwest Graham, West Elm St waterline replacement, small waterline replacements in distressed communities within the City of Graham and Downtown Water Improvements. Wastewater projects include Cooper Road Pump Station Upgrade, Downtown Sewer Improvements, Hanover Road Sewer Rehabilitation, Haw River Outfall Sewer Rehabilitation, New Street and Parker Street Sewer Relocation.

FISCAL IMPACT:

Mere application for funding has a negligible fiscal impact.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Resolution Authorizing Application for Loan and Grant Assistance from The State of North Carolina for drinking water distribution system and wastewater collections system projects.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS.

The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of drinking water distribution system and wastewater collections system projects, and

WHEREAS,

The <u>City of Graham</u> has need for and intends to construct or conduct a study on drinking water distribution projects and studies and wastewater collection system projects and studies described as the replacement or expansion and rehabilitation of aging infrastructure and the further study of infrastructure assets using AIA funding that belong to the City of Graham. The drinking water projects include replacement of the 10" water transmission main to northwest Graham, West Elm St waterline replacement, Small waterline replacements in distressed communities within the City of Graham and Downtown Water Improvements. Wastewater projects include Cooper Road Pump Station Upgrade, Downtown Sewer Improvements, Hanover Road Sewer Rehabilitation, Haw River Outfall Sewer Rehabilitation, New Street and Parker Street Sewer Relocation. All the named projects are a part of the City of Graham Capital Improvements Project Plan, and

WHEREAS,

The <u>City of Graham</u> intends to request State loan and/or grant assistance for the projects.

Now therefore it be resolved, by the City Council of the City of Graham:

That City of Graham, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Megan Garner, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12th of April 2022 at City of Graham Municipal Building, Graham, North Carolina.

Adopted this the 12 th of April 202	2 at City of
(Signature of Chief Executive Officer)	
(Title)	

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the
above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the
State of North Carolina, as regularly adopted at a legally convened meeting of the City of Graham City Council duly
held on the $\underline{12^{th}}$ day of $\underline{April\ 2022}$; and, further, that such resolution has been fully recorded in the journal of
proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this day of
, 20
(Signature of Recording Officer)
(Title of Recording Officer)

City of Graham Water Distribution and Wastewater Collection System Improvements Capital Project List with Estimated Costs and Project Description

Updated – January 2022

This list is a prioritized listing of projects for the City of Graham's Water Distribution and Wastewater Collection Systems. The attached list is prioritized by a mixture of maintenance needs, improvements for the future, regulatory requirements, and funding availability. These projects are not intended as growth projects unless specifically noted. Funding sources are identified in different colors based upon source.

Drinking Water and Sanitary Sewer Collection System Projects

- 1. **Wastewater Treatment Plant Upgrade** This project was awarded an SRF loan last year but due to increased material costs additional funding might be needed. This project is currently out for bid with the estimate being increased to \$50,000,000.
- 2. **10"** Water Main Replacement Phase 1 and 2 Estimated Cost \$13,000,000. Project will replace the waterline from the old water plant to town. The waterline is a 10" cast iron line with lead joints and appurtenances. The lead joints are a public health issue which is a priority for replacement with upcoming lead and copper rule implementation in 2024. The proposed project is as a 16" ductile iron waterline along approximately the current route but modeling of this line may recommend a larger waterline or adjusted alignment. This line will also allow for future growth by increasing the flow that the water plant can send to users within town. This project can be phased additionally. Projected funding source ARP direct allocation (4.8 Million), Legislative ARP (3.75 Million), EDA Grant Application (50% matching for 4.5 Million). (Total funding of 13.05 Million identified).
- 3. West Elm Street Waterline Replacement Estimated Cost \$1,200,000. Project will replace the existing 6" cast iron waterline that has substandard fire and domestic flows. The existing line is from an era that may include lead joints or lead appurtenances which is a priority for replacement with upcoming lead and copper rule implementation in 2024. This project will also improve fire flow in the downtown area of Graham. Oversizing of this project may be eligible for funding through development fees due to it's connection with downtown improvements. Projected funding source NC Division of Water Infrastructure in Spring 2022.
- 4. Cooper Road Pump Station Force Main and Pump Station Upgrade Estimated Total Cost \$3,500,000. The existing pump station is near capacity and phased improvements are proposed to provide additional capacity. The force main and pump station improvements will provide 1.4 MGD of sewer capacity in an area that is poised for additional growth. This can be primarily funded (but not wholly) through the use of development fees. This line is proposed for 2023-2024 improvements but it could be done sooner to facilitate new growth. Projected funding source NC Division of Water Infrastructure in Spring 2022. Possible additional EDA application for economic development project and local development fees.
- 5. Small Waterline Replacements Estimated Cost \$5,000,000. The water distribution system currently has approximately 6.5 miles of small waterlines which are a combination of cast iron and galvanized lines. The majority of these lines are north of I-40/85 and are in residential areas. These lines are from an era that may include lead joints or lead appurtenances which is a priority for replacement with upcoming lead and copper rule implementation in 2024. Replacement of these lines will also significantly improve domestic water flow and quality for

- the residences of Graham. Projected funding source NC Division of Water Infrastructure in Spring 2022 in different projects. Additional funding from future CDBG.
- 6. Downtown Water and Sewer Improvements— Estimated Cost \$1,200,000. Project improvements are to support current and future growth within the downtown area. The proposed project will include replacing substandard sewerlines along Elm Street and connecting and completing the 12" loop around the Court Square. The proposed projects are recommended to be coordinated with storm drainage and stormwater improvements in order to limit paving and mobilization costs and impacts to downtown businesses. Projected funding source NC Division of Water Infrastructure in Spring 2022 in different projects. Additional funding source local development fees.
- 7. Hanover Road Sewer Rehabilitation Estimated Cost \$1,000,000. These sewerlines are in low-lying areas and drain to the Town of Haw River's Lang Street Pump Station. Haw River has identified these lines as a significant source of infiltration and inflow. A proposed sewer meter between Haw River and Graham will measure the wet weather flows. This project would reduce this expected future cost. Projected funding source NC Division of Water Infrastructure in Spring 2022.
- 8. Haw River Sewer Outfall and Manhole Rehabilitation Estimated Cost \$2,500,000. The existing vitrified clay pipe sewerline and sanitary sewer manholes are prone to infiltration and inflow due to the size of the line (24") and the proximity to the Haw River. The proposed project would reclaim lost capacity within the lines and reduce flow to the downstream Cooper Road Pump Station (item 3 above). Projected funding source NC Division of Water Infrastructure in Spring 2022.
- 9. **New and Parker Street Sewer Relocation Estimated Cost \$500,000**. Project improvements are centered around replacing a substandard sewerline that currently goes under a residential structure. The line under the structure and the line on Parker have both been the source of sewer backups and the replacement will be within the street right of way. This will reduce sewer backups, reduce impacts to residences and reduce wastewater pollution in a watershed that is impaired for fecal coliform (Town Branch). Proposed for 2022-2023 fiscal year funding.

 Projected funding source NC Division of Water Infrastructure in Spring 2022.
- 10. New Street 600 Block Sewer Replacement Estimated Cost \$600,000. Project improvements are centered around replacing a 6" substandard sewerline that has been the source of sewer backups. This will reduce sewer backups, reduce impacts to residences and reduce wastewater pollution in a watershed that is impaired for fecal coliform (Town Branch). Proposed for 2025-2026 fiscal year funding. Projected funding source NC Division of Water Infrastructure in Spring 2022.
- 11. **Boyd Creek Sewershed Point Repairs** Estimated Cost \$500,000. Extensive smoke testing identified several point repairs on sewer and storm drainage within the Boyd Creek sewershed. These point repairs are sources where stormwater flows impact wastewater flows to the Boyd Creek Pump Station. To be funded through Water and Sewer Budget.
- 12. Cheeks Lane Waterline Extension Estimated Cost \$1,000,000. Project will complete the City's loop of Cheeks Lane which will significantly improve fire flows in the surrounding area. This line will also significantly reduce flushing in the Rumar Street area. Oversizing of this project to a 12" line could be funded through development fees in order to improve growth in the area. Proposed for 2024-2025 fiscal year funding. Projected funding source local development fees
- 13. **Elevated Water Storage Tank Estimated Cost \$3,500,000.** Approximately a 1,000,000 gallon water tank to be constructed to provide sufficient elevated water storage as the City grows. The location is approximately modeled as the corner of Woody Drive and Gilbreath Street on the

- south side of the interstate. Proposed for 2029-2030 fiscal year funding. Projected funding source local development fees and outside funding (private financing).
- 14. Lacy Holt Road Water Loop Estimated Cost \$600,000. Project improvements include connecting the waterline on Lacy Holt Road between Shamrock Valley and the waterline near Pepperstone Subdivision. This connection will improve fire flow, provide additional growth opportunities on Lacy Holt Road, improvement reliability for an area rapidly developing, and reduce waterline flushing. Proposed for 2025-2026 fiscal year funding. Projected funding source local development fees.
- 15. Pine and Burton Street Sewer Replacement Estimated Cost \$1,000,000. Project improvements are centered around replacing a 6" substandard sewerline that has been the source of sewer backups. This will reduce sewer backups, reduce impacts to residences and reduce wastewater pollution in a watershed that is impaired for biology (Little Alamance Creek). This project is less prioritized due to recent paving of Pine Street but the project is in agreement with the City's Little Alamance Creek plan. Proposed for 2026-2027 fiscal year funding. Projected funding source NC Division of Water Infrastructure in future.
- 16. Kimrey Road Outfall Extension Estimated Cost \$1,000,000. Project improvements would extend the sewer from the North Carolina Commerce Park (NCCP) to potential economic development project on Kimrey Road. This is a growth project that will need to be offset by economic development funding or developer funding. Projected funding source local development fees.
- 17. Infiltration and Inflow Reduction Estimated Annual Cost \$150,000. The primary issue facing the sewer collection system is the flows that peak during storm events. The City currently budgets for sewerline CIPP sliplining and manhole rehabilitation and should continue doing so going forward. Future concentration areas are manhole rehabilitation throughout the Town Branch watershed, the Haw River outfall, and continued efforts in downtown and within the Boyd Creek/Little Alamance watershed. Ongoing annual funding of the I/I program.
- 18. Water and Sewer Development Fee Study Estimated Cost \$20,000. This study establishes the maximum water and sewer development fee that can be charged for new connections to the City's water and sewer system. It is required to be updated every five years but is recommended to be updated every 3 years or after major changes to the City's system. To be funded through Water and Sewer Budget every 3 years.
- 19. Water Plant Planning Studies Estimated Cost \$200,000 (split with City of Mebane). These studies will evaluate the ongoing operations at the Graham Mebane Water Plant and Graham Mebane Lake to plan for future growth and operations. To be funded through Water and Sewer Budget.
- 20. Highway 49 and Highway 54 Water and Sewer line Replacements Estimated Cost \$2,000,000 (75% from NCDOT). These improvements are necessary for the intersection improvements by NCDOT associated with U-6017. The waterline is being improved to match the City's long term capital needs for improved flow through the distribution system. The City of Graham's estimated cost will be \$500,000. To be funded through Water and Sewer Budget.

Transmission Line Improvements – Estimated Total Cost. These improvements are identified in the updated Transmission Main modeling from Hazen and Sawyer and include a series of large transmission lines to facilitate distribution system redundancy and improved flows. Projected funding source – local development fees and outside funding (private financing).

- 21. Trollingwood 16" Waterline Connection \$2,000,000
- 22. Harden Street 16" Waterline Replacement \$2,500,000

- 23. Woody Drive 16" Waterline Connection to Tank \$1,250,000.
- 24. **Southern Water Interconnection Estimated Cost \$1,750,000.** The City's two interconnections with the City of Burlington are on the northern side of the City and the Harden Street connection needs replacement. The City of Graham and City of Burlington have planned for a connection along there shared southern boundary and this connection would benefit both Burlington and Graham as well as providing water to neighboring communities through each other. The project is likely to be split between the two communities for cost but the cost included is an estimate total. To be funded through Water and Sewer Budget and split with Burlington.

STAFF REPORT

SUBJECT:	AWARD CONTRACT FOR BOYD CREEK LIFT STATION GENERATOR
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Award contract to A&J Electrical Services of Trinity, NC for the Boyd Creek Lift Station Generator project.

BACKGROUND/SUMMARY:

The City of Graham recently solicited bids for the permanent generator to be constructed for the Boyd Creek Lift Station project. As described in the attached letter from Alley, Williams, Carmen and King, a total of three responsive bids were received on March 17, 2022 ranging from \$64,650.00 to \$96,851.00.

Based on factors including experience and approach which were reviewed by AWCK, it has been recommended that A&J Electrical Services be awarded the project contingent upon approval of the Project Bid Information by the Division of Water Infrastructure. It is also recommended that the amount of \$64,650.00 is increased to \$75,000.00 to include a project contingency fund to cover any unforeseen items that may occur during construction.

FISCAL IMPACT:

The project will be funded through the same Division of Water Infrastructure project that funded the construction of the Boyd Creek Lift Station (E-SRP-W-17-005). The lift station project came in under budget, so remaining project funds are being used for construction of the permanent generator.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we award the contract with A&J Electrical Services of Trinity, NC in the amount of \$75,000 for the Boyd Creek Lift Station Generator project.

March 24, 2022

The Honorable Mayor and City Council City of Graham 201 South Main Street Graham, North Carolina 27253

Subject: Contract 2 - Boyd Creek Lift Station Generator

AWCK Project No. 15082

Mayor and City Council:

A total of three bids for the subject project were received on Thursday, March 17, 2022 in Graham Council Chambers. Attached with this letter is a copy of the Tabulation of Bids identifying the three bidders whose bid proposals ranged from \$64,650.00 to \$96,851.00.

We have reviewed the bids and find that A&J Electrical Services of Trinity, NC submitted the lowest responsive bid in the amount of \$64,650.00. While we have not worked with A&J Electrical Services in the past, we reached out to references provided within the bid documents, all of whom were very positive about their experience and expressed no hesitation about entering into future contracts with A&J Electrical Services. Based on this feedback, we recommend award of the project to A&J Electrical Services, contingent upon approval of the Project Bid Information by the Division of Water Infrastructure. We recommend the award be made in the amount of \$75,000.00 to include a project contingency fund to cover any unforeseen items that may occur during construction.

The project will be funded through the same Division of Water Infrastructure project that funded the construction of the Boyd Creek Lift Station (E-SRP-W-17-005). The lift station project came in under budget, so remaining project funds are being used for construction of the permanent generator.

We appreciate the opportunity to be of service to the City of Graham and we look forward to working with the City and Contractor should the Council vote to move forward with the construction phase of this project.

Should you have any questions, please feel free to contact us.

Sincerely,

ALLEY, WILLIAMS, CARMEN & KING, INC.

Troy King, P.E.



alley, williams, carmen & king, inc.

Engineering • Architecture • Land Surveying
740 Chapel Hill Road (27215) - P.O. Box 1179 - Burlington, North Carolina 27216

Tel. - (336)226-5534 - Fax - (336)226-3034 - awck.com

ESTABLISHED - 1960

Tabulation of Bids

Contract 2 - Boyd Creek Lift Station Electrical Upgrades

Project No. E-SRP-W-17-0054

Bid Date: Thursday, March 17, 2022 at 2:00pm at the Graham Municipal Building

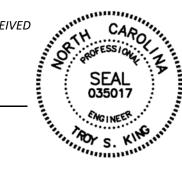
AWCK Project No. 15082

CONTRACTOR	N.C. LICENSE NO.	BID SECURITY	CONTRACTOR'S QUALIFICATION STATEMENT	MBE/WBE/ DBE	TOTAL BID AMOUNT
* A&J Electrical Services	19457	✓	✓	✓	\$64,650.00
M-W Electric, Inc.	14918	✓	✓	✓	\$89,937.00
Bitting Electric, Inc.	4565	✓	✓	✓	\$96,851.00

^{*} Low Bidder

THIS IS CERTIFIED TO BE A TRUE COPY OF BIDS RECEIVED

Troy King, PE – NC License No. 035017 ALLEY, WILLIAMS CARMEN & KING, INC Firm's License Number: F-0203





RESOLUTION OF TENTATIVE AWARD FOR THE CONSTRUCTION OF THE PERMANENT GENERATOR AT THE BOYD CREEK PUMP STATION

WHEREAS, the City of Graham, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Boyd Creek Pump Station Permanent Generator, and

WHEREAS, Alley, Williams, Carmen and King, Inc. Consulting Engineers have reviewed the bids; and

WHEREAS, A&J Electrical Services was the lowest bidder for the construction of the permanent generator, in the total bid amount of \$64,650.00, and

WHEREAS, the consulting Engineers recommend TENTATIVE AWARD to the lowest bidder(s).

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD is made to the lowest bidder(s) in the Total Bid Amount of \$75,000 to include project contingency funds.

Name of Contractor		Amount
1. A&J Electrical Services		<u>\$75,000</u>
BE IT FURTHER RESOLVED that such TE the North Carolina Department of Enviro		•
Upon motion of, RESOLUTION was unanimously adopted.		, the above
This is day of, 2022	2.	
	(Name and T	itle of Authorized Representative)
		(Seal)
Attest:		
(Name, Clerk)		



STAFF REPORT

SUBJECT:	RESOLUTION AUTHORIZING APPLICATION FOR STATE GRANTS AND/OR LOANS FOR GRAHAM WWTP IMPROVEMENTS PROJECT
PREPARED BY:	AARON HOLLAND, INTERIM CITY MANAGER

REQUESTED ACTION:

Approve Resolution authorizing application for State grant/loan assistance for the WWTP improvements and expansion.

BACKGROUND/SUMMARY:

The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project).

The City of Graham has need for and intends to construct a wastewater treatment works project described as the Graham Wastewater Treatment Plant Improvements and Expansion Project.

Pursuant to our nutrient capacity study completed in 2019, it was concluded that a substantial upgrade to our WWTP is required in order to meet current permit requirements for nutrient removal. The proposed project will also expand our permitted capacity from 3.5mgd to 5.0mgd, allowing for a 2.5% growth rate until 2040.

FISCAL IMPACT:

Mere application for funding has a negligible fiscal impact.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Resolution Authorizing Application for Grant and Loan Assistance from The State of North Carolina for Construction of Wastewater Treatment Plant Improvements and Expansion.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water

Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water

distribution system or other "green" project), and

WHEREAS, The <u>City of Graham</u> has need for and intends to construct a wastewater treatment works

project described as the Graham Wastewater Treatment Plant Improvements and

Expansion Project and

WHEREAS, The <u>City of Graham</u> intends to request state loan or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:

That the <u>City of Graham</u>, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That <u>Megan Garner</u>, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12th day of April 2022 at Graham, North Carolina.

 (Signature of Chief Executive Officer – Jennifer Talley)
Mayor, City of Graham
(Title)

CERTIFICATION BY RECORDING OFFICER

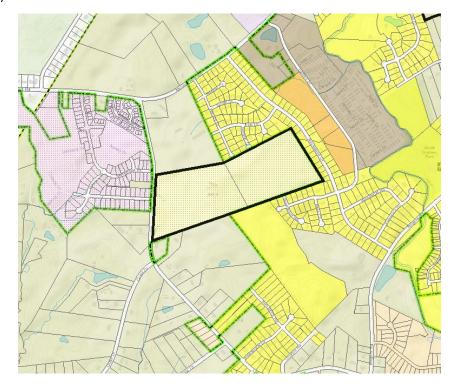
The undersigned duly qualified and acting City Clerk of the City of Graham does hereby of	certify: That the
above/attached resolution is a true and correct copy of the resolution authorizing the fil	ing of an
application with the State of North Carolina, as regularly adopted at a legally convened r	meeting of the
City Council of the City of Graham duly held on the 12th day of April	
$\underline{2022}$; and, further, that such resolution has been fully recorded in the journal of μ	proceedings and
records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this <u>12th</u>	day of
<u>April</u> , <u>2022</u> .	
(Signature of Recording Officer – Darby Terrell)	
Clerk, City of Graham	
(Title of Recording Officer)	



SUBJECT:	ANNEXATION OF 57.225 +/- ACRES ON LACY HOLT ROAD
PREPARED BY:	JUSTIN SNYDER, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for two tracts of land located off Lacy Holt Road.



BACKGROUND/SUMMARY:

The attached petition is a request for the Council's approval for an extension of the corporate limits to include the subject properties. The areas being considered for annexation are located on Lacy Holt Road and contain approximately 57.225 acres total. Water and Sewer lines are adjacent to this location, and the applicant wishes to tie onto the City's infrastructure.

The annexation process has multiple steps. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

FISCAL IMPACT:

The proposed development will contain 193 single-family residential lots. Impacts are similar to other developments in the City.

Page 66 of 220

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for 57.225 (+/-) acres on Lacy Holt Road.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE

CITY OF GRAHAM, NORTH CAROLINA FOR TWO TRACTS OF LAND ON LACY HOLT ROAD (AN2201)

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 6:00 P.M. on April 12, 2022, after due notice by publication on March 24 and 31, 2022; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of April 12, 2022:

Legal Description GPIN#: 8873512978 and 8873625474

DESCRIPTION IS OF THE LEOTERRA GRAHAM, LLC PROPERTY,

BEING TAX PARCEL ID # 175818 & 175819

AS RECORDED IN DEED BOOK 417, PAGE 557 & 563 & SHOWN ON PLAT BOOK 80, PAGE 211 IN THE ALAMANCE COUNTY REGISTER OF DEEDS.

BEGINNING AT A 11/2" EXISTING IRON PIPE, SAID PIPE HAVING A NC GRID COORDINATE OF N: 832,573.45 AND E: 1,875,772.60, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY AND THE CARROLLTON PLACE SUBDIVISION AND ALSO WITH PARCEL # 1 OF THE SUBJECT PROPERTY; THENCE WITH THE SOUTHERN LINE OF THE CARROLLTON PLACE SUBDIVISION N 63° 41' 31" E FOR A DISTANCE OF 1225.26 FEET TO A 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE MONROE ACRES SECTION 1 SUBDIVISION; THENCE WITH THE WESTERN LINE OF THE MONROE ACRES SUBDIVISION S 31° 25' 38" E FOR A DISTANCE OF 1021.51 FEET TO A 3/4" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ROCKWOOD ESTATES SECTION 1 SUBDIVISION; THENCE WITH THE NORTHERN LINE OF THE ROCKWOOD ESTATES SUBDIVISION S 71° 25' 13" W FOR A DISTANCE OF 944.98 FEET TO A 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE GROUP INC PROPERTY S 71° 34' 36" W FOR A DISTANCE OF 356.22 FEET TO A 34" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE KEYSTONE GROUP INC PROPERTY; THENCE WITH THE KEYSTONE PROPERTY S 71° 52' 49" W FOR A DISTANCE OF 314.73 FEET TO AN EXISTING STONE, SAID STONE BEING A COMMON CORNER WITH THE JOSHUA & SYLVIA NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 13' 48" W FOR A DISTANCE OF 821.12 FEET TO A BENT 1" EXISTING IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE JEFFREY & PATTI NICKS PROPERTY; THENCE WITH THE NICKS PROPERTY S 71° 23' 29" W FOR A DISTANCE OF 181.30 FEET TO A BENT 1" EXISTING IRON PINCH TOP PIPE; THENCE CONTINUING S 71°

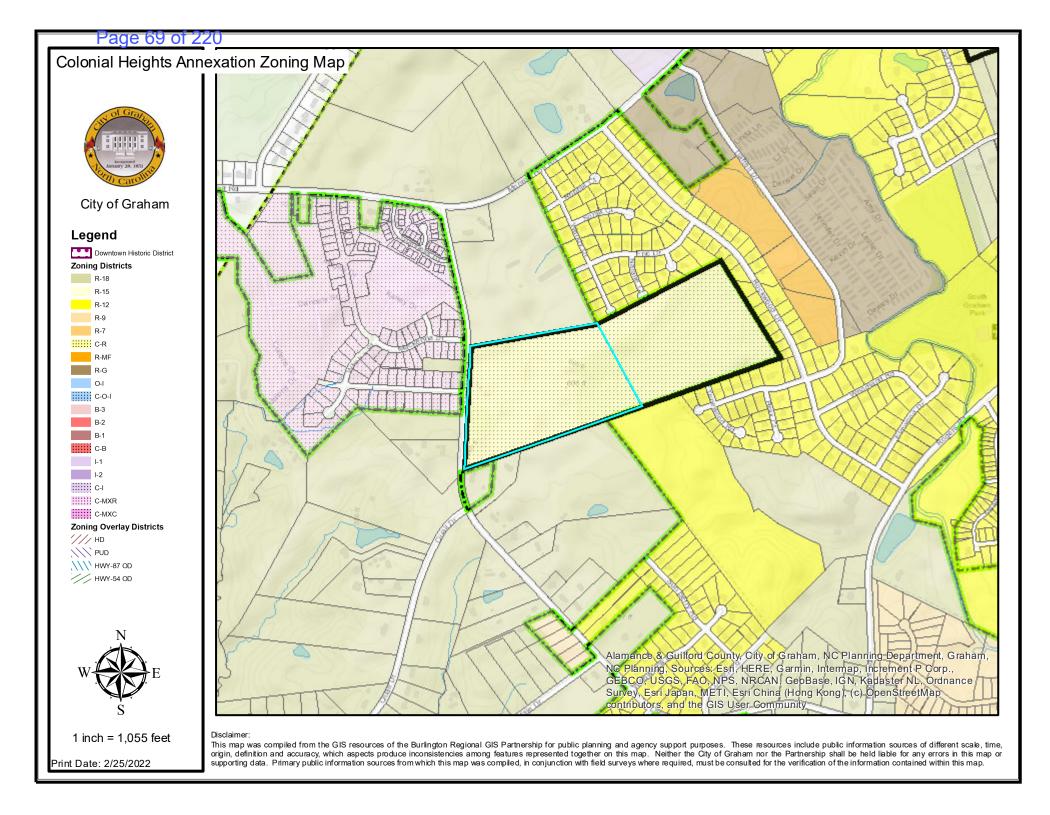
Page 68 of 220 24' 13" W FOR A DISTANCE OF 66.62 FEET TO AN EXISTING IRON PIPE IN A ROCK PILE, SAID PIPE BEING A COMMON CORNER WITH THE JAMES & ANDREA ROLLINS PROPERTY; THENCE WITH THE ROLLINS PROPERTY S 71° 31' 11" W FOR A DISTANCE OF 282.36 FEET TO A 1" EXISTING IRON PIPE; THENCE CONTINUING S 71° 22' 34" W FOR A DISTANCE OF 30.45 FEET TO A CALCULATED POINT, SAID POINT BEING IN THE CENTERLINE OF LACY HOLT ROAD; THENCE WITH THE CENTERLINE OF LACY HOLT ROAD N 01° 44' 20" E FOR A DISTANCE OF 97.36 FEET TO A POINT; THENCE CONTINUING ALONG THE ROADWAY N 03° 16' 23" E FOR A DISTANCE OF 965.65 FEET TO A POINT: THENCE CONTINUING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1414.63 FEET AND A CHORD BEARING OF N 02° 06' 23" E FOR A DISTANCE OF 35.84 FEET TO A POINT; THENCE LEAVING THE CENTERLINE N 80° 50' 51" E FOR A DISTANCE OF 30.50 FEET TO A 3/4" EXISTING IRON PIPE, SAID PIPE BEING IN THE EASTERN RIGHT OF WAY OF LACY HOLT ROAD AND ALSO A COMMON CORNER WITH THE JANICE HOLT CASHION PROPERTY: THENCE WITH THE CASHION PROPERTY N 80° 50' 51" E FOR A DISTANCE OF 1135.84 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 57.225 ACRES MORE OR LESS.

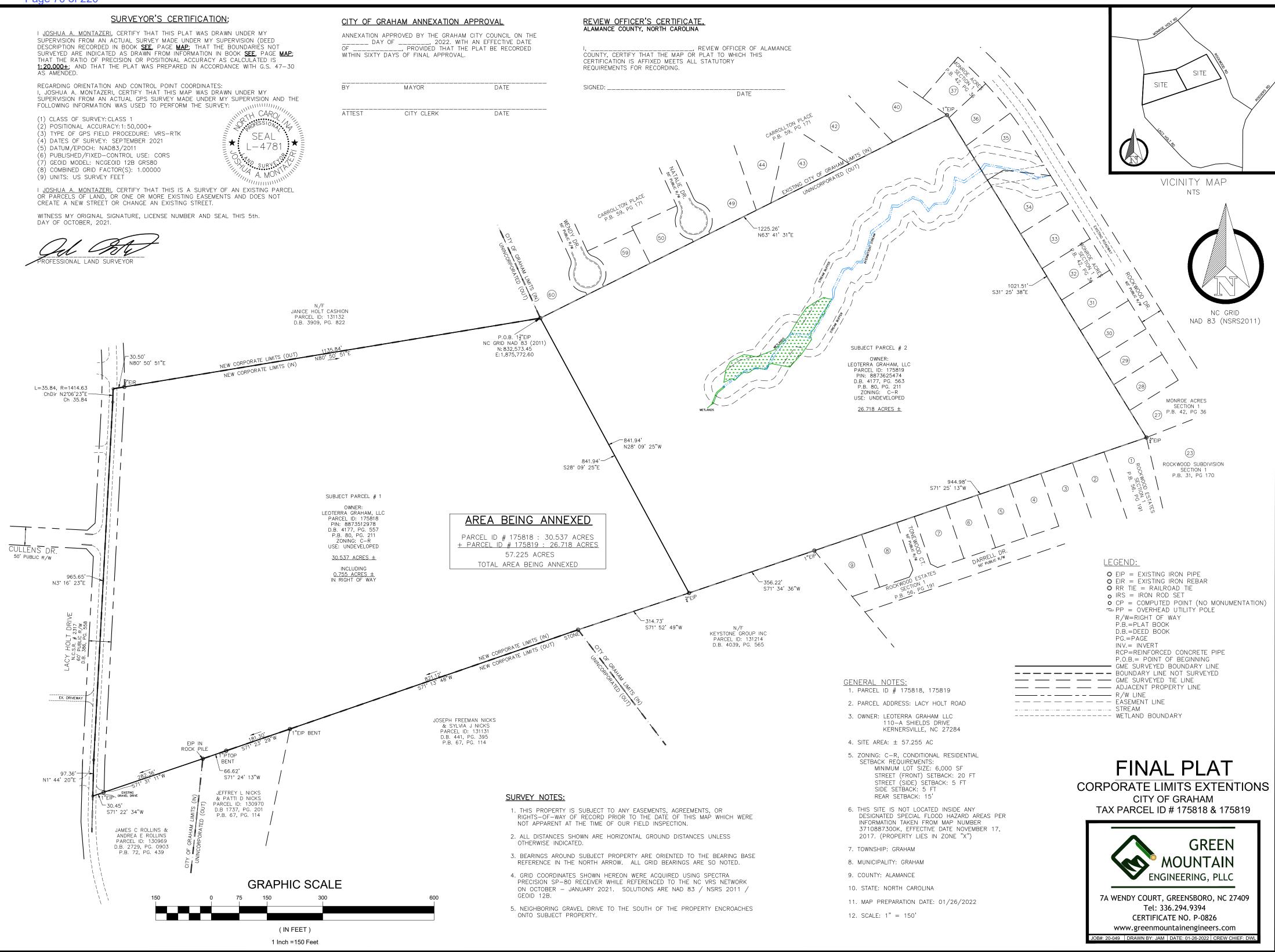
Section 2. Upon and after April 12, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 12th day of April 2022.

	Jennifer Talley, Mayor	
ATTEST:	APPROVED AS TO FORM:	
Darby Terrell, City Clerk	Bryan Coleman, City Attorney	







200 S. Marshall C-B (RZ2202)

Type of Request: Rezoning

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Contact Information

Lee Kimrey 104 W. Elm Street Graham, NC 27253

336-261-8562; lkcllc@aol.com

Summary

This is a request to rezone 0.50 acres of property from O-I (Office Institutional) to C-B (Conditional Business). This side of S. Marshall Street has a mixture of zoning types, ranging from R-7 to B-3 in intensity. There is also B-2 zoning on this side of the road. Staff would note that this property is catty-cornered from the downtown central business district, and encroachment of a conditional business district does not appear to pose a major use change from the O-I zoning currently in place, but it does offer some commercial flexibility that will better suit the needs of the applicant. The applicant's narrative does not address buffers, so staff would recommend that these be equal to a land use code 3 in the Development Ordinance for purposed of calculating required buffers. Other items not properly addressed in the narrative should be subject to staff's recommended conditions below.

This property is listed on the Future Land Use Map as Downtown Residential, which lists among its uses "neighborhood-oriented commercial, small professional offices, live-work units, and home occupations provided they do not generate excessive traffic and parking." Given the location at a major intersection and the size of the property, mixed-use is likely the best-suited use for this parcel, and since office is somewhat limiting, adding relatively small-scale business uses would be a compatible use in staff's opinion. Off-street parking appears to be handled via parking below the main building, and to the east adjacent to the residentially-zoned property.

Location

200 S. Marshall Street

GPIN:

8884233706

Current Zoning

O-I (Office Institutional)

Proposed Zoning

C-B (Conditional Business)

Overlay District

N/A

Surrounding Zoning

O-I, B-1, B-2, B-3, R-7, R-12

Surrounding Land Uses

Single Family, Office, Vacant, and Business

Size

0.50 acres

Public Water & Sewer

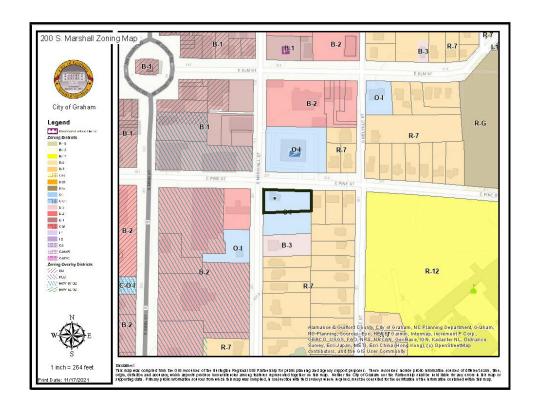
Yes

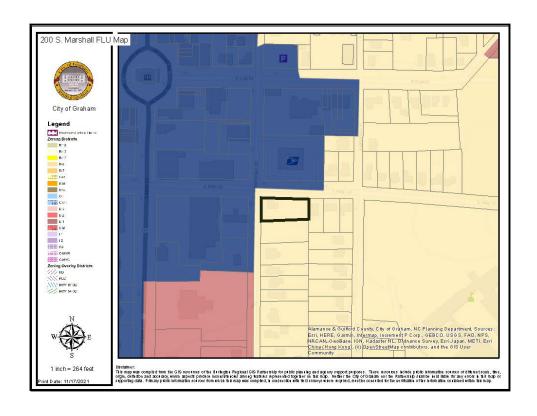
Floodplain

No

Staff Recommendation

Approval with staff and Planning
Board conditions





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

Applicable Policies:

- 2.1.1 Diverse job market. A diversified job market that provides employment opportunities for persons with varying education levels and skill sets is needed and encouraged. This amendment will allow for potential job creation that will diversify our existing workforce
- 2.1.3: Economic resilience. Graham improves its economic resilience to economic, social, and environmental instability through a strong local economy and equitable opportunities for prosperity. This amendment will strengthen the local economy and the downtown landscape.
- 2.1.4 Competitive advantage. Graham works to strengthen its existing comparative economic advantages including a high quality and highly diverse workforce, local education and research institutions, and high quality of life. This amendment will strengthen the local economy by increasing the tax base with minimal impact to existing public infrastructure. It will aid in diversifying our skilled labor workforce.
- 2.2.1: Focused development. In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments. This amendment creates an opportunity for focused infill development that ties in with the downtown.
- 2.3.2: Innovative spaces, spaces of innovation. Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry. This parcel is located in an area targeted for mixed-use and small-scale residential and commercial development. The proposed zoning category lends itself to these types of uses.

<u>Planning Type</u> Neighborhoods

Development Type

Downtown Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small-scale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs.

Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods.

Appropriate Density

3-6 dwelling units per acre

Staff Recommendation

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

• Rezoning this property would further Policies 2.1.1, 2.1.3, 2.1.4, 2.2.1, and 2.3.2, creating a diverse job market with innovative, focused development that will blend with the downtown and serve as a transitional area to adjacent office and residential uses.

Staff-recommended conditions:

- 1. Buffers shall be calculated based on a land use code of 3 for this site per the Development Ordinance.
- 2. Maximum building height shall not exceed 40 feet.

- 3. HVAC equipment shall be screened from public view with opaque fencing or vegetation. If roof-mounted, the parapet shall be elevated to screen the units from public view.
- 4. Parking shall be located no closer than 10 feet to any property line.
- 5. Building and parking lot lighting shall be downlit and shielded to prevent light trespass onto adjacent residentially-zoned or used property.
- 6. Signage shall be a monument or wall-style. Freestanding signs shall be no taller than six feet above grade and shall be located outside of required sight triangles.
- 7. The existing substandard sidewalk on South Marshall Street shall be widened to the property line by the developer to meet ADA standards.
- 8. The building shall incorporate brick and other design elements that will be harmonious with the downtown central business district.
- 9. Street trees as approved by the City staff shall be planted every 30 feet on center behind the public sidewalk along the entirety of both lot frontages.

Planning Board recommendations:

Planning Board voted 5-0 to approve the rezoning with the following conditions, in addition to those enumerated by staff above:

- 1. A 6-foot privacy fence shall be installed along the eastern boundary of the property.
- 2. Only the following uses are recommended for approval:
 - a. All O-I uses listed in the permitted uses table
 - b. Dwelling quarters for operators, caretakers, etc. in or adjacent to buildings primarily for nonresidential use
 - c. Alterations, clothing repair
 - d. Boutique shops (no outdoor storage)
 - e. Retail sales (no outdoor storage)
 - f. Bank, Savings and Loan, Credit Union, similar financial institutions
 - g. Barber Shop, Beauty Shop, Nail Salon
 - h. Religious Services
 - i. Communication or Broadcasting Facility, without Tower
 - j. Farmer's Market
 - k. Floor Covering, Drapery or Upholstery Sales
 - I. Hotel, Motel or Executive Suites
 - m. Printing and Publishing Operation/Photocopying
 - n. Pet Store/Grooming No Outside Animal Storage/Care
 - o. Radio, Television Stations without Towers

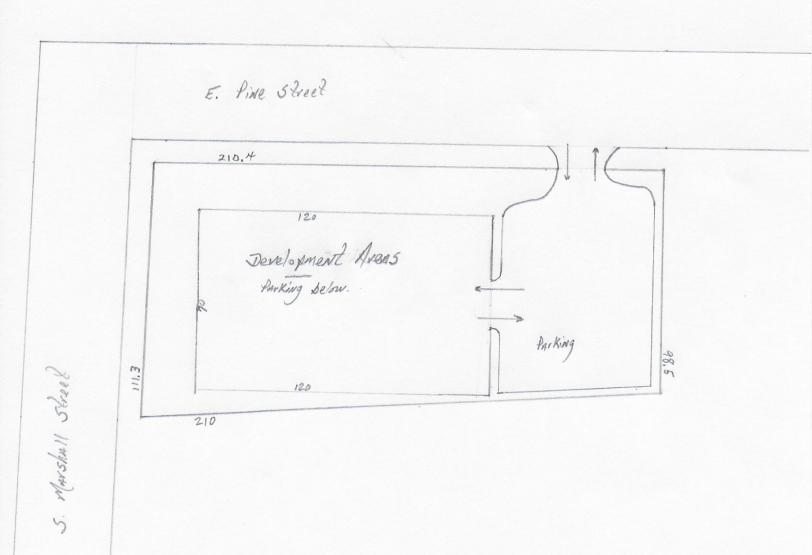
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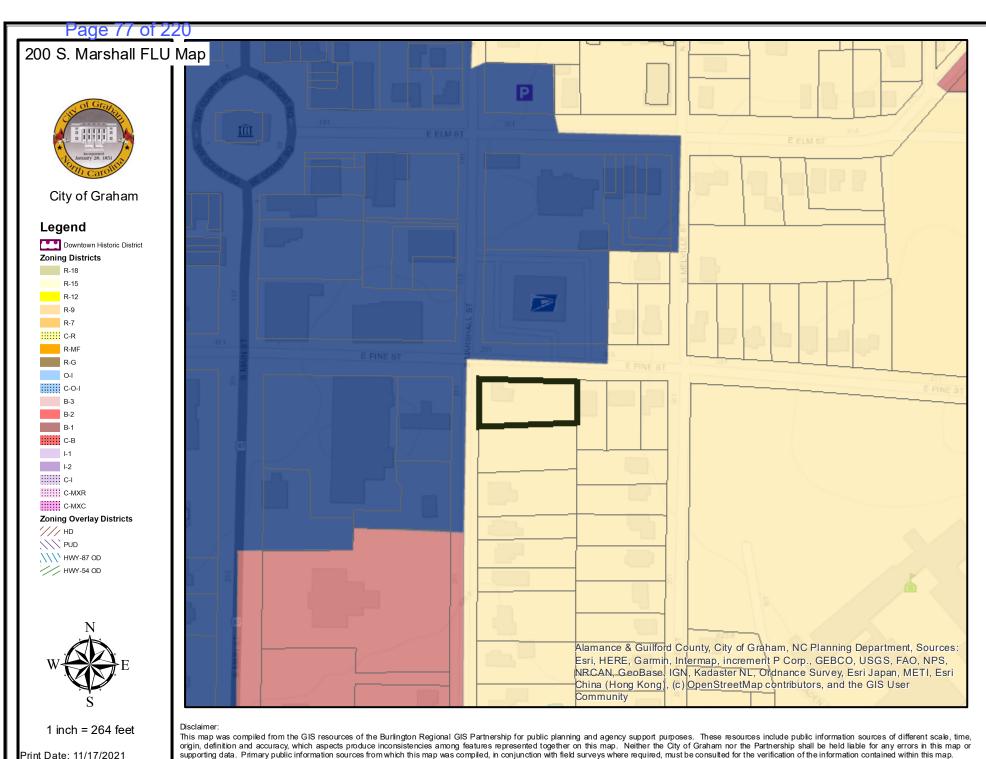
- p. Restaurant (without drive-thru)
- q. School, commercial, vocational
- r. School, music, art, martial arts, or dancing
- s. Theater (indoor)

200 South Marshall Street

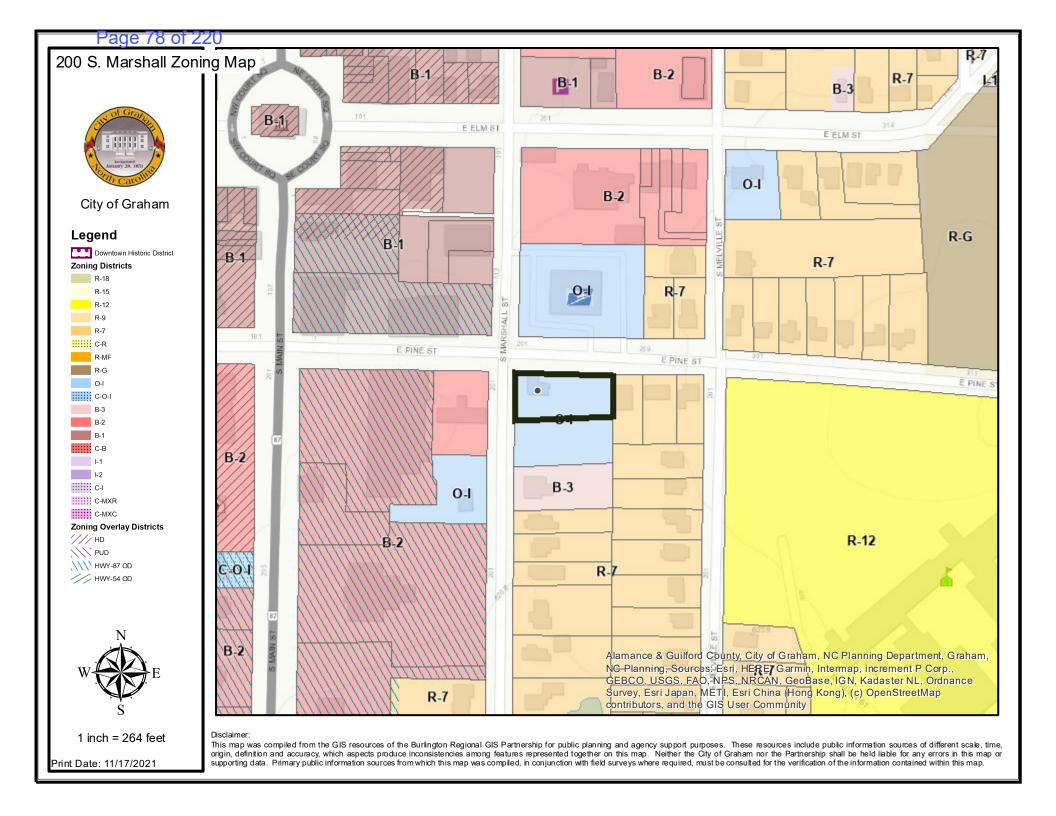
Notes:

- 1. Set backs not less than required in O-I zoning.
- 2. Screening not less than required in O-I zoning.
- 3. Building height not more than allowed in O-I zoning.
- 4. Parking not less than required for uses being requested.





Print Date: 11/17/2021





PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

200 S Marshall C-B (RZ2202)

Type of Request

Rezoning

Meeting Dates

I move to recommend APPROVAL of the application as presented.					
I move to recommend DENIAL.					
The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> . The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .					
The action is reasonable and in the public interest for the following reasons:					
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.					
Attest:					
Dean Ward, Planning Board Chairman					
Debbie Jolly, Secretary					



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

200 S. Marshall C-B(RZ2202)

Type of Request

Rezoning

Meeting Dates

Choose one
☐ I move that the application be APPROVED .
☐ I move that the application be DENIED .
Choose one
The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk

Hanford Landing Townhomes (RZ2203)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Contact Information

Amanda Hodierne 804 Green Valley Rd. Ste. 200 Greensboro, NC 27408

336-609-5137; amanda@isaacsonsheridan.com

Summary

This is a request to rezone 14.03 acres of property from R-12 and R-18 (Medium and Low-Density Residential) to C-R (Conditional Residential) for the purpose of constructing up to 69 two-story townhomes. Staff feels that this zoning request, if adopted without the added conditions from the Planning Board, would be out of character with the lower density residential in this general area, as shown on the zoning map. Nearly all of the land nearby is zoned and used for single family residential, with either R-12 or R-18 zoning. Staff feels the appropriate density should be closer to the low end of the Future Land Use Plan range of 3-4 units per acre to be in line with existing development patterns. The Planning Board conditions bring the overall density to 4.35 units/acre, which is much closer to this range.

This property is listed on the Future Land Use Map as Suburban Residential, which are primarily settings for existing and future single-family detached housing, but may also contain additional housing typologies and low-impact supporting uses in neighborhood activity centers.

Location

1242 Hanford Road

GPIN:

8873868043

Current Zoning

R-12 and R-18 (Single Family Residential)

Proposed Zoning

C-R (Conditional Residential)

Overlay District

N/A

Surrounding Zoning

R-12, R-18

Surrounding Land Uses

Single Family, Vacant

<u>Size</u>

14.03 acres

Public Water & Sewer

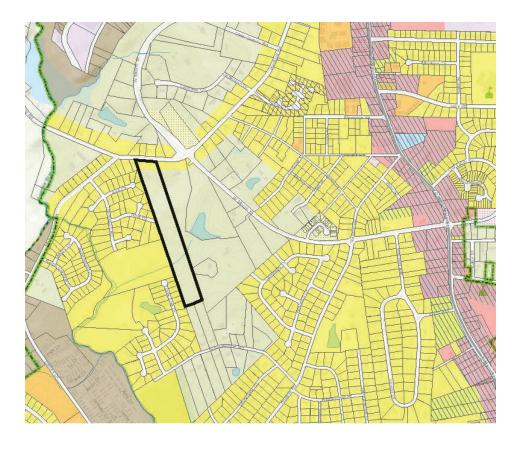
Yes

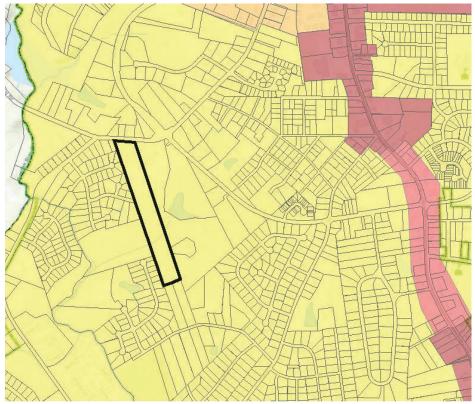
Floodplain

No

Staff Recommendation

Approval with Planning Board conditions





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

Future Land Use Suburban Residential Principal Uses: Suburban residential neighborhoods are primarily settings for existing and future single family detached housing, but may also contain additional housing typologies and low-impact supporting uses in neighborhood activity centers. Affordable detached homes within attractive walkable neighborhoods will continue to make Graham an attractive place to live for people who work in Graham and surrounding communities.

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the rezoning **only with Planning Board conditions included**.

Planning Board Recommendation:

The Planning Board recommended approval by a 4-1 vote with the following conditions:

- 1. A walking trail shall be provided in the designated open space area with a footbridge to be installed across the creek for access to the trail.
- 2. Units 1-4 and 66-69 shall be removed from the plan to allow additional spacing and design flexibility.
- 3. A type C buffer shall be provided around the entire perimeter of the property.
- 4. Active recreation (e.g. basketball courts, playground equipment, etc.) shall be provided as an amenity at the end of the guest parking area adjacent to unit 33.

The following supports this recommendation:

• The initial proposed density of five units per total acres and approximately eight units per acre when considering only the usable acreage of 8.62 acres is far in excess of surrounding developments and would be out of character for this lower density housing area. Reducing the overall density to 4.35 units/acre and adding active recreation per the Planning Board's recommendations above would further the following policies:

Applicable Policies:

- Policy 4.3.1: Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. This amendment would allow for efficient land use and connection to existing services.
- Policy 5.1.2: Variety of ownership opportunities. Encourage a
 variety of homeownership opportunities and choices by
 supporting the development of condominiums, cooperatives,
 and land trusts. This amendment will offer flexibility in home
 ownership by presenting options for rental and/or owned
 residential units.
- Policy 5.2.1: Diverse Neighborhood. Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. This amendment will diversify the City's residential housing stock and support the downtown landscape.

Planning Type

Neighborhoods

Development Type

Suburban Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small-scale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs.

Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods.

Appropriate Density

3-6 dwelling units per acre

1242 Hanford Road

Proposed Conditions:

- 1. The maximum number of units shall be 69.
- 2. Building shall be no more than two (2) stories.
- 3. Uses shall be limited to single family attached and detached homes and associated amenities and accessory uses.

GRISHAM Alexander Place

1,470 - 1,570 Square Feet 3 Bedrooms 2.5 Baths







Grisham 1

Grisham 2a

Grisham 4a





Grisham 7a

Grisham 8a



GRISHAM

1,470 - 1,570 Square Feet | 3 Bed | 2.5 Baths

CLICK HERE FOR 3D TOUR

FIRST FLOOR

SECOND FLOOR

FIRST FLOOR OPTIONS

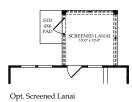


SECOND FLOOR OPTIONS















HEMINGWAY

Alexander Place

1,558 - 1,658 Square Feet 3 Bedrooms 2.5 Baths







Hemingway 1

Hemingway 2a

Hemingway 4a





Hemingway 7a

Hemingway 8a



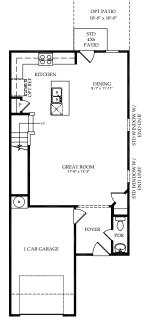
HEMINGWAY

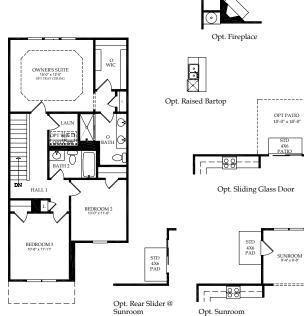
1558 - 1,658 Square Feet | 3 Bed | 2.5 Baths

CLICK HERE FOR 3D TOUR

FIRST FLOOR SECOND FLOOR





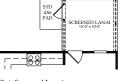


SECOND FLOOR OPTIONS









GREAT ROOM

Opt. Screened Lanai









HAYDEN Alexander Place

1,805 - 1,905 Square Feet 3 Bedrooms 2.5 Baths



HAYDEN

1,805 - 1,905 Square Feet | 3 Bed | 2.5 Baths

CLICK HERE FOR 3D TOUR

FIRST FLOOR

GREAT ROOM

SECOND FLOOR

FIRST FLOOR OPTIONS





Hayden 2







Hayden 4



Hayden 5



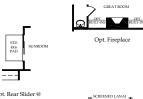
Hayden 6

SECOND FLOOR OPTIONS





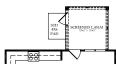
Opt. Sliding Glass Door Opt. Raised Bartop





F--88---

Opt. Sunroom





Hayden 7

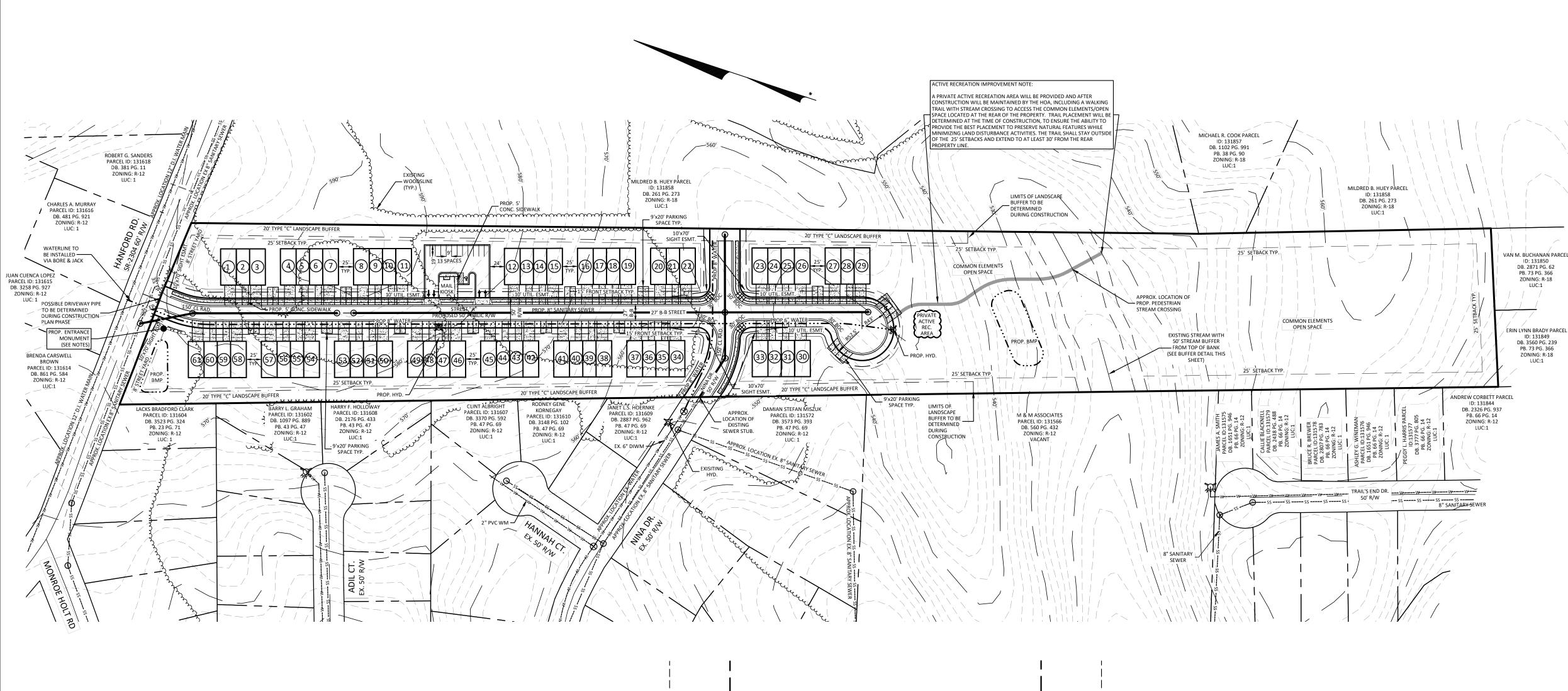


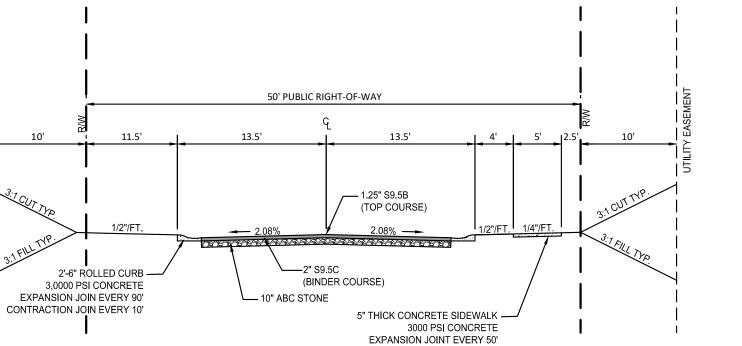






Revised 2022 Site Plan





Vegetation

SECTIONS MAY BE APPROVED PER THE UDO AND CITY OF GRAHAM TRO 27' BOC TO BOC TYPICAL SECTION

CONTRACTION JOINT EVERY 5'

3.ALL ASPHALT CEMENT PLANT MIX AND METHOD OF PLACEMENT SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS. 4. ALL WORK SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.

1. CONTRACTOR MUST PRESENT INSPECTOR WITH ASPHALT TICKETS

DIMENSIONS. ALTERNATIVE STREET WIDTHS AND PAVEMENT

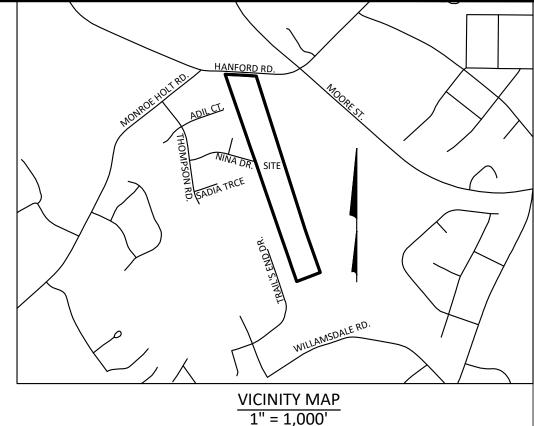
2. REFER TO THE CITY OF GRAHAM DEVELOPMENT ORDINANCE FOR APPROPRIATE

5. TOP COURSE TO BE PLACED WITHIN 12 MONTHS OF ASPHALT BINDER COURSE.

5. ALL ROADWAYS SHALL BE PROOFROLLED PRIOR TO PLACEMENT OF THE ABC STONE, BINDER COURSE AND TOP COURSE. ALL DEFECTS IN SUBGRADE AND/OR PAVEMENT SHALL BE REPAIRED.



IT'S THE LAW!



PARCEL ID: 131611 TOTAL ACREAGE: 14.04 AC. +/ DEED REF: DB. 0428 PG. 0875 PLAT REF: P.B. 3 PG. 85 (LOTS 10 & 11) EXISTING ZONING: R-18 PROPOSED ZONING: C-R (CONDITIONAL RESIDENTIAL) EXISTING USE: RESIDENTIAL/VACANT PROPOSED USE: RESIDENTIAL/TOWNHOMES LF PUBLIC STREET: 1491 LF

PROPOSED C-R BUILDING SETBACKS:

OF 20' FROM RIGHT OF WAY SIDE STREET: 15' PERIMETER SETBACK: 25' MIN. BUILDING SEPARATION: 25' COMMON OPEN SPACE: MIN. 10% = 1.404+/- AC. MIN. MAXIMUM BUILDING HEIGHT: 2-STORY

REQUIRED PARKING: 3 BEDROOM UNIT REQUIRES 3.5 PARKING SPACES 61 3 BEDROOM UNIT x 3.5 SPACES = 214 SPACES

PROVIDED PARKING: END UNITS = 2 GARAGE SPACE + 2 DRIVEWAY SPACES = 4 32 END UNITS x 4 = <u>128 SPACES</u>

> INTERIOR UNITS = 1 GARAGE SPACE + 1 DRIVEWAY SPACE = 2 29 INTERIOR x 2 = 58 SPACES

ADDITIONAL PARKING SPACES = 42 SPACES

TOTAL PARKING PROVIDED = 228 SPACES

WATERSHED INFORMATION: THIS PROPERTY IS NOT LOCATED IN A WATERSHED PER NC ONE MAP.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER NCFRIS MAP #3710887300K, DATED 11/17/2017, PANEL #8873.

THIS MAP DOES NOT MEET G.S. 47-30 AND IS NOT FOR RECORDING.

THIS PROPERTY IS SUBJECT TO ANY EASEMENTS. AGREEMENTS. OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP AND WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

THIS MAP WAS PREPARED WITH OUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THIS PROPERTY.

BOUNDARY & TOPOGRAPHIC INFORMATION TAKEN FROM ALAMANCE COUNTY GIS

NO SURVEYING OR SUBSURFACE INVESTIGATIONS PERFORMED BY STOLTZFUS ENGINEERING, INC. STREAMS/WETLANDS AS SHOWN WERE DELINEATED BY PILOT ENVIRONMENTAL, PROJECT # 7363 ON 11/18/2021.

ALL CONSTRUCTION TO MEET CITY OF GRAHAM/NCDOT STANDARDS AND SPECIFICATIONS LATEST ADDITIONS. AN NCDOT DRIVEWAY PERMIT AND ENCROACHMENT AGREEMENTS ARE REQUIRED

PRIOR TO CONSTRUCTION.

ENTRANCE MONUMENT LOCATION SHOWN MAY BE MOVED TO LOT 1 SIDE OF STREET DEPENDING

OPEN SPACE/COMMON ELEMENTS NOTE:

OPEN SPACE/COMMON ELEMENTS TO BE DEEDED TO THE HOA.

ROLL-OUT CONTAINER NOTE:

ROLL-OUT CONTAINERS ARE PROPOSED TO SERVICE THE SITE. THE HOA DOCUMENTS SHALL INCLUDE NO ON-STREET PARKING ON TRASH PICK-UP DAY.

STORMWATER NOTE:

ALL PROPOSED IMPERVIOUS SURFACE AREA SHALL BE ROUTED TO THE PROPOSED BMP LOCATIONS FOR WATER QUALITY AND QUANTITY TREATMENT PER CITY OF GRAHAM STORMWATER

LEGEND

WATER METER BOX (WM) WATER VALVE (WV) STORM MANHOLE (STMH)

O UTILITY POLE ☼ LIGHT POLE

GAS VALVE

_____ x _____ FENCE LINE

—— OHU —— OVERHEAD POWER LINE

——— UE ——— UNDERGROUND ELECTRICAL WOODSLINE (TYP.)

FIRE HYDRANT (HYD) SANITARY SEWER MANHOLE (SSMH)

CLEAN OUT DEED BOOK PB PLAT BOOK R/W RIGHT-OF-WAY E/P EDGE OF PAVEMENT

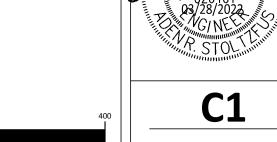
E/G EDGE OF GRAVEL CONC CONCRETE RCP REINFORCED CONCRETE PIPE DROP INLET CURB INLET

FFE FINISH FLOOR ELEVATION BSMT BASEMENT TPED TELEPHONE PEDESTAL THH TELEPHONE HAND HOLD

DMUE DRAINAGE MAINTENANCE & UTILITY EASEMENT

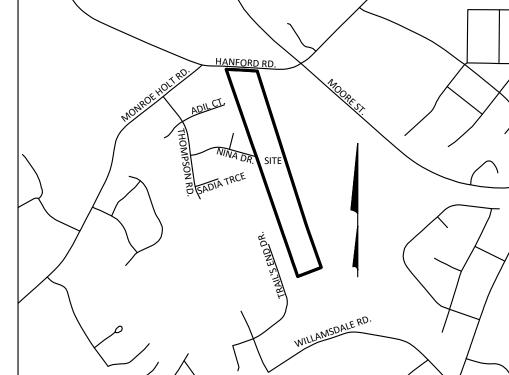
(IN FEET)

1 inch = 100 ft.



THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. THESE DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAWS AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE SPECIFIC WRITTEN CONSENT OF THE ENGINEER.

C)2022 STOLTZFUS ENGINEERING, INC.

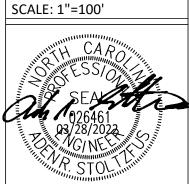


PRELIMINARY

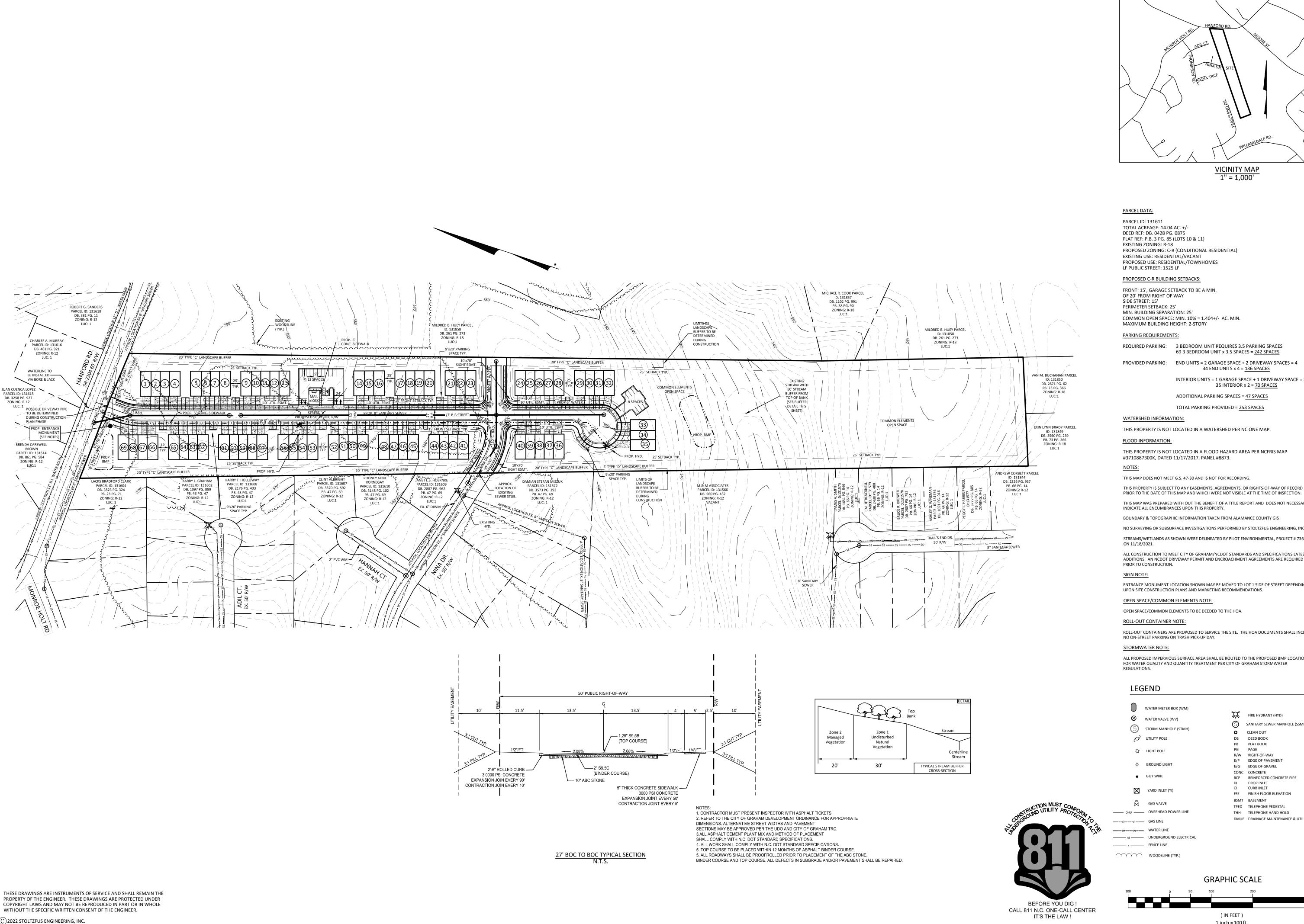
HANFORD LANDING

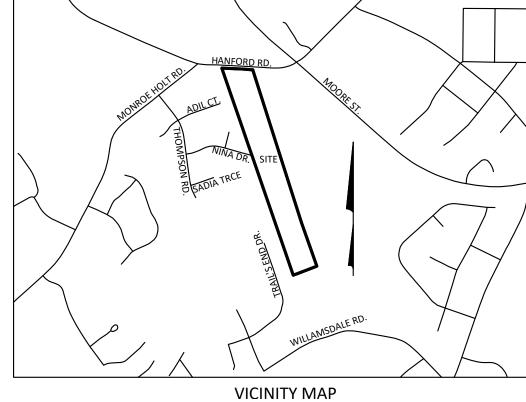
00 4 6 6

DRAWN BY: SDT CHECKED BY: ARS DATE: 02/05/2022 PROJECT NO.: 703-01 REF. NO.:



1 OF 1





1" = 1,000'

PLAT REF: P.B. 3 PG. 85 (LOTS 10 & 11) EXISTING ZONING: R-18 PROPOSED ZONING: C-R (CONDITIONAL RESIDENTIAL) PROPOSED USE: RESIDENTIAL/TOWNHOMES

FRONT: 15', GARAGE SETBACK TO BE A MIN. OF 20' FROM RIGHT OF WAY

REQUIRED PARKING: 3 BEDROOM UNIT REQUIRES 3.5 PARKING SPACES 69 3 BEDROOM UNIT x 3.5 SPACES = 242 SPACES

PROVIDED PARKING: END UNITS = 2 GARAGE SPACE + 2 DRIVEWAY SPACES = 4 34 END UNITS \times 4 = $\underline{136 \text{ SPACES}}$

INTERIOR UNITS = 1 GARAGE SPACE + 1 DRIVEWAY SPACE = 2 35 INTERIOR x 2 = 70 SPACES

LANDING

HANFORD

CITY

0 4 6

DRAWN BY: SDT

CHECKED BY: ARS

DATE: 02/05/2022

SCALE: 1"=100'

REF. NO.:

PROJECT NO.: 703-01

1 OF 1

PLAN

RELIMINARY

ADDITIONAL PARKING SPACES = $\underline{47 \text{ SPACES}}$

TOTAL PARKING PROVIDED = 253 SPACES

THIS PROPERTY IS NOT LOCATED IN A WATERSHED PER NC ONE MAP.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER NCFRIS MAP

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ENTRANCE MONUMENT LOCATION SHOWN MAY BE MOVED TO LOT 1 SIDE OF STREET DEPENDING

ROLL-OUT CONTAINERS ARE PROPOSED TO SERVICE THE SITE. THE HOA DOCUMENTS SHALL INCLUDE

FOR WATER QUALITY AND QUANTITY TREATMENT PER CITY OF GRAHAM STORMWATER REGULATIONS. ALL PROPOSED IMPERVIOUS SURFACE AREA SHALL BE ROUTED TO THE PROPOSED BMP LOCATIONS

> R/W RIGHT-OF-WAY E/P EDGE OF PAVEMENT E/G EDGE OF GRAVEL CONC CONCRETE RCP REINFORCED CONCRETE PIPE DROP INLET CURB INLET FFE FINISH FLOOR ELEVATION BSMT BASEMENT TPED TELEPHONE PEDESTAL THH TELEPHONE HAND HOLD DMUE DRAINAGE MAINTENANCE & UTILITY EASEMENT

FIRE HYDRANT (HYD)

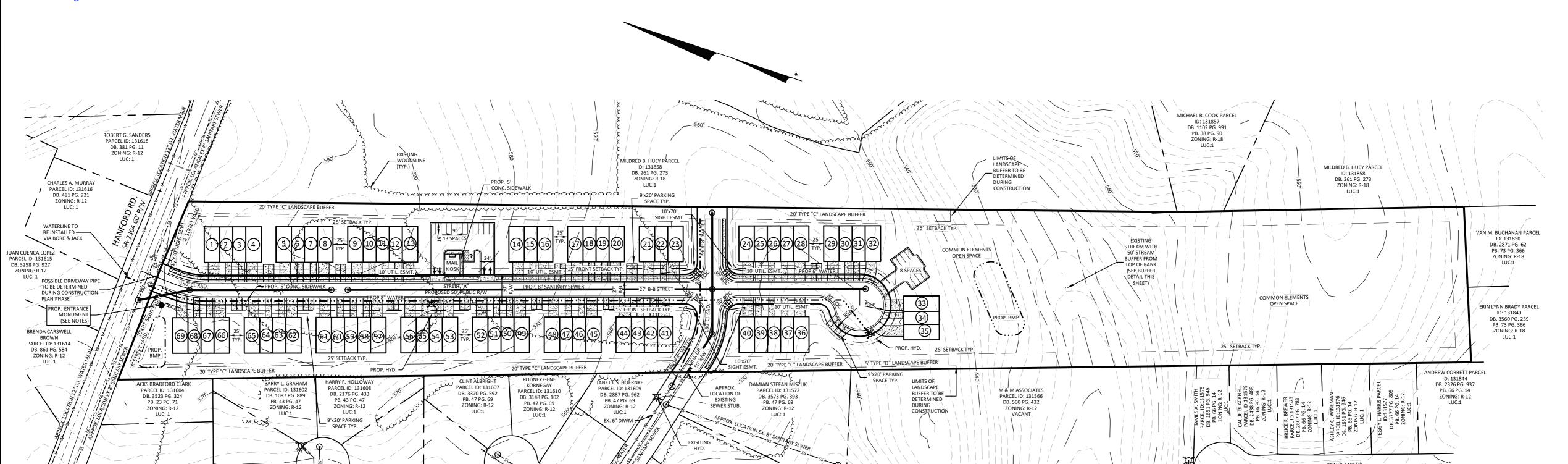
DEED BOOK

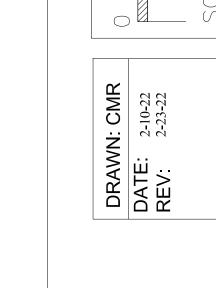
CLEAN OUT

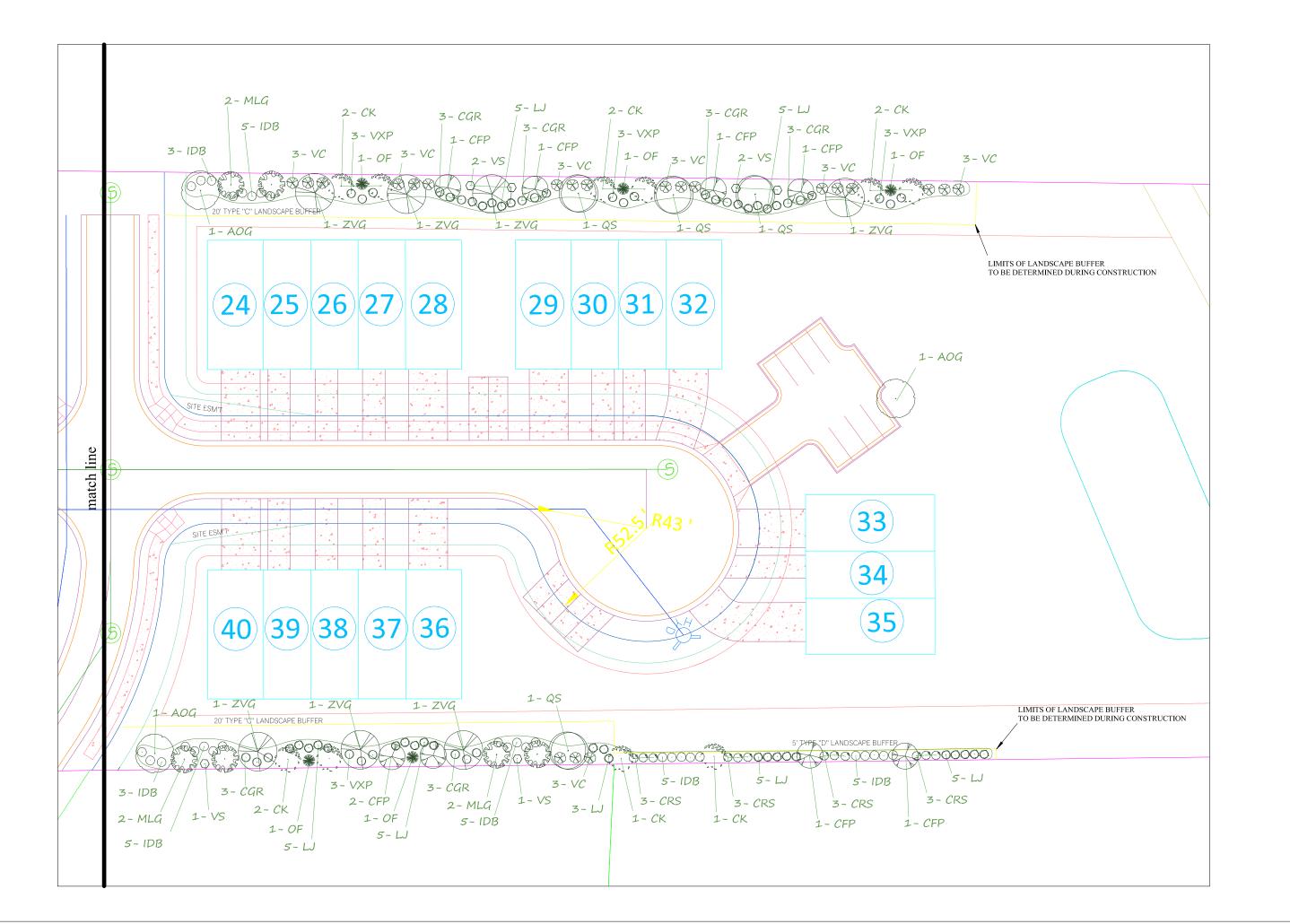
PB PLAT BOOK PG PAGE

SANITARY SEWER MANHOLE (SSMH)

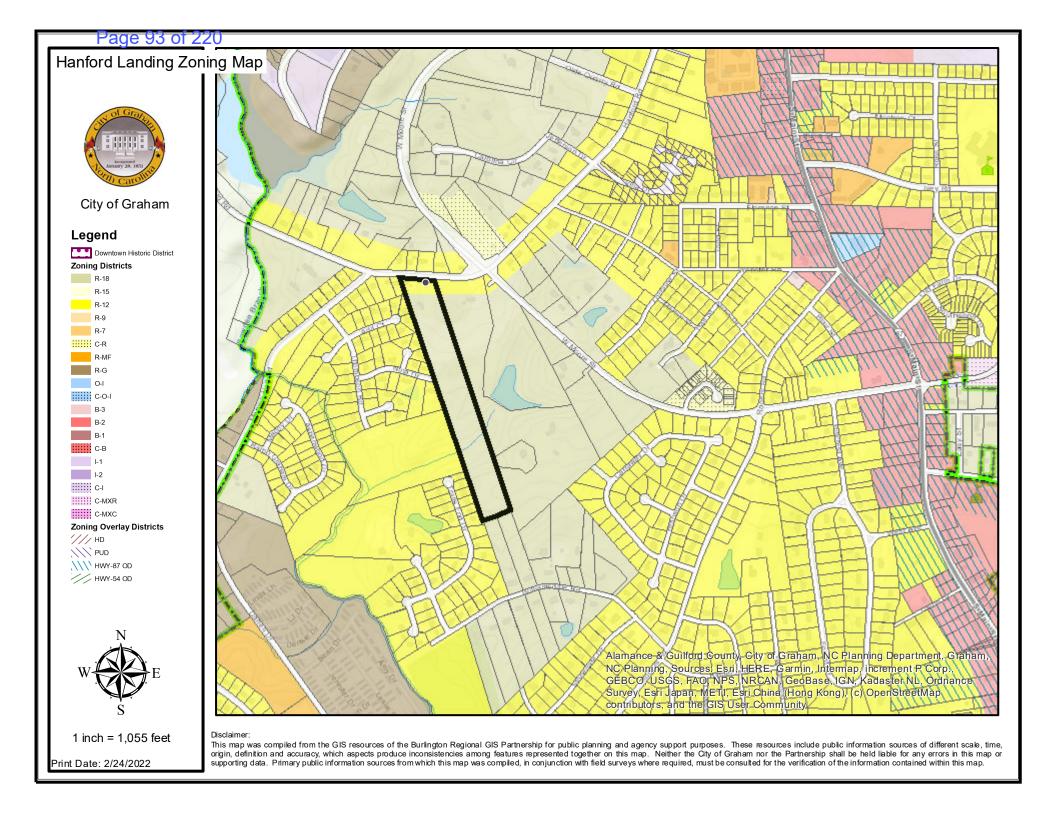
(IN FEET) 1 inch = 100 ft.

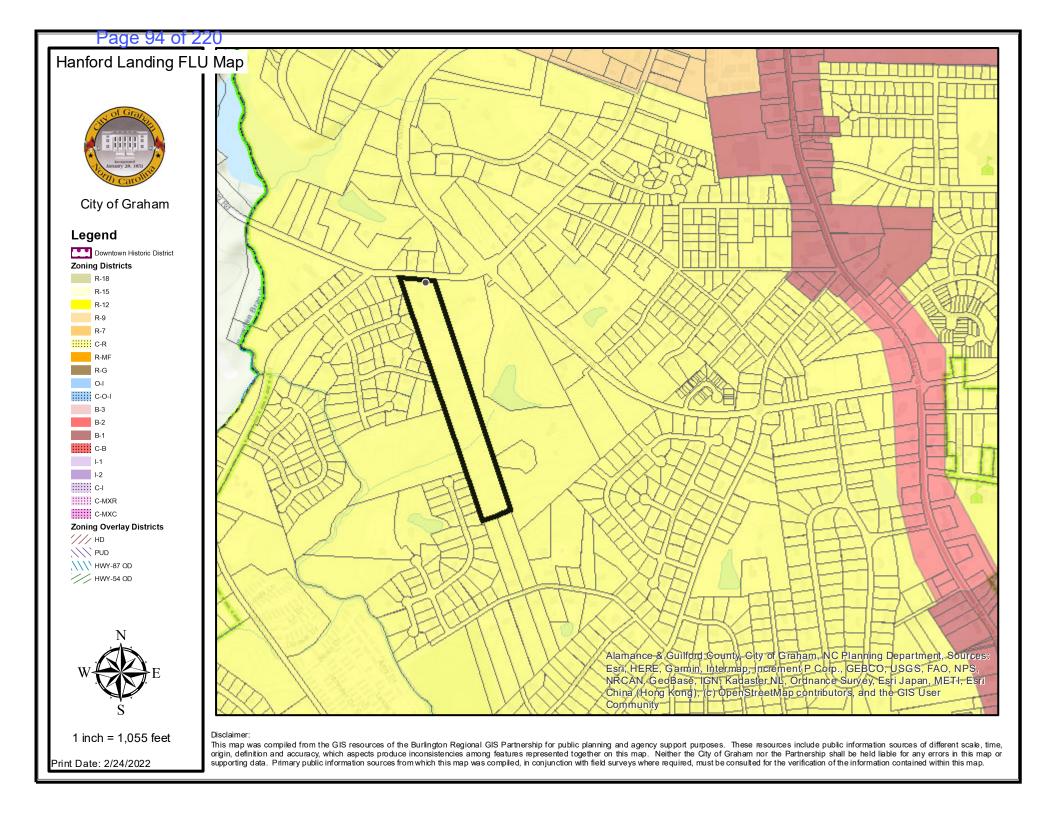






	PLANT L				
CODE	COMMON NAME	BOTANICAL NAME	QTY	MINIMUM SIZE	REMARKS
AOG	'OCTOBER GLORY' RED MAPLE	ACER RUBRUM 'OCTOBER GLORY'	13	8' ht., 2" cal.	
AZE	'AUTUMN LILY' ENCORE AZALEA	RHODODENDRON ENCORE 'AUTUMN LILY'	26	15" ht. x 15" spd.	or similar cv.
CDG	'DUKE GARDENS' CEPHALOTAXUS	CEPHALOTAXUS HARRINGTONIA 'DUKE GARDENS'	13	15" ht. x 15" spd.	or similar cv.
CFP	'FOREST PANSY' REDBUD	CERCIS CANADENSIS 'FOREST PANSY'	19	40" ht., 1" cal.	
CGR	'GREENSBORO RED' CAMELLIA	CAMELLIA JAPONICA 'GREENSBORO RED'	1	15" ht. x 15" spd.	or similar cv.
СК	KOUSA DOGWOOD	CORNUS KOUSA	12	40" ht., 1" cal.	
CRS	'RUBY SPICE' CLETHRA	CLETHRA ALNIFOLIA 'RUBY SPICE'	18	15" ht. x 15" spd.	
IDB	'DWARF BURFORD' HOLLY	ILEX CORNUTA BURFORDI NANA	10	15" ht. x 15" spd.	
LJ	JAPANESE LIGUSTRUM	LIGUSTRUM JAPONICUM 'RECURVIFOLIUM'	3	15" ht. x 15" spd.	
MLG	'LITTLE GEM' MAGNOLIA	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	15	40" ht., 1" cal.	
OF	OSMANTHUS	OSMANTHUS X FORTUNEI	2	15" ht. x 15" spd.	
QS	SHUMARD OAK	QUERCUS SHUMARDII	14	8' ht., 2" cal.	
VC	'CHINDO' VIBURNUM	VIBURNUM ODORATISSIMUM VAR. AWABUKI 'CHINDO'	10	15" ht. x 15" spd.	
VS	'SHASTA' VIBURNUM	VIBURNUM PLICATUM TOMENTOSUM 'SHASTA'	6	15" ht. x 15" spd.	
VXP	PRAGENSE VIBURNUM	VIBURNUM X PRAGENSE	60	15" ht. x 15" spd.	
ZVG	'VILLAGE GREEN' ZELKOVA	ZELKOVA SERRATA 'VILLAGE GREEN'	60	8' ht., 2" cal.	







PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Hanford Landing C-R (RZ2203)

Type of Request

Conditional Rezoning

Meeting Dates

I move to recommend APPROVAL of the application as presented trons.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.
Attest:
Dear Ward
Dean Ward, Planning Board Chairman
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Hanford Landing C-R (RZ2203)

Type of Request

Conditional Rezoning

Meeting Dates

Choose one
☐ I move that the application be APPROVED .
☐ I move that the application be DENIED .
Choose one
The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Maple and Market C-R (RZ2204)

Type of Request: Conditional Rezoning

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Contact Information

Jason Cox 200 N. Main Street, #302 Graham, NC 27253 336-263-1180;

jason@themonroecompanies.com

Summary

This is a request to rezone approximately 1.15 acres of property at 302 N. Maple Street and 203, 207, and 213 W. Market Street from R-7 (high density residential) to C-R (Conditional Residential) (GPIN: 8884151515, 8884150571, 8884059566, and 8884058556). The general area subject to this potential rezoning is comprised of numerous older homes, mostly in poor to fair condition, as well as a mixture of vacant buildings and vacant lots. Because mixed-use residential uses are permitted in the Downtown Residential Future Land Use Plan classification, this rezoning request presents a rather intriguing redevelopment scenario to try to spur infill and redevelopment that ties to the downtown business district and the City's desire to be walkable, to have a diversity of housing types near downtown, and to have higher residential density clustered near downtown to serve downtown businesses. The biggest challenges will be to address off-street parking and to ensure that buildings proposed are compatible with the surrounding residential. The applicant appears to have mostly addressed these items in his conceptual site plan and narrative. The density would be akin to that of the multifamily zoning directly across the street, yet the urban center feel of the site will help it blend in with the surrounding neighborhood and downtown.

Given the location and the likely development patterns in this area, high density residential would be a compatible use in staff's opinion.

Location

302 N. Maple Street and 203, 207, and 213 W. Market Street

GPIN:

8884151515, 8884150571, 8884059566, and 8884058556

Current Zoning

R-7 (High Density Residential)

Proposed Zoning

C-R (Conditional Residential)

Overlay District

N/A

Surrounding Zoning

B-1, B-2, R-7, R-MF

Surrounding Land Uses

Single Family, Office, Vacant, and Business

Size

1.15 acres

Public Water & Sewer

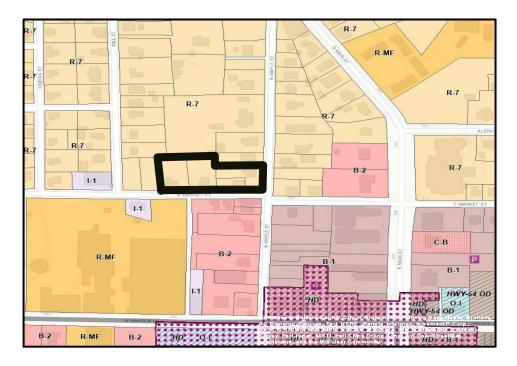
Yes

Floodplain

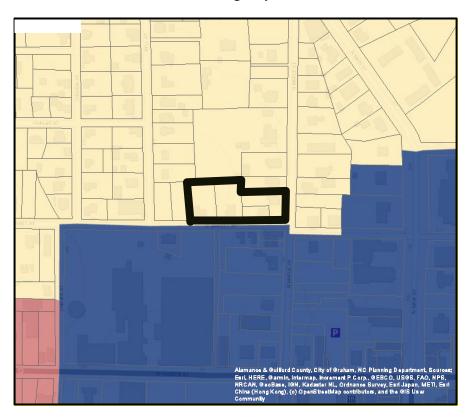
No

Staff Recommendation

Approval



Zoning Map



Future Land Use map

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

Applicable Policies:

- Policy 4.3.1: Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. This amendment would allow for efficient land use and connection to existing services.
- Policy 5.1.2: Variety of ownership opportunities. Encourage a
 variety of homeownership opportunities and choices by
 supporting the development of condominiums, cooperatives,
 and land trusts. This amendment will offer flexibility in home
 ownership by presenting options for rental and/or owned
 residential units.
- Policy 5.2.1: Diverse Neighborhood. Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. This amendment will diversify the City's residential housing stock and support the downtown landscape.

Staff Recommendation

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

• Rezoning this property would further Policies 4.3.1, 5.1.2, and 5.2.1, creating a diverse housing stock that is connected to the downtown area with a variety of home ownership options and an efficient land use development pattern.

Planning Board Recommendation:

The Planning Board recommended approval by a 4-1 vote with the following conditions:

- 1. The units facing Maple Street shall be designed to be sympathetic to the historic character of the surrounding neighborhood.
- 2. The maximum building height shall be 45' to accommodate rooftop amenities with 1' of additional building setback required for every 1' of building height above 40'.

Planning Type Neighborhoods

Development Type

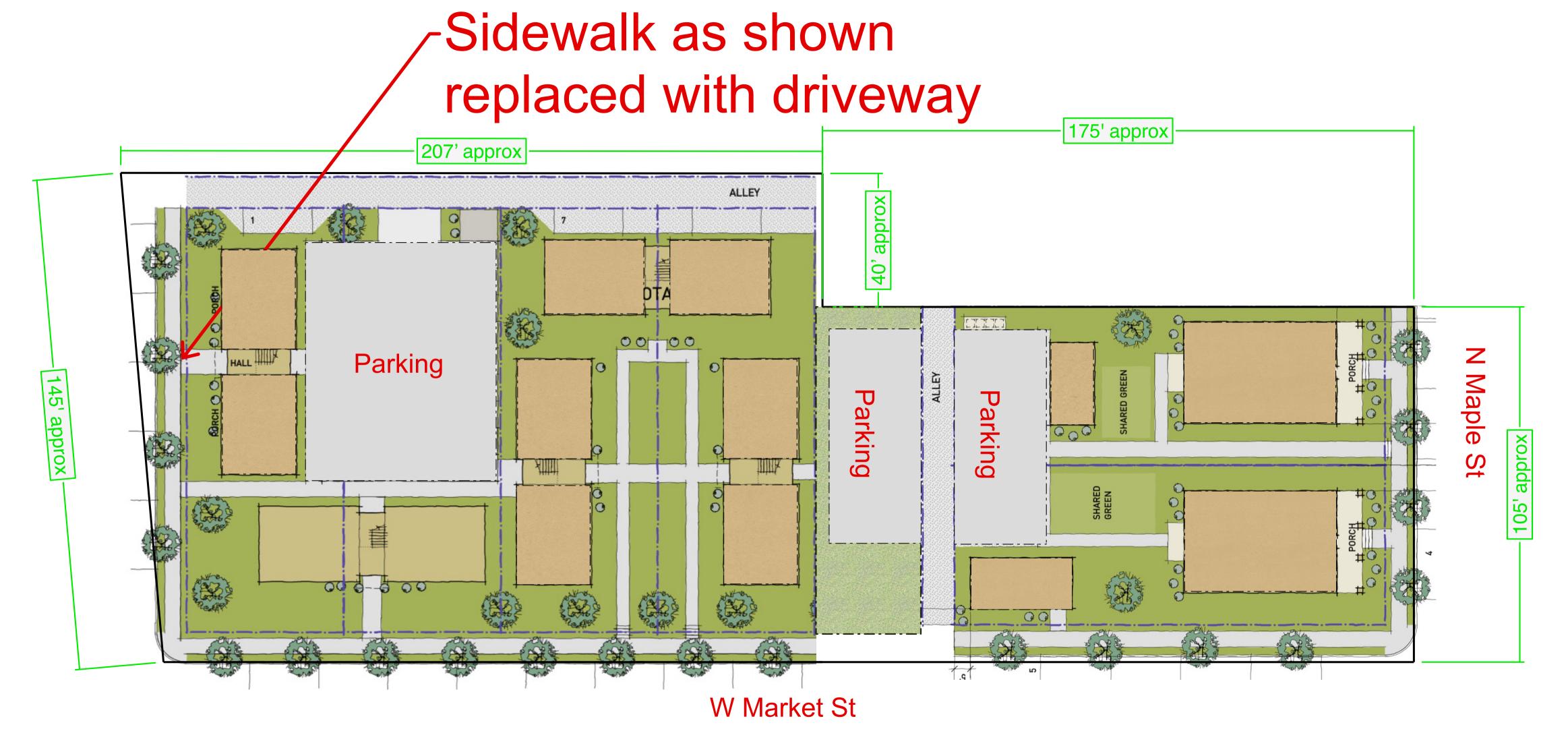
Downtown Residential

The term neighborhood refers to the idea of a compact, walkable, diverse, and connected community. As the building blocks of City urban fabric, neighborhoods should be organized around small-scale activity centers that provide civic and commercial functions within a five to ten-minute walk for residents to meet their daily needs.

Neighborhoods should be well connected internally and externally for bicyclists, pedestrians, and commuters. Small blocks and high connectivity ratios should be established and maintained both within and between neighborhoods.

Appropriate Density

3-6 dwelling units per acre



Conceptual illustration: 2 areas of development for reduced massing

Proposed Usesage 101 of 220

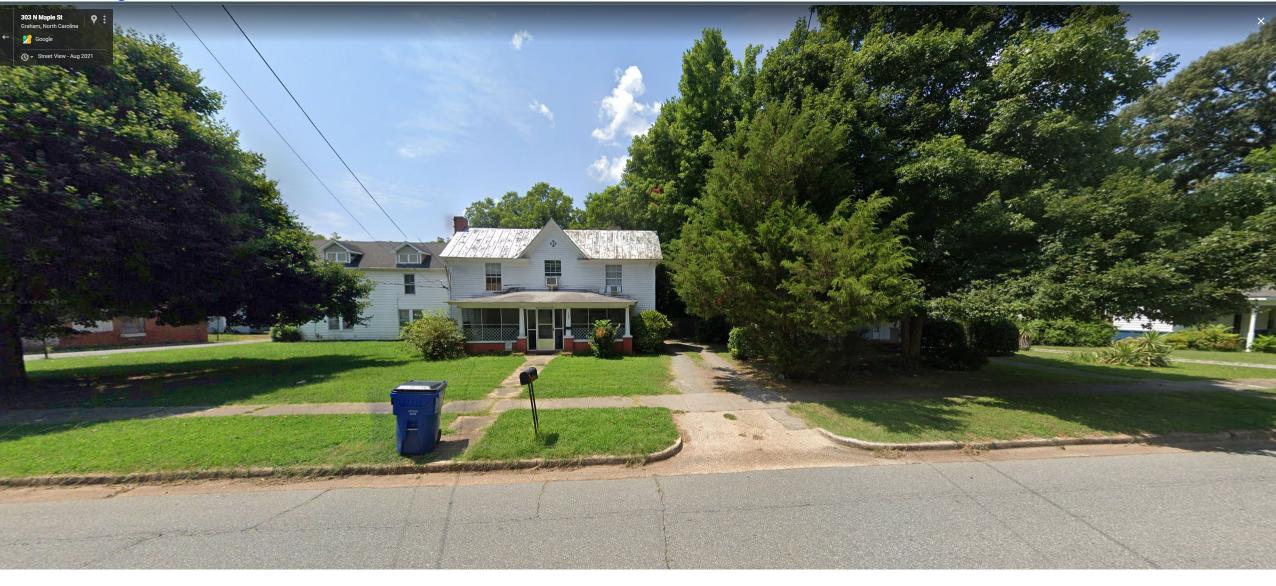
All uses permitted under R-G except any which are not residential in nature, specifically:

- Ambulance, Fire, Police, Rescue Station
- Day Care Center, Adult or Child
- Family Care Facility
- Manufactured Dwelling
- Nursing Home, Rest Home, Convalescent Home
- Roadside stands, temporary, for sale of agricultural products produced on premises, not in right-of-way

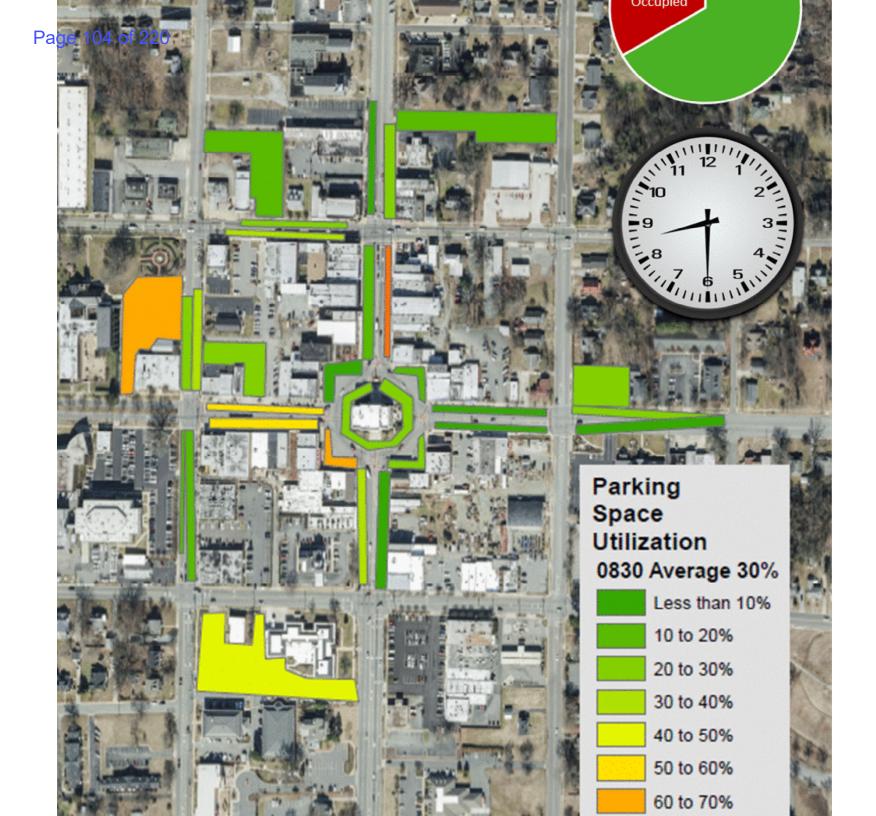
Proposed Conditions

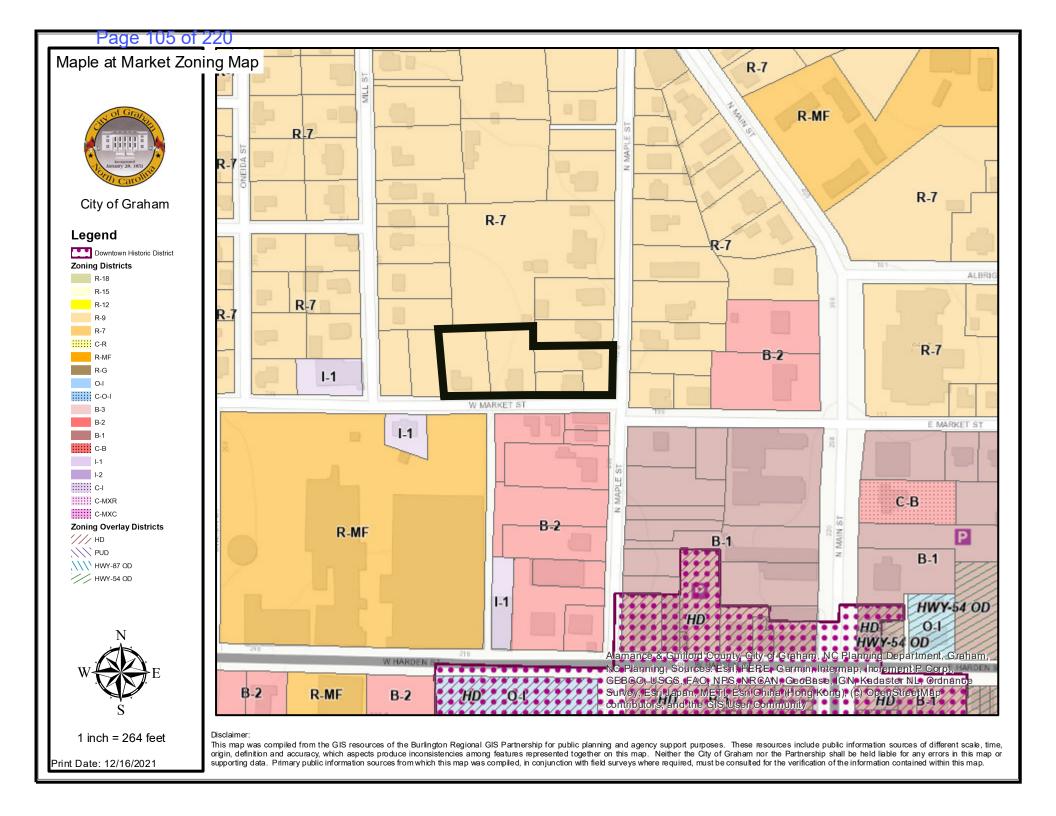
- Setbacks, Street Facing Boundaries: Setbacks shall be equal to or greater than 7' from existing curb along N Maple St, W Market St.
 - Said setbacks exceed current setbacks of nearby properties such as 220 N Maple St which is abutting a current 3' sidewalk, 204 & 208 W Market St which have steps and ramps which are <7' from curb.
- Sidewalks: Setbacks noted above will allow developer to install upgraded sidewalks of no less than 5'
 - Will improve pedestrian access and connectivity between surrounding neighborhoods and subject parcels, downtown
- Setbacks, Neighboring Parcels: Setbacks of 5' from property line, in keeping with side yard requirements of 5' setbacks in R-7 zoning.
 - o Borders with all neighboring parcels would be the side yard of neighboring parcels. Buffering: Would provide opaque fence if requested by any neighboring property owner
- Building Height: Maximum height of 45', with 1' increase in setbacks for every 1' over 40' in height
 - Aligns with city ordinance of 1' increase in setback for each 1' in added height after 50', but starting at a lower threshold to guarantee greater distances from neighboring parcels for any height over noted amount
- Total Dwellings: No more than 40 dwelling units
- Off Street Parking: Approval for parcel to utilize the Downtown area residential parking permit process.
 - As noted in prior City Council meeting, subject property is a lesser distance from public parking than primary Main Street locations such as Graham Cinema, Green & McClure Furniture, and others.
- Tree Retention Bonus: Parking required may be reduced by 1 space for each existing tree on site retained with a diameter of 12" or greater
 - o Allows for retention of existing old growth trees where feasible by allowing a reduction in required parking accommodate loss of usable space.
- Street Trees: Shall provide at least one tree for every 100' of street frontage along W Market St and N Maple St frontages
 - Further improves streetscape, walkability, green space around project for general public, pedestrians. Will consult with city staff on appropriate trees for plantings
- Building Scale: Project will be spread across at least 4 separate buildings.
 - o Assures multiple smaller buildings to reduce individual scale of any one building
- Building Spacing: Shared alleys, walkways, stairs or similar shall be allowed between separate buildings to allow for clustering of buildings.
 - Allowing shared pedestrian walkways, etc allows for clustering of buildings, improving both the quantity and quality of usable open space, as wall as improving walkability through and to site.
- Site Development: Site plan is conceptual to illustrate anticipated access points and the general locations and sizes of respective development areas. Final site plan is subject to engineering, architectural design, and governed by TRC approval within the conditions as set forth and agreed to

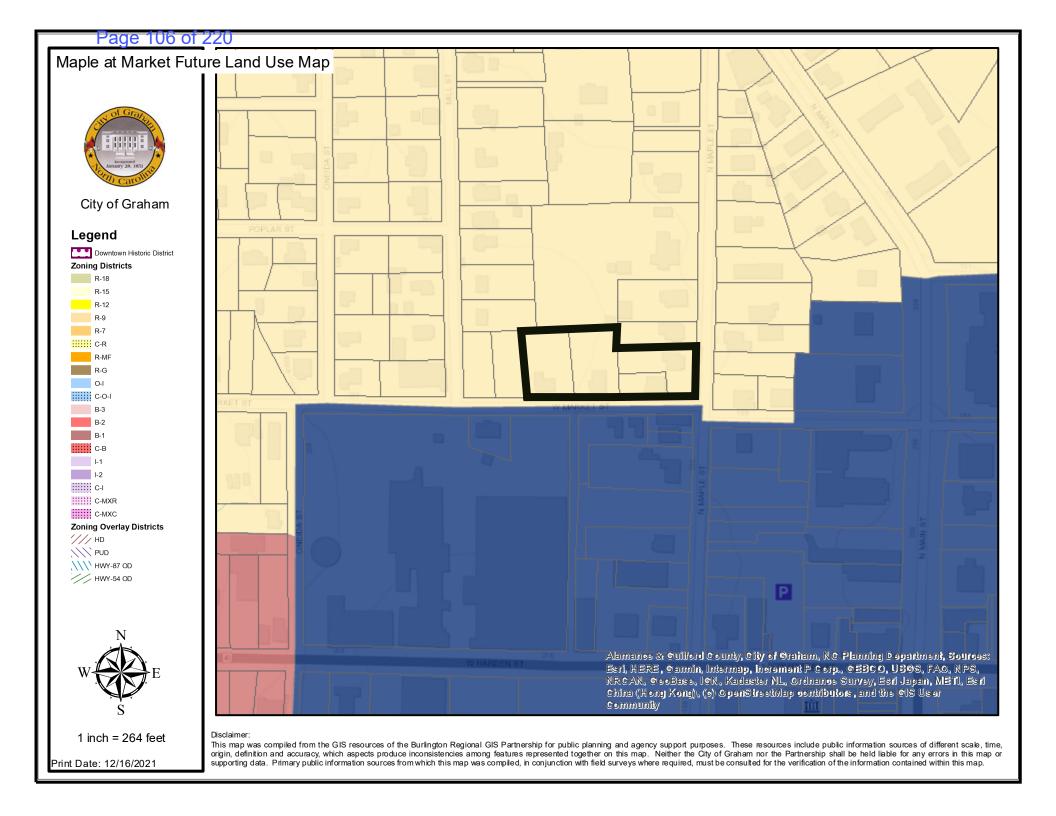
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PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Maple and Market C-R (RZ2204)

Type of Request
Conditional Rezoning

Meeting Dates

I move to recommend APPROVAL of the application as presented.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15 th day of March, 2022.
Attest: Dean Ward, Planning Board Chairman
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Maple and Market C-R (RZ2204)

Type of Request

Conditional Rezoning

Meeting Dates

Choose one
I move that the application be APPROVED .
I move that the application be DENIED .
Choose one
The application is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Fences and Walls

Type of Request: Text Amendment

Meeting Dates

Planning Board on January 18, 2022, March 15, 2022 City Council on February 8, 2022, April 12, 2022

Contact Information

N/A

Summary

Staff has proposed language below to create standards for fences and walls, which are currently lacking in the Development Ordinance. This amendment defines fences and walls and sets fence types, heights, locations, etc. without requiring a permit. By doing so, we are allowing applicants flexibility to install fencing, but we also provide the City with enforcement tools to prevent incompatible fencing from being installed.

Project Name

Text Amendment (AM2201)

<u>Location</u>

city-wide

Current Zoning

not applicable

Proposed Zoning not applicable

Overlay District not applicable

Staff Recommendation
Approval

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

• Not applicable; city-wide.

Planning District

Development Type

ΑII

Staff Recommendation

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

This creates an opportunity for the community to install fences and walls within certain restrictions to ensure that fences and walls are compatible in size, location, and type throughout the City.

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Fence - A constructed, freestanding, vertical barrier or enclosure. A fence may be decorative and insubstantial or completely opaque. Construction materials include but are not limited to wood posts with welded wire, metal, wooden posts with pickets or boards, and chain link. Fences may also be constructed to support or protect the growth of plant material.

Wall, retaining or landscaping - a vertical masonry structure constructed to define a boundary, create an enclosure, or create a visual or physical barrier.

Section 10.55 Vision clearance

In all use districts-Except within the Courthouse Square Historic B-1 Business District, no fence, wall, shrubbery, or other obstructions to vision with more than 50% opacity and between the heights of three feet and 16 feet shall not be permitted within 20 feet of the intersection of the right-of-way lines of streets or of streets and railroads over four feet in height shall be permitted within 20 feet of the intersection of the right-of-way lines of streets or non-residential driveways or at any intersection of streets and/or nonresidential driveways and railroads. Fences up to eight feet in height that are less than 50% opaque shall be permitted up to the property line provided no impediment to sight distance is present.

Section 10.250 Fences and Walls

- (a) In all zoning districts, fences and walls shall not impede vehicular or pedestrian visibility or movement at any intersection on the edge of driveway with street lines; nor shall they encroach on the right-of-way of a public or private street. No fence or wall, including retaining walls, shall be located within any intersection sight triangle.
- (b) Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, or those erected or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements.
- (c) The following fence and wall types are permitted in all zoning districts except as otherwise stated in this Ordinance:
 - (1) Masonry or stone walls, including retaining walls;
 - (2) Ornamental iron;
 - (3) Chain link or chain link panel or slat weave;
 - (4) Wood;
 - (5) Aluminum; or
 - (5) Similar materials.
- (d) The following fence types are prohibited:

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- (1) Fences constructed primarily or entirely of barbed or razor wire, except for the purpose of enclosing livestock;
- (2) Fences carrying electrical current, except for the purpose of enclosing livestock;
- (3) Fences or walls constructed of readily flammable material such as paper, cloth, or canvas;
- (4) Fences or walls topped with barbed wire or metal spikes in residential districts, except those serving a public institution for public safety or for public or private commercial security purposes;
- (5) Fences constructed primarily or entirely of concertina wire; and
- (6) The accumulation of materials, whether usable or appearing to be scrap materials, scrap tires, and/or solid waste as defined in Chapter 12 of the City of Graham Code of Ordinances that are assembled on a property to create a barrier or define a property line, will not be considered a fence or wall for zoning purposes. The City shall treat such accumulations as nuisances under the Code of Ordinances for purposes of abatement.
- (e) Fences and walls shall be maintained in a safe manner. Fences and walls no longer maintained in a safe manner, whether through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced, or removed at the property owner's expense. If the City deems the fence or wall a nuisance or hazardous to public health and takes action to repair or remove the fence or wall, a lien shall be placed on the property until such time that the City has been reimbursed for the costs incurred.

(f) Height.

- (1) Residential Zoning Districts (all): Unless a different standard is stated in this Ordinance or is otherwise approved by City Council as part of a conditional zoning or special use permit, fences and walls shall not exceed four feet in height in the front yard and eight feet high in the side and rear yards as defined in this Ordinance.
- (2) Nonresidential Zoning Districts (all): Unless otherwise stated in this Ordinance or approved by City Council as part of a conditional zoning or special use permit, no fence shall exceed eight feet in height.
- (3) Exceptions: Fence and wall height limitations do not apply to fences or walls built in conjunction with electric or gas substations; telecommunications facilities, municipal or private solid waste disposal facilities; junkyards, water or sewage treatment plants or facilities; municipal water storage facilities; public or private vehicle and equipment impound yards, correctional or mental institutions; military facilities; or hazardous or radioactive waste storage or disposal facilities.
- (4) Retaining Walls: Retaining walls may exceed eight feet in height above adjacent grade when located in a side or rear yard and outside of a required sight triangle.
- (g) Measurements.

- (1) Fence and wall height shall be measured at the highest point of the fence or wall section, not including columns or posts, as measured from the lowest point of the nearest adjacent grade.
- (2) Columns or posts shall not extend more than eighteen inches above the built height of the fence or wall. Columns or posts shall be separated by a horizontal distance of at least four feet, except at gate locations.
- (3) As measured in subsection (g)(1) above, any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Safety railings required by the NC Building Code shall not be included in height measurements.

(h) Other Fence and Wall Requirements.

- (1) Obstruction of Access: No fence or wall shall block access from doors or windows. Fences and walls shall be located at least two feet from building walls except where fences or walls project from a building wall.
- (2) Obstruction of Drainageway: Fence or wall construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- (3) Orientation of Barbed Wire: On fences or walls topped with barbed wire, the bottom strand must be at least six feet above grade, and a warning sign shall be placed conspicuously every 20 feet of fence or wall length to warn trespassers of the potential barbed wire hazard.
- (4) Electrified Fencing: On electrified fences, a warning sign shall be placed conspicuously every 20 feet of fence to warn trespassers of the potential electrical shock hazard and voltage/current running through the fence.
- (5) Within Utility Easements: No fence or wall shall be located within a public or private utility easement without review and an executed encroachment and maintenance agreement issued by the utility provider owning the easement.
- (6) Within Required Planting Areas: The location of fences or walls within a required planting area shall be subject to the approval of a landscaping plan.
- (7) Orientation: Fences and walls shall be constructed such that exposed framing faces the interior yard and that the friendly side of the fence or wall faces out on all sides towards adjacent properties and/or street rights-of-way.

(i) Permitting.

- (1) Residential Zoning: A zoning permit is not required for fences or walls in residential zoning districts. However, a major or minor certificate of appropriateness (COA), as applicable, shall be required prior to erection of any fence or wall in the historic district.
- (2) Nonresidential Zoning: Fences or walls in nonresidential zoning districts shall be reviewed and approved as part of the site plan and building permit processes. However, a major or minor certificate of appropriateness (COA), as applicable, shall be required prior to erection of any fence or wall in the historic district.

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- (j) Nonconformities. Fences or walls that were installed prior to the adoption of this Ordinance, other than those that constitute a nuisance or public safety risk, shall be deemed nonconforming and may remain as long as they are kept and maintained in accordance with this Ordinance. However, upon cessation of any principal use for a period of 180 days which results in a change of use, or upon damage or demolition of more than 50% of the fence or wall area, a nonconforming fence or wall shall be brought into full compliance this Ordinance.
- (k) Compliance. While they are not required to have a zoning permit, all fences and walls not exempted by this Ordinance shall be comply with all standards of this Ordinance. Any fence or wall installed in any manner that does not comply with this Ordinance may be subject to civil penalties in accordance with this Ordinance, as applicable.

Section 10.251-10.254 Reserved



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Fences and Walls (AM2201)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, March 15, 2022 City Council on February 8, 2022, April 12, 2022

I move to recommend APPROVAL of the application as presented.
I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.
Attest:
Dear Ward
Dean Ward, Planning Board Chair
Debbie Joles
Debbie Jolly, Secretary \ / /



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Fences and Walls (AM2201)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022m
March 15, 2022
City Council on February 8, 2022, April 12, 2022

Choose one
I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Recreation and Amenities

Type of Request: Text Amendment

Meeting Dates

Planning Board on January 18, 2022, February 15, 2022 City Council on March 8, 2022, April 12, 2022

Contact Information

N/A

Summary

Staff has re-advertised the proposed language to create standards for recreation and amenities to be required concurrently with construction of a proposed subdivision with 100 or more units. Amenities would be required based on a points system that is tied to how desirable the amenities are, and the number of required points is tied to the number of dwelling units and size of the development.

Project Name

Text Amendment (AM2202)

<u>Location</u>
city-wide

Current Zoning not applicable

Proposed Zoning not applicable

Overlay District not applicable

Staff Recommendation
Approval

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

• Not applicable; city-wide.

Planning District

<u>Development Type</u>
All

Staff Recommendation

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

This creates an opportunity for residents to enjoy amenities in subdivisions where they may not have otherwise been provided.

Section 10.251 Recreation and Amenities

(a) Purpose and Intent.

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the dedication of a portion of land for the purpose of providing recreation space and/or equipment in accordance with the City of Graham Comprehensive Plan.

(b) Applicability.

Every residential development proposal containing five 100 or more residential units, whether attached or detached, shall include dedication and development of a portion of the land for recreation to serve the leisure needs of the residents of the development.

(c) Calculation of Required Area.

The applicant shall provide land for recreation, provide improvements for recreation, provide fees in lieu of land and improvements, or provide a combination of the above according to the following:

- (1) At least one thirty fifth $\frac{(1/35)}{1/50}$ of an acre $\frac{(.029 \text{ acres})}{1/50}$ (0.02 acres) shall be dedicated for each dwelling unit or lot, whichever is greater in number, as shown in the plan;
- (2) Detached dwelling units shall be assigned 12 8 required recreation points per dwelling. Points for each attached dwelling unit based on the number of bedrooms per units shown in the plan shall be required for recreational improvements according to Table 10.251.1; or
- (3) A combination of the two methods above may be used to satisfy the recreational dedication requirements, provided, however, that the final approval of the applicant's plan shall at all times remain with the permit issuing authority.

10.251.1 TABLE: RECREATION POINTS AND ATTACHED DWELLING UNITS								
Dwelling Units	Minimum Points Required							
One-bedroom unit	6.0_ 4.0							
Two-bedroom units	9.0 6.0							
Three or more bedrooms	12.0_ 9.0							

In the computation of recreational requirements: four hundred (420) points shall be deemed to equal one (1) acre; and when calculating a combination of the above, the recreational space cannot be utilized more than once (for example, a swimming pool which equals 356 points cannot use its 768 square feet of land in the acreage calculation).

(d) Characteristics of Required Areas.

(1) Site Suitability for Active Recreation Areas.

- a. Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as play areas, tennis courts, multi-purpose courts, picnic areas, ball fields and other similar recreation uses.
- b. Active recreation areas shall be ADA accessible and located on land that is relatively flat (0 to 7.5% slopes), free of wetlands and/or flood plains, free of easements for public utility transmission lines, and otherwise capable of accommodating active recreation uses.

c. ADA accessible play equipment suitable for children under twelve shall comprise at least five percent of the total points required.

(2) Site Suitability for Passive Recreation Areas.

Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope and location suitable for use for walking, jogging, reading and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, nature woodlands and water resources. These areas be ADA accessible with an ADA accessible parking lot and pathway connecting to these areas in reasonably close proximity.

(3) Location

Land dedicated for recreation purposes shall be located so as to serve the needs of the immediate residents of the subdivision. Recreation areas shall be centrally located so as to provide relatively easy accessibility to all residents of the subdivision; provided, however, recreation areas may be approved in other locations where land more suited for recreation purposes due to shape, level slopes, and/or dry soil conditions are present.

(4) Unity

Land dedicated for recreation purposes shall be a single lot except where it is determined that two (2) or more lots are suited to the needs of a particular subdivision. The Technical Review Committee in its review of a proposed plan may require the dedication of an impervious pathway meeting ADA standards connecting two or more disjointed recreation areas, in addition to the land required in subsection 10.251(c), *Calculation of Required Area*.

(e) Site Improvements.

- (1) Private recreation facilities either required or provided at the option of the applicant shall meet the standards for site improvements contained herein. When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents/businesses shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision. As an example, the existence of a multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the applicant that another facility, such as a tennis court, would be more appropriate. Recreation facilities which are suitable for various age groups include, but are not limited to, those shown on the following pages.
- (2) Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon and shall be the responsibility of the homeowners' association to control and maintain.
- (3) In addition to land provided or dedicated for active recreation purposes, sufficient off-street parking shall be provided for the proposed improvements. For active recreation, this shall be 1 space per 4 people in designed capacity for each use plus the required ADA parking spaces.

(f) Points System.

- (1) Active recreation areas shall be easily visible from and have direct access to public street(s) within the developments they serve and shall be designated as such on preliminary and final plats.
- (2) Active recreation areas and facilities shall be provided to such extent that the sum total of recreation points assigned to each recreational area and facility in table 10.251.2 equals or exceeds the number of recreation points required in that development in accordance with the provisions of this section.

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- (3) For purposes of this subsection, a recreation point is a unit of measurement that allows various types of recreational areas and facilities to be compared to one another. The principal criterion upon which recreation points are assigned to various facilities is the cost associated with the development of such facilities. The following table establishes the recreation points assignable to the facilities listed. Points for facilities not included on the table below shall be determined by the Planning Director.
- (4) Active recreational facilities and areas shall be located throughout the development so that they can be reached safely and easily by their anticipated users. They shall also be ADA accessible. Such facilities and areas must be on land that is suitable for the use intended, have a minimum of twelve hundred (1200) square feet per area, and be sufficiently buffered to minimize the impacts on adjacent residences.

Table 10.251.2 – Recreation Points by fa	acility type	
Facility	Points Per Sq.Ft.	Minimum requirements (all shall be ADA accessible)
Multipurpose Field	0.01	Less than 5% slope, turf surface, min. 20,000 sq. ft. in size
Sports Field (baseball/football/soccer)	0.01	Turf surface, perimeter fence, backstops, goals as appropriate.
Community garden	0.01	Perimeter fence, water source, min. 5,000 sq. ft.
Dog park	0.01	Perimeter fence, water source, separate fenced areas for large and small breeds, mature shade trees, min. 10,000 sq. ft.
Volleyball Court	0.01	Sand or paved, painted if paved, net in place.
Multipurpose trail - natural surface	0.01	Mulch or Chapel Hill gravel. Minimum 5-foot surface width. Available for public use via easement. Points calculated by linear feet.
Multipurpose trail - paved surface	0.02	Asphalt. Minimum 8-foot surface width. Available for public use via easement. Points calculated by linear feet.
Outdoor fitness equipment	0.2	Must be designed for adults and children to use with station instructions.
Hard Surface Court (tennis/pickleball/basketball)	0.1	Perimeter fence, sized for intended sport.
Shelter/gazebo/covered space	0.2	
Amphitheater	0.2	Available for public use. Must include a permanent stage and meet noise ordinances during performances with amplified sound.

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Water feature/artificial or natural pond	0.2	Cannot be part of the stormwater management system or a mapped river or stream.
Play Equipment	0.3	Shall include equipment designed for children under age 12
Swing set	0.35	
Swimming Pool	0.4	
Skate Park	0.4	Must be available for public use.
Splash Park	0.4	Must be available for public use.
Clubhouse containing meeting room and exercise facilities	0.5	

(g) Recognition of City Priorities.

The City has established recreation facility priorities in response to requests and current lack of facilities. Any development awarded points under this section will not be deemed out of compliance with this provision if the City amends the list or discontinues the point system.

(h) Method of Provision of Dedication.

Land dedicated for public recreation area shall be designated on both the preliminary and final plat(s) of the development and must be dedicated to an appropriate unit of local government. Determination of the appropriate unit of local government shall be made by the permit issuing authority. Upon the recommendation of Parks and Recreation and Planning staff, the City Council shall consider formal acceptance of any dedication offered or required and approve the dedication before the dedication is deemed final. Acceptance of the dedication may be one in trust if deemed appropriate by the City Council. Maintenance of facilities dedicated to, and accepted by, the City Council shall be the responsibility of the City.

Land provided for private recreation purposes must be conveyed to a property owners' association subject to covenants and easements to be approved by the permit issuing authority, and which provide for the continued maintenance and control of the recreation area in a manner which assures its continuing use for its intended purpose. The formal declaration of covenants and restrictions shall be recorded in the Register of Deeds Office concurrent with or prior to the recording of the final plat.

(i) Timeframe for Completion.

Prior to completion of construction of 30% of the proposed units or lots of a total development, the recreation and amenities required herein shall be installed in their entirety. No certificate of occupancy for any number of lots or units in excess of 30% of the total development shall be issued until construction of all required recreation and amenities has been completed or a performance guarantee has been issued and approved per subsection (j) below.

(j) Payments in Lieu of Dedication.

Any applicant required to dedicate or provide recreation area pursuant to this Ordinance may, upon the approval of the permit issuing authority, make a payment to the City of Graham Parks and Recreation Department fund in lieu of dedication or make a combination of land dedication and payment. Before approving a payment in lieu of dedication, the permit issuing authority shall find that no suitable or desirable recreation sites exist for the property in question.

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The amount of a payment in lieu of dedication shall equal the number of acres required to be dedicated under this Ordinance multiplied by the fair market value of the land to be dedicated. Fair market value shall be determined by submitting a report from a licensed real estate appraiser, who shall then assign a total value to the land as if it was improved per the proposed subdivision or site plan.

Payment in lieu of dedication shall be made at the time of final plat approval or within one year of approval of the construction drawings, whichever occurs first. All monies received by the City of Graham pursuant to this section shall be used only for the acquisition and/or development for a public park facility or public recreation amenities, which may also include, but are not limited to, sidewalks, ADA upgrades to recreation facilities, and/or greenways, within a two-mile radius of the development. The City Council has the authority to sell land dedicated pursuant to these provisions, provided that the proceeds of any such sale shall be used solely for the acquisition and/or development of other recreation or park sites within the two-mile radius of the development.

Developments within the extraterritorial jurisdiction will be encouraged to pursue payment in lieu of dedication if they wish provide public ownership of any required recreational facilities due to the City's general inability to maintain facilities outside the city limits.

Performance Guarantee.

As an alternative to completing construction of all required public improvements prior to the approval of a final plat, a developer may request to use a construction surety or other approved performance guarantee as follows:

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

Section 10.252-10.254 Reserved.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Recreation and Amenities (AM2202)

Type of Request
Text Amendment

Meeting Dates

Planning Board on January 18, 2022 City Council on February 8, 2022

I move to recommend APPROVAL of the application as presented.
I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 8th day of February, 2022.
Attest:
Wear Ward
Dean Ward, Planning Board Chair
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Recreation and Amenities (AM2202)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, February 15, 2022 City Council on March 8, 2022, April 12, 2022

Choose one
☐ I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Accessory Dwellings

Type of Request: Text Amendment

Meeting Dates

Planning Board on January 18, 2022, February 15, 2022

City Council on March 8, 2022, April 12, 2022

Contact Information

N/A

Summary

Staff has re-advertised the proposed attached language to create standards for allowing accessory dwelling units in residential districts with the inclusion of City Council comments. Currently, Graham does not have standards for them, and thus, they are not permitted, yet the aging population and the desire to age in place and live with kids outside the home make this an important amendment. This also allows a bit more density without being obtrusive, and it frees up other dwelling units for people to move into without requiring development of land.

Project Name

Text Amendment (AM2204)

<u>Location</u>

city-wide

Current Zoning not applicable

Proposed Zoning not applicable

Overlay District not applicable

Staff Recommendation
Approval

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

• Not applicable; city-wide.

Planning District
All

Development Type

All

Staff Recommendation

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

This creates an opportunity for the community to age in place and have slightly higher density without having to create new lots or develop new property. This also creates a potentially affordable housing option.

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Section 10.252 Accessory Dwelling Units (ADUs)

10.252.1 Purpose.

The purpose of the following sections is to create opportunities for a diverse housing stock within the City, as well as opportunities for multigenerational families, supplemental income, and aging in place. Any dwelling unit created must meet residential building code.

10.252.2 Applicability.

This section shall apply to all single-family residential districts on lots containing a minimum of one (1) acre. However, no accessory dwelling unit may be placed on the same lot as a duplex, multifamily structure, or townhome. ADUs shall only be occupied as single-family residences. No duplexes or multifamily units shall be permitted as ADUs.

10.252.3 Accessory units in freestanding structures.

New or existing accessory buildings may be used as dwelling units in addition to the principal detached single-family dwelling unit any single-family residential zoning district upon issuance of a zoning and building permit, subject to the following conditions:

- (a) The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- (b) The lot has legal access to a public or private street.
- (c) One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- (d) The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Section 10.245, Area, Height, and Yard Regulations.
- (e) The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district as long as the accessory unit conforms to all primary building setbacks for the zoning district in which the dwelling unit resides.
- (f) The accessory dwelling unit does not exceed 50% of the heated gross floor area of the primary residence up to a maximum area of 1600 square feet.
- (g) The accessory dwelling unit is constructed to the state building code for one- and two-family dwellings.
- (h) Manufactured homes, shipping containers, RVs, temporary structures, storage buildings, and similar structures shall not be permitted to become ADUs.
- (i) There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory dwelling unit, which may include garage spaces.
- (j) The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with City Code requirements.
- (k) Units that existed prior to adoption of this Section that do not meet one or more provisions of this section may continue as legal non-conforming uses as defined in this Ordinance.

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- (I) Accessory dwelling units to be rented or leased on a nightly or weekly basis shall not create significant noise, traffic, or other undesirable effects that would not customarily be associated with a primary single-family residential use.
- (m) For lots where the primary dwelling is connected to water and sewer service, then both the primary and accessory dwellings shall be connected to municipal water and sewer service, and each shall have its own separate water, sewer, and electrical meters. Lots with septic systems shall consult with Alamance County Environmental Health to determine if the septic system can accommodate the accessory dwelling unit in addition to the primary dwelling.
- (n) Anyone seeking an accessory dwelling unit in a freestanding structure shall coordinate with Alamance County GIS Addressing and City of Graham emergency services to insure any address to be assigned will work for all agencies.

10.252.4 Accessory units within a principal single-family dwelling.

Accessory units may be located within a principal single-family dwelling in any single-family residential zoning district on lots containing a minimum of one (1) acre upon issuance of a zoning and building permit, subject to the following conditions:

- (a) The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- (b) The primary structure containing the accessory dwelling unit shall meet the applicable primary building setbacks established in Section 10.245, Area, Height, and Yard Regulations for the zoning district in which the dwelling resides in order to add an accessory dwelling unit.
- (c) One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- (d) Manufactured homes, shipping containers, RVs, temporary structures, storage buildings, and similar structures shall not be permitted to become or contain ADUs.
- (e) The accessory dwelling unit does not exceed 50% of the heated gross floor area of the primary residence up to a maximum area of 1600 square feet.
- (f) The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.
- (g) There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory dwelling unit, which may include garage spaces.
- (h) The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with City Code requirements.
- (i) The dwelling unit, if constructed as an addition onto a primary dwelling, shall meet all applicable building codes and setbacks established in Section 10.245, Area, Height, and Yard Regulations for the zoning district in which the dwelling unit resides.
- (j) Dwelling units that existed prior to adoption of this Section that do not meet one or more provisions of this section may continue as legal non-conforming uses as defined in this Ordinance.
- (k) Accessory dwelling units to be rented or leased on a nightly or weekly basis shall not create significant noise,

Page 128 of 220

traffic, or other undesirable effects that would not customarily be associated with a primary single-family residential use.

- (I) For lots where the primary dwelling is connected to water and sewer service, then both the primary and accessory dwellings shall be connected to municipal water and sewer service, and each shall have its own separate water, sewer, and electrical meters. Lots with septic systems shall consult with Alamance County Environmental Health to determine if the septic system can accommodate the accessory dwelling unit in addition to the primary dwelling.
- (m) Anyone seeking an accessory dwelling unit in a freestanding structure shall coordinate with Alamance County GIS Addressing and City of Graham emergency services to insure any address to be assigned will work for all agencies.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Accessory Dwellings (AM2204)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, February 15, 2022 City Council on February 8, 2022

I move to recommend APPROVAL of the application as presented.
I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of February, 2022.
Attest:
Dean Ward, Planning Board Chair
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Accessory Dwellings (AM2204)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, February 15, 2022 City Council on March 8, 2022, April 12, 2022

Choose one
I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jonnifor Talloy Mayor
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Crypto Mining

Type of Request: Text Amendment

Meeting Dates

Planning Board on January 18, 2022, March 15, 2022 City Council on February 8, 2022, April 12, 2022

Contact Information

N/A

Summary

Staff has proposed language to create standards for crypto mining operations in cooperation with the industry professionals themselves. These operations, while seemingly low

Project Name

Text Amendment (AM2205)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

intensity, can be quite detrimental to the environment and surrounding properties due to the amount of energy usage, noise created, and the electronic hazardous waste generated. Because this is an emerging technology, the technology is still highly inefficient. They generate enormous amounts of increased air pollutants to produce energy needed to run the servers (mines), such as carbon dioxide, fine particulate matter, nitrogen oxides and sulfur dioxide. They generate kilotons of electronic waste that must be specially recycled due to hazardous materials contained within. They also generate a lot of noise from the humming of the server fans. Most entry-level mining operations use 20,000 times the energy of a single house, and the industry at large uses enough power to match some countries entire power usage. These standards will help protect the citizens of Graham from the potential impacts by creating parameters within which they can operate before they are allowed to begin mining. It will also make sure that business entering this field do so in a socially and environmentally-responsible fashion. Graham should support these industries, but doing so requires that the City be responsible in what it allows and where. Staff has discussed this ordinance at length with the local crypto mining facility leader, and there is alternate text attached to this staff report reflecting a mutual agreement of what would work both for Graham and for the crypto mining industry. We feel as though this amendment will actually help attract, not dissuade, new industry in Graham and will expand the technological capabilities of the region.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

• Not applicable; city-wide.

Planning District
All

Development Type

Αll

Staff Recommendation

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

This creates an opportunity for allowing this highly-intensive use within specific parameters to protect the environment and the citizens of Graham from potentially adverse effects while still encouraging innovative development and industrial growth in the region that has benefits for the City.

Planning Board recommended Approval by a 5-0 vote with the following changes:

- 1. Change buffers in 10.201.4 (e) and (f) to 250' instead of 1000'.
- 2. Require sound muffling devices to be installed to limit noise to the maximum standards listed in Section 10.136.19 (g).

10.291 Data Processing Facilities.

10.291.1 Definitions.

Data Processing Facility - An establishment primarily involved in industrial-scale compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing numerous computers or servers. This term does not include general business offices, computer-related sales establishments, or business or personal services.

Data Center Facility - A physical facility that organizations use to house critical applications and data. A data center's design is based on a network of computing and storage resources that enable the delivery of shared applications and data. The key components of a data center design include routers, switches, firewalls, storage systems, servers, and application-delivery controllers.

Data Center - A building, a dedicated space within a building, and/or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems. It may include redundant or backup components and infrastructure for power supply, data communication connections, environmental controls (e.g., air conditioning, fire suppression), and various security devices. A large data center is an industrial-scale operation using as much electricity as a small town.

Colocation Facility - A physical data center hosting facility that allows customers to deploy their own servers, networks, and storage hardware powered by internet bandwidth, electricity, backup power and other services generally required in a data center.

Colocation - The practice of housing servers in an offsite data center facility. The data center provides access to cage space, electrical power, cooling, networking equipment, and access to a variety of telecom and internet service providers at a monthly rental fee.

Cryptocurrency, Virtual Currency, Blockchain Facility - The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. Activities can be described by terms such as, but are not limited to, "crypto mining", "proof of work", and "proof of stake" which involve the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of the equipment used in these activities include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space.

10.291.2 Intent.

Certain conditions must be met in order to protect the public health, safety, and general welfare of City of Graham residents. The intent of these standards is to mitigate the potentially negative effects of industrial-scale data processing. These include, but are not necessarily limited to, very high energy usage, noise pollution, and the disposal of electronic waste. Equipment at these facilities has the potential to create noise pollution that negatively impacts nearby residents, businesses, and wildlife. In addition, electronic waste from data processing operations contains heavy metals and carcinogens that have the potential to damage human health, and air and water quality if not handled correctly.

10.291.3 Applicability.

All land under the zoning jurisdiction of City of Graham shall be subject to the provisions of this Ordinance.

10.291.4 Standards.

Data processing facilities (including any subset thereof), as defined in 10.291.1, shall meet all of the following conditions:

- (a) Facilities may locate only in the C-I (Conditional Industrial) district, ideally within a City or regionally-approved and planned tech park, upon review and approval by the Technical Review Committee, City Attorneys, an outside consultant (cost to be paid for by the developer), Planning Board, and City Council.
- (b) Facilities shall be reviewed as a conditional use in compliance with Section 10.85 of this Ordinance.
- (c) Verification must be provided that all electronic waste generated at the data processing facility operation will be handled by a DEQ-licensed electronic waste recycling firm.
- (d) The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.
- (e) All equipment, whether indoors or outdoors, shall be located no less than <u>1000-250</u> feet from the nearest school, daycare, or hospital, and an undisturbed evergreen vegetative buffer meeting or exceeding subsection (g) below shall be provided. A scaled map showing the proposed equipment separation from each nearest use/structure of these types shall be submitted with the proposed rezoning application.
- (f) All equipment, whether indoors or outdoors, shall be located no less than 1000-250 feet from the nearest existing residential structure, and an undisturbed evergreen vegetative buffer meeting or exceeding subsection (g) below shall be provided. A scaled map showing the proposed equipment separation from each nearest residential use/structure shall be submitted with the proposed rezoning application.
- A 200-foot undisturbed opaque vegetated buffer shall be required on all sides of the property. Vegetation shall not be disturbed for any reason within the buffer areas, other than to provide a driveway or utility to the site. If the buffer is not completely opaque, additional overstory evergreen plantings that will grow to a mature height of at least 40 feet shall be planted that are at least 8 feet tall at time of planting to help achieve opacity.
- (g)(h) Data processing centers and any subset thereof as defined in Section 10.291.1 shall be required to install noise muffling measures to ensure that noise levels at the property lines do not exceed those set forth in Section 10.136.19 (g).

10.291.5 Nonconforming Data Processing Facility Use

This section shall supersede the allowances for nonconforming uses in Division 2, Nonconformities.

A lawful data processing facility use existing on the effective date of this Ordinance, which would not be allowed under the terms of these regulations, may continue so long as it remains otherwise lawful, subject to the following conditions:

- (a) Existing structures devoted to nonconforming data processing facility operations shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.
- (b) Non-conforming data processing facility operations may be expanded or extended to unoccupied portions of the existing building(s). New or replacement mechanical or electrical equipment is subject to the other provisions of the Development Ordinance and/or North Carolina state building and electrical codes.
- (c) Any nonconforming data processing facility operation may be replaced within any existing structure by the same use. This shall also apply to changes in ownership where no exterior changes are made to the site or structural area.
- (d) If a nonconforming data processing facility operation is discontinued or abandoned for one hundred eighty (180) days or a nonconforming data processing facility use is replaced by a conforming use at any time, the structure shall thereafter be used in conformance with these regulations.
- (e) Any structure occupied by a nonconforming data processing facility use that is destroyed by any means such that the cost of reconstruction amounts to more than fifty percent (50%) of the total building replacement cost (exclusive of building foundation) shall thereafter be used in conformance with these regulations.

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Use Type																<u> </u>				
							F			-					-1 (Note 19)	-2 (Note 19)		XR	ХС	
	R-18	R-15	R-12	R-9	R-7	C -R	R-MF	R-G	I- 0	I-O-	B-3	B-2	B-1	C -B	[-1 (ľ	I-2 (ľ	C-I	C-MXR	C-MXC	LUC
Vehicle Towing Services, See Note 3												Х		С	Х	Х	С			4
Bank, Savings and Loan, Credit Union, similar financial institutions									Х	С	Х	Х	х	С	Х	Х	С	С	С	2
Banquet Hall						С			Х	С		Х	Х	С	Х		С	С	С	3
Bars (as principal use), See Note 4												Х	Х	С			С	С	С	3
Barber Shop, Beauty Shop, Nail Salon											Х	Х	Х	С	Х		С	С	С	3
Batting Cages, Outdoor, See Note 5															Х	Х	С			4
Bed and Breakfast (tourist home)	S	S	S	Х	Х	С	Х	Х	Х	С	Х	Х	Х	С				С	С	2
Billiard Halls, Bingo Games, Bowling Alleys, other public amusement establishments												Х	х	С	Х		С		С	3
Shops or Bulk Sales (with storage yard), See Note 6															Х	Х	С			4
Distribution Center															Χ	Х	С			3
Bus station												S		С						3
Cabinet, woodworking and upholstery shops												Х		С	Χ	Χ	С		С	3
Campgrounds, commercial												S			S	S	С			4
Car Wash, including Self Service, See Note 7											S	Х	Х	С	Χ	Х	С		С	4
Cellular or Digital Communication Tower															S	S	С			5
Cemetery or Mausoleum. See Note 8	S							S				S		С	S	S	С			2
Religious Services	Χ	Х	Х	Х	Х	С	Χ	Х	Χ	С	Х	Х	Х	С	Χ		С	С	С	2
Communication or Broadcasting Facility, without Tower											Х	Х	х	С	Х	Х	С		С	3
Community Centers, not including gymnasiums or stadiums	S	S	S	S	S	С	S	S	S	С	S	S	S	С	S	S	С	С	С	3
Contractors Offices, no outdoor storage									Х		Х	Х	Χ	С	Χ	Х	С		С	3
Convenience Store (with gasoline pumps >15' from property line)											Х	Х		С	Х	Х	С	С	С	3
Convenience Store (without gasoline pumps)									Х		Х	Х	Х	С	Х	Х	С	С	С	3
Crypto mining and data processing facilities (see Section 10.291)																	С			5



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Crypto Mining (AM2205)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, March 15, 2022 City Council on February 8, 2022, April 12, 2022

☐ I move to recommend APPROVAL of the application as presented.
I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.
Attest:
Welle Ward
Dean Ward, Planning Board Chair
Debbie Goller
Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Crypto Mining (AM2205)

Type of Request

Text Amendment

Meeting Dates

Planning Board on January 18, 2022, March 15, 2022 City Council on February 8, 2022, April 12, 2022

Choose one
☐ I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Arts and Crafts Studio

Type of Request: Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Contact Information

N/A

Summary

City Council has proposed the language below to create standards for arts and crafts studios with a new definition and revisions to the Permitted Uses Table. Staff has attempted to remove and highlight as many potential inconsistencies to address in the uses listed as possible, and staff has added a note to the Permitted Uses Table to prevent some of the more intensive artisan uses involving smoke, fumes, and heat from creating issues in the downtown district. The Planning Board tabled this item for 60 days to allow time for additional attorney review, and to consider impacts on other ordinances.

Project Name

Text Amendment (AM2206)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

$Conformity\ to\ The\ Graham\ 2035\ Comprehensive\ Plan\ and\ Other\ Adopted\ Plans$

Applicable Planning District Policies and Recommendations

• Not applicable; city-wide.

Planning District
All

Development Type

ΑII

ARTICLE II. DEFINITIONS

Section 10.16 Definitions

For the purpose of this chapter certain terms and words are defined as follows:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory and not directory. The word "may" is permissive. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designated to be used" or "occupied." The words "residential property" shall apply to land zoned for residential use and to other land occupied by residential structures. The words "map," "zoning map," or "Graham zoning map" shall mean the zoning map of the City of Graham, North Carolina. The words "article," "zoning ordinance," or "Graham zoning ordinance" shall mean the zoning ordinance of the City of Graham, North Carolina. The words "Graham planning area" or "planning area" shall mean the area within which the City of Graham exercises zoning authority. All other words not defined below shall have their customary dictionary definitions.

<u>Accessory building</u> - A subordinate building, the use of which is purely incidental to that of the main building, located on the same parcel or lot with such principal use or building.

Adult Establishment - See Sexually Oriented Business

<u>Alley</u> - A public or private thoroughfare which affords only a secondary means of access to abutting property.

Arts and Crafts Studio - The workplace of an artist, artisan, or craftsman, including, but not limited to, carver, painter, sculptor, weaver, or studio craftsman, such as pottery, metal work, weaving, wood turning, paper and other forms of wood working, glass blowing, and glass art.

<u>Banquet Hall</u> – An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

<u>Bar</u> - An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premise beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premise consumption.

<u>Bed and Breakfast</u> - A private home offering bed and breakfast accommodations to eight or less persons per night for a period of less than a week.

<u>Boutique Shop</u>— Retail establishments with fewer than 3,500 square feet of gross floor area that specialize in one type or line of merchandise not otherwise listed in the Table of Permitted Uses. Such stores include, but are not limited to retail sales of clothing, shoes and accessories, music, art supplies including framing, bicycles, small electronics, books, stationary, collectables, consumer goods, art or craft objects, gifts, and musical instruments. Boutique Shops may also sell a specialized type or category



4) Class C: Any portable manufactured housing unit built before July 1, 1976 that does not meet the definitional criteria of a Class A or Class B manufactured dwellings above. Pursuant to 160D-910, manufactured homes may not be excluded on the basis of age.

<u>Manufactured Home Park</u> - A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

<u>Manufactured Home Space</u>- A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

Metal fabrication - The process of manufacturing sheet metal and other flat metals to make them conform to specific shapes through cutting, stamping, shaping, folding and welding.

<u>Nonconforming Buildings</u> – A nonconforming building is a building that was lawfully erected (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum setbacks, maximum height or other requirements specific to buildings (such as materials or colors) of the zoning district in which it is located.

Nonconforming Lots — A nonconforming lot is a lot that was lawfully created (or for which a vested right had been established) but that, as a result of adoption of or amendments to this ordinance or of the lot coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the minimum lot area or minimum lot width of the zoning district in which it is located.

Nonconforming Site Elements – A nonconforming site element is a physical feature of a site, such as parking, landscaping or signage, that was lawfully established (or for which a vested right had been established) on a property but that, as a result of adoption of or amendments to this ordinance or of the property coming under the jurisdiction of this ordinance or by governmental action in the acquisition of public rights-of-way, does not conform to the requirements for that site element.

<u>Nonconforming Uses</u> – A nonconforming use is a use of land or buildings that was lawfully established (or for which a vested right had been established) prior to the effective date of current use regulations or prior to coming under the jurisdiction of this ordinance, but does not conform to the permitted uses for the zoning district in which it is located.

<u>Nursing Home</u> – An establishment which provides full-time convalescent or chronic care, or both, who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

<u>Opaque screen</u> – Evergreen planting, or a durable wall or fence at least six feet in height but not greater than eight feet in height, except where a greater height is required by this chapter, which forms a solid visual barrier. Evergreen plantings shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth no later than two years after the time of planting. Such plantings shall be permanently maintained in a condition which meets the requirements of this definition.



Section 10.135 Table of Permitted Uses

Use Type															(61	(61				
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	1-0	C-0-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
ABC Store (liquor)												Х	Х	С					С	3
Accessory Uses, See Note 1	Χ	Х	Χ	Х	Х	С	Χ	Х	Χ	С	Х	Х	Х	С	Х	Х	С	С	С	3
Office Space, Less than 5 employees									Χ	С	Х	Х	Х	С	Х			С	С	3
Office Space, More than 5 employees									Х	С		Х	Х	С				С	С	3
Alteration, Clothing Repair											Х	Х	Х	С				С	С	3
Ambulance, Fire, Police, Rescue Station	S	S	S	S	S	С	Х	Х	Х	С	Х	Х	Х	С	Х	Х	С	С	С	3
Amusement/Water Parks/Fairs/Carnivals												S			S	S	С			4
Animal Hospital/Commercial, with outdoor kennels or runs, provided all runs and pens are at least 50 ft. from any property line												S		С	Х	Х	С		С	3
Arts and Crafts Studio, See Note 25											X	X	X	<u>C</u>	<u>X</u>			<u>C</u>	<u>C</u>	3
Boutique Shops, No Outdoor Storage									S	С	Х	Х	Х	С	Х			С	С	3
Large Items Store (appliances, hardware, furniture)												Х	Х	С	Х		С		С	3
Athletic Fields, See Note 2	S	S	S	S	S	С	S	S	Х	С	Х	Х		С	Х	Х	С	С	С	1
Auditoriums, Stadiums, and similar facilities where admission is charged or organized athletic events are held, See Note 2							S	S	S			S	S	С	S		С		С	4
Vehicle Accessory and Supply Sales												Х		С	Х		С	С	С	3
Vehicle assembling, painting, upholstering, rebuilding, reconditioning; body and fender work															Х	Х	С			4
Vehicle body and fender repair conducted within completely enclosed building												Х		С	Х	Х	С		С	3
Vehicle Dealers/Rentals (new and used)												Χ		С	Х	Х	С		С	3
Vehicle repair shops, not including body or fender repair												Х		С	Х	Х	С		С	4



Use Type																				
							F			<u>-</u>					-1 (Note 19)	(Note 19)		XR	ХC	
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	I-0	C-0-I	B-3	B-2	B-1	C-B	I-1 (I	I-2 (I	C-I	C-MXR	C-MXC	TNC
Vehicle Towing Services, See Note 3												Х		С	Х	Х	С			4
Bank, Savings and Loan, Credit Union, similar financial institutions									Х	С	Х	Х	х	С	х	Х	С	С	С	2
Banquet Hall						С			Х	С		Х	Х	С	Х		С	С	С	3
Bars (as principal use), See Note 4												Х	Х	С			С	С	С	3
Barber Shop, Beauty Shop, Nail Salon											Х	Х	Х	С	Х		С	С	С	3
Batting Cages, Outdoor, See Note 5															Х	Х	С			4
Bed and Breakfast (tourist home)	S	S	S	Х	Х	С	Х	Х	Х	С	Х	Х	Х	С				С	С	2
Billiard Halls, Bingo Games, Bowling Alleys, other public amusement establishments												Х	х	С	Х		С		С	3
Shops or Bulk Sales (with storage yard), See Note 6															Х	Х	С			4
Distribution Center															Х	Х	С			3
Bus station												S		С						3
Cabinet, woodworking and upholstery shops												Χ		С	Х	Х	С		С	3
Campgrounds, commercial												S			S	S	С			4
Car Wash, including Self Service, See Note 7											S	Х	Х	С	Х	Х	С		С	4
Cellular or Digital Communication Tower															S	S	С			5
Cemetery or Mausoleum. See Note 8	S							S				S		С	S	S	С			2
Religious Services	Х	Х	Х	Χ	Х	С	Χ	Χ	Χ	С	Χ	Χ	Х	С	Х		С	С	С	2
Communication or Broadcasting Facility, without Tower											Х	Х	х	С	Х	Х	С		С	3
Community Centers, not including gymnasiums or stadiums	S	S	S	S	S	С	S	S	S	С	S	S	S	С	S	S	С	С	С	3
Contractors Offices, no outdoor storage									Х		Х	Х	Χ	С	Х	Х	С		С	3
Convenience Store (with gasoline pumps >15' from property line)											Х	Х		С	Х	Х	С	С	С	3
Convenience Store (without gasoline pumps)									Χ		Χ	Χ	Х	С	Х	Х	С	С	С	3



Use Type															(61	(61				
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	1-0	C-0-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Day Care Center, Adult (less than 6)							Х	Х	Х	С	Х	Х		С	Х		С	С	С	2
Day Care Center, Adult (6 or more)									Χ	С	Х	Х		С	Х		С		С	2
Day Care Center, Child meeting licensing and safety standards							Х	Х	Х	С	Х	Х		С	Х		С	С	С	2
Day Care Center, Child, operated as home occupation (5 or less), See note 20	Х	Х	Х	Х	Х	С	Х	Х	Х	С	Х	Х		С	Х			С	С	2
Dwelling, Duplex					Х		Х	Х												1
Dwelling, condominium			S	S	S	С	Х	Χ		С				С				С	С	2
Dwelling(s), located in the second or higher story of a commercial structure									Х	С	Х	Х	Х	С				С	С	1
Dwelling, Multifamily, site plan required see Note 18						С	Х	Х		С				С				С	С	3
Dwelling quarters for operators, caretakers, etc. in or adjacent to buildings primarily for nonresidential use									X	С	Х	Х	Х	С	Х	Х	С	С	С	3
Dwelling, Single-family Detached	Х	Х	Х	Х	Х	С	Χ	Х	Χ	С	Х	Х		С				С	С	1
Dwelling, Townhouse			S	S	S	С	Χ	Х										С	С	2
Dry cleaning\Laundry (not self-service)												Х		С	Х	Х	С	С	С	3
Electronic, Internet or Sweepstakes Gaming												S			S					5
Equipment Rental, Leasing or Repair (no outside storage)												Х		С	Х	Х	С		С	3
Equipment Rental, Leasing or Repair (with outside storage), See Note 6															Х	Х	С			5
Explosives storage, long-term or temporary, in accordance with latest edition of National Fire Code																S				3
Family Care Facility (Family Care Home), See Note 21	Х	Х	Х	Х	Х	С	Х	Х												1
Farms	Χ																			1
Farmer's Market (as accessory use, See Note 22)				_					•		Х	Х	Х		_					



Use Type															(6	6				
	R-18	R-15	R-12	R-9	R-7	C -R	R-MF	R-G	I-0	I-0-3	B-3	B-2	B-1	C -B	[-1 (Note 19)	[-2 (Note 19)		C-MXR	C-MXC	LUC
Food processing wholesale quantities, excluding slaughtering															X	X	С			4
Flea Market, provide no permanent outdoor display and all sale items and temporary signs are placed inside the permanent building on premises after 6:00 p.m.												S			S	S				3
Floor Covering, Drapery or Upholstery Sales											S	Х	Х	С	Х		С		С	3
Florist											Х	Х	Х	С				С	С	3
Funeral Home or Crematorium									Х	С	Х	Х	Х	С	Х		С	С	С	2
Game Room, Video Game Room, Coin Operated Amusements												Х	х	С					С	3
Garden Center or Retail Nursery							S	S				Х		С	Х	Х	С		С	3
Golf Course, Miniature												Х		С	Х		С			3
Golf, swimming or tennis lodge or clubs	S	S	S	S	S	С	S	S	S			S		С	S	S	С	С	С	1
Government Office									Х	С	Х	Х	Х	С	Х	Х	С	С	С	2
Group Care Facility, See Note 23						С	S	S	S	С	S	S		С				С	С	3
Group Home, See Note 23	S	S	S	S	S	С	S	S	S	С	S	S		С				С	С	1
Hazardous Waste Facilities																				5
Home Occupation	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	1
Hospital	S	S	S	S	S	С	S	S	S	С	S	Χ		С	S	Х	С	С	С	4
Hotel, Motel or Executive Suites												х	Х	С	Х		С		С	4
Jails									S			S			S	S				4
Junkyards, Salvage Yards																S				5
Laboratories for testing and research												Х		С	Х	Х	С		С	3
Landfill, for Household and Commercial Waste, State Permitted – No Hazardous Waste (Reserved)																				5
Retail/Service with Outside Plant/Equipment Storage												Х		С	Х	Х	С		С	3



Use Type															6	6				
							<u> </u>			₋					[-1 (Note 19)	-2 (Note 19)		XR	ХС	7 .
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	I-0	I-0-	B-3	B-2	B-1	C -B	[-]	[-2 (I	I- 0	C-MXR	C-MXC	LUC
Laundromat, Coin-Operated											X	X	X	С	X	X	С	С	С	3
Library, Art Gallery or Museum									Х	С	Х	Х	Х	С				С	С	2
Life Counseling						С			Χ	С		Χ	Χ	С			С	С	С	2
Manufactured Dwelling Park								S												3
Manufactured Dwelling (Class AA) on Individual Lot								Х												1
Manufactured Home Sales												S			S	S				3
Manufacturing and Industry (assembling, manufacturing, compounding, repair or treatment of articles or merchandise)																				
Ammunition, Small Arms																Х				4
Animal Feeds																S				5
Apparel and Finished Fabric Products															Х	Х	С			4
Bakery Products															Х	Х	С			4
Batteries																Х				4
Bottling Plant															Х	Х	С			4
Cement, concrete, lime, plaster, brick																Х				4
Chemicals, Paints and Allied Products																Х				4
Dairy Product Processing															Х	Х	С			4
Electrical Equipment															Х	Χ	С			4
Fabricated Metal Products															Х	Х				4
Glass Products from Purchased Glass															Х	Х	С			4
Heating Equipment and Plumbing Fixtures															Х	Х	С			4
Household Appliances															Х	Х	С			4
Industrial and Commercial Machinery															S	Х	С			4
Leather Products (no tanning)															Х	Х	С			4
Lighting and Wiring Equipment															Х	Х	С			4



Use Type																				
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	I-O	I-0-2	В-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	TNC
Manufactured Housing and Wood Buildings															Х	Х	С			4
Medical, Dental and Surgical Equipment															Х	Х	С			4
Millwork, Plywood and Veneer															Х	Х	С			4
Optical Goods												Х		С	Х	Х	С			4
Paperboard Containers and Boxes																Х				4
Pharmaceutical Products															Х	Х	С			4
Photographic Equipment and Supplies															Х	Х	С			4
Plastic Products															Х	Х	С			4
Pottery and Related Products															Х	Х	С			4
Rubber Products																Х				4
Sawmill																S				
Sign manufacture, fabricating												Х		С	Х	Х	С			4
Soaps and Cosmetics																Х				4
Textile Products (no dyeing and finishing)															Х	Х	С			4
Textile Products (with dyeing and finishing)																Х				4
Massage Therapy, practitioner licensed by the State of NC									Х	С	Х	Х	Х	С	Х		С	С	С	2
Medical, Dental or Related Office									Χ	С	Х	Х	Х	С	Х		С	С	С	2
Medical or Dental Laboratory									Х	С		Х	Х	С	Х		С	С	С	3
Motion Picture Production												Х		С	Х		С			4
Municipal Facilities	S	S	S	S	S	С	S	S	Х	С	Х	Х	Х	С	S	S	С	С	С	3
Museum or Art Gallery									Х	С	Х	Χ	Х	С				С	С	2
Night clubs, dance halls (see note 4)												Х	Х	С			С		С	3
Nursing Home, Rest Home, Convalescent Home	S	S	S	S	S	С	Χ	Χ	S	С	S	Х		С				С	С	3
Park, Public	Х	Х	Х	Х	Х	С	Х	Х	Х	С	Х	Х	Χ	С	Х	Х	С	С	С	3



Use Type															6	6)				
	×	w	2				1F	7 h		17					-1 (Note 19)	(Note 19)		C-MXR	C-MXC	ט
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	I-O	C-0-I	В-3	B-2	B-1	G-B	Ξ	7-I	C-I	C-1	C-1	TNC
Parking lots serving uses permitted in the district where located, See Note 11	Х	Х	Х	Х	Х	С	Х	Χ	Х	С	Х	Х	Х	С	Х	Х	С	С	С	3
Parking lots or access driveways serving uses not permitted in district where lot is located			S	S	S	С		S	S	С	S	S	S	С	S	S	С	С	С	4
Pet Store/Grooming No Outside Animal Storage/Care												Х	Х	С	Х		С		С	3
Petroleum and Petroleum Products Storage/Sales, <100,000 gallons												S		С	Х	Х	С			4
Petroleum and Petroleum Products Storage/Sales, >100,000 gallons																Х				5
Photography Studio											Х	Х	Х	С	Х		С	С	С	3
Physical Fitness Center, Health Club, Gym									Х	С		Х	Х	С	Х		С	С	С	3
Planned Unit Development (PUD)	0	0	0	0	0		0	0	0		0	0	0		0	0				3
Post Office											Х	Х	Х	С	Х		С	С	С	4
Printing and Publishing Operation/Photocopying												Х	Х	С	Х	Х	С		С	3
Public utility warehouses, storage yards, repair areas															Х	Х	С			4
Racetracks for automobiles, motorcycles															S	S				5
Radio, Television Stations without Towers											Х	Χ	Х	С	Х	Χ	С		С	3
Recycling Facility, Commercial															S	S				4
Restaurant (with drive-thru)												Χ		С	Х	Χ	С		С	3
Restaurant (without drive-thru)												Х	Х	С	Х		С		С	3
Retail Sales No Outside Storage or Sales											S	х	Х	С	х		С	С	С	3
Roadside stands, temporary, for sale of agricultural products produced on premises; not in right-of-way								Х	Х	С	X	X	Х	С	X	Х	С	С	С	1
Sewage Treatment Plant,																Х				5
School, Elementary or Secondary	S	S	S	S	S	С	S	S	S	С	S	Х	_	С				С	С	1



Use Type															19)	19)				
	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	I-O	1-0-2	B-3	B-2	B-1	g-ጋ	I-1 (Note 19)	I-2 (Note 19)	I-)	C-MXR	C-MXC	TUC
School, commercial, vocational									S	С	S	Х	Х	С	Χ	Х	С	С	С	1
School, music, art, martial arts, or dancing											Х	Х	Х	С	Х		С	С	С	1
Septic Tank Installation and Servicing Businesses															Х	Х	С			3
Sexually Oriented Business												S			S					5
Shooting Range, Indoor															Х	Х	С			3
Shooting Range, Outdoor																S				4
Solar Farm (See Note 24)						С				С				С	Х	Х	С	С	С	2
Stable, including riding facilities	S														S	S	С			1
Storage Yard, See Note 13															Χ	Х	С			5
Tanning Salon									Χ	С		Χ	Χ	С				С	С	3
Tattoo Business												Χ			Х	Х				3
Taxidermist												Х		С	Χ		С		С	3
Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction	х	Х	Х	Х	х	С	Х	Х	Х	С	х	Х	Х	С	Х	х	С	С	C	n/a
Theater (indoor)												Х	Х	С	Х		С	С	С	3
Tire Recapping and Retreading (principal use)															Х	Х	С			3
Tire Sales												Х		С	Х		С		С	3
Towers, Radio, Television, Cellular and Digital Communication															S	S	С			5
Truck and Utility Trailer Rental and Leasing												Х		С	Х	Х	С			4
Trucking or Freight Terminal, Storage, Repair, Wash, or Stop															S	S	С			4
Unattended facilities for public utilities, See Note 16	Х	Х	Х	Х	Х	С	Х	Х	Х	С	Х	Х	Х	С	Х	Х	С	С	С	2
Utility building sales, sales of storage sheds and trailers												Х			Х	Х	С			
Unified Business Development, Heavy									S	С		S	S	С	S		С	С	С	3



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Use Type															<u> </u>	(61				
	-18	R-15	R-12	R-9	R-7	-R	R-MF	R-G	1-0	I-O-1	B-3	B-2	B-1	C -B	-1 (Note 19)	I-2 (Note 19	5	-MXR	C-MXC	TNC
Unified Business Development, Light	R	R	~	R	~	O	R	~		C	В	В			_	Ė	_	Ö		
offined Business Development, Light									Χ	С		Χ	Х	С	Х		С	С	С	3
Utility Substation, See Note 17	Х	Х	Х	Х	х	С	Х	Х	х	С	Х	х	Х	С	Х	Х	С	С	С	2
Veterinary Service, Large Animal	Х																			2
Warehouse (general storage, enclosed, non-hazardous)															Х	Х	С			4
Warehouse, Mini (self-storage)												S		С	Х	Х	С			3
Waste Incinerators (including medical)																				5
Water Treatment Plant															Х	Х	С			5
Wholesale Distribution and Trade Not Otherwise Listed		•										Х	_	С	Х	Х	С			3



Section 10.136 Notes to the Table of Permitted Uses

1. Accessory Uses in Residential Districts - Accessory uses in residential districts such as garages, utility buildings are restricted to rear yards or side yards unless the required setback can be maintained. For a noncommercial greenhouse that is an accessory use, the heating plant for the greenhouse must be located within 60 feet of the front property line or within 10 feet of any other property line. In addition, in the R-18 district, one private stable on a lot at least 20,000 square feet in area is permitted, provided the stable is located at least 60 feet from the front property line and not less than 10 feet from any other property line.

On lots occupied by multifamily dwellings, the following accessory buildings shall be permitted, provided their exteriors harmonize with the multifamily structures.

- a. Garages, located as required in section Table of Area, Height, and Yard Regulations.
- b. Coin laundries, offices, and recreational buildings to serve residents of the multifamily development, provided they do not intrude into any minimum required yard.
- c. Equipment storage buildings located as required in section *Table of Area, Height, and Yard Regulations*.
- 2. Athletic Fields, Auditoriums, Stadiums All athletic fields shall have access to a collector or higher capacCity street.
- 3. **Automotive Towing Service** The auto towing area must be screened with a six-foot high opaque fence in addition to the required planting yard. No outdoor storage or salvaging is permitted.
- 4. Bars, Night Clubs, Dance Halls (as a principle use) All locations must meet the requirements of NCSS 18B-901, Issuance of [ABC] permits. Where the property on which a bar is located abuts residential property, screening including a minimum six-foot high opaque fence along the entire length of the property of the abutting residence(s). The main entrance of the building shall be toward a street zoned predominantly for nonresidential uses. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences. (Amended by City council on 10/7/03, 5/5/2016)
- 5. **Batting Cages (outdoor); Golf Driving Ranges -** Fencing, netting, or other control measures shall be provided around the perimeter of the batting or driving area to prevent balls from leaving the area.
- 6. **Building Supply Sales, Equipment Rental and Leasing (with storage yard) -** Outside storage shall be completely screened from view with opaque fencing.
- 7. **Car Wash** Building(s) shall be at least 75 feet from any property line which adjoins residential or office-institutional zoned property. A minimum six-foot high opaque fence shall be provided adjacent to all residentially zoned property. Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when adjoining developed residentially zoned property. Adequate provision shall be made for safe and efficient disposal of waste and runoff.



- 8. **Cemetery/Mausoleum** A cemetery or mausoleum as a principal use shall comply with state law requirements for minimum contiguous acres. Principal access must be from a collector street or higher capac—tity street.
- 9. [Reserved]
- 10. Machine Shop In I-1, no punch presses over 20 tons rated capaceity, drop hammers or automatic screw machines are permitted.
- 11. **Parking Lots Serving Uses Permitted in the District Where Located -** A special use permit is required for a parking lot in a residential district when it serves a non-residential establishment.
- 12. **Satellite Dish (Freestanding Accessory Use)** All supporting cables and anchors shall be contained on the property where the satellite dish or tower is located. In residential districts, structures larger than 24 inches in diameter can only be placed in a rear yard or side yard behind the building lot line. Structures less than 24 inches in diameter are not subject to these restrictions.
- 13. **Storage Yard** Outside storage is permitted as a principal or accessory use if completely enclosed by opaque fencing at least six feet high.
- 14. **Swimming Pools (community nonprofit)** Minimum fence height six feet, made of chain link with wood slats, chain link with a planted border at least five feet in height, or other opaque materials. All N.C. Division of Health regulations to be followed.
- 15. **Swimming Pools (as accessory uses)** Pools and appurtenances shall be located in the rear or side yard and may not be located within five feet of interior rear or side lot lines. Pools which are not an integral part of the principal building shall be located a minimum of ten feet from the principal building. (Section 10.136(15) amended by City council on 5/1/2012)
- 16. **Unattended facilities for public utilities -** Unattended facilities for public utilities shall be added to all use districts under the following conditions:
 - a. The structure shall be used only for housing electronic equipment (no storage). These structures shall have no water and sewer facilities. The maximum size shall be 12 feet by 20 feet by 8 feet high.
 - b. Dimensional requirements: minimum setback 20 feet; side and rear yards 15 feet; minimum lot area 3,000 square feet; minimum lot width 50 feet.
 - c. All utilities shall be placed underground.
 - d. The site shall be landscaped in character with the surrounding neighborhood. The structure shall be screened with suitable evergreens. Natural ground cover should be left on the site where possible.
 - e. Two off-street parking spaces and ample turnaround area shall be provided.
 - f. Detailed site and landscape plans shall be submitted to the City.



17. **Utility Substations Including Transformer Stations, Pump and Lift Stations, etc.** - The entire facility shall have a security fence at least six feet high unless it is secured and is built of brick or concrete. If the installation abuts a residence, it must be at least 50 feet from the residence and screened from the residence with a thick buffer of evergreen shrubbery or trees, which will grow at least six feet tall. Equipment producing noise in excess of 70 decibels shall be located no closer than 100 feet from the nearest residence.

18. Development Standards for Multifamily Developments in R-MF and R-G, Site Plans Required

(1) Lot Coverage - The total ground area covered by the buildings and all accessory buildings including any roofed area, shall not exceed 40 percent of the total lot area.

(2) Open Space

- (i) Usable open space. A minimum of 10 percent of the total land area of any lot containing three or more dwelling units shall be usable open space, as defined in Article II Definitions. On lots where the required usable open space is less than 20,000 square feet, such space should be approximately square but in no case shall the length of such required space be more than twice its average width. On lots where the required usable open space is 20,000 square feet or more, the minimum dimension of such space shall be at least 100 feet, and the minimum size space allowable as meeting a part of the required usable open space shall be 20,000 square feet.
- (ii) Private usable open space. The total usable open space as required in subparagraph (a) immediately above may be reduced by 50 percent if a minimum of 500 square feet of private usable open space is provided for each dwelling unit. Such space shall be directly accessible and adjacent to the dwelling unit it serves, and shall be so arranged and screened to prevent public traffic through such space and provide reasonable privacy from public view. Such space shall be suitable for recreational activity and shall be unobstructed except for plants, lawn furniture, and play equipment. Private terraces and walkways may be included in such open space. Parking areas, vehicle drives, and storage areas shall not be included in such open space. The minimum dimension of any such private open space shall be at least 15 feet.
- (3) Separate Zoning Lot A multifamily dwelling shall not be placed behind and on the same zoning lot as a single-family detached dwelling.
- (4) Access to Fire protection To permit adequate fire protection, all portions of every building shall be located within 500 feet of a public street that furnishes direct access to the property unless the fire chief determines that fire hydrants and service drives will offer adequate protection.
- (5) Traffic Circulation All common driveways shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.
- (6) Parking Access Off-street parking spaces shall be located within 200 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five or more spaces shall be located closer than 10 feet to a dwelling wall with windows or doors.



- (7) Screening of utility areas. Utility areas such as clothes drying yards and outdoor storage areas in multifamily developments shall be provided with an opaque screen along any side of such areas which would be visible from a public street or adjoining residentially, zoned properties. No such utility areas shall be located in the area between a building and a street bordering the development. Screens are not to be brightly colored multicolored, or otherwise obtrusive; colors and textures harmonious with nature and nearby residential structures are recommended.
- (8) Required site plan. 10 site plans shall be submitted with the following information:
 - Vicinity map showing the location of the property in relation to existing and proposed streets, streams, railroads and other major physical features.
 - ii. Location, size and type of all buildings, existing and proposed, on or near the property.
 - iii. Grading plan.
 - iv. Proposed points of vehicle ingress and egress, together with the proposed pattern of internal circulation.
 - v. Proposed parking and loading areas.
 - vi. Landscape plan prepared according to the Graham Landscape Ordinance.
 - vii. Proposed provision of utilities.
 - viii. Location, size, height, orientation and lighting information on all signs.
 - ix. Layout and orientation of all buildings.

19. Performance Standards for All Uses in the I-1 and I-2 Zoning Districts

In order to retain a character consistent with the description of the I-I and I-2 zoning districts, the following performance standards will be applied for all uses in the districts:

- a. Dust, dirt, fly ash or other air pollutants. There shall be no emission of dust, dirt, fly ash, gases, fumes, vapors or other air pollutants into the atmosphere that could cause damage to the public health, or to animals, vegetation, or other forms of property.
- b. Electrical interference. There shall be no electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances.
- c. Heat and glare. There shall be no heat or glare perceptible to human senses at the property line of any use creating heat or glare.
- d. Landscaping. See landscaping requirements on File in the office of the City clerk and inspection department.

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e. *Enclosure*. All processing shall be within a building.



- f. Liquid or solid waste. There shall be no discharge of any liquid or solid waste into any stream except as authorized by the State of North Carolina.
- g. Noise. The sound-pressure level of sound radiated from an establishment, measured at the lot line, shall not exceed the values in any octave band of frequency that are specified in the table below. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association.

ency Band	
s per second)	Decibels
75	69
150	57
300	52
600	46
1200	42
2400	37
4800	33
_10,000	30
	150 300 600 1200 2400

- h. *Odor* There shall be no objectionable odors perceptible to the human senses at or beyond the property line of any use that may create odors.
- i. Radioactivity. There shall be no radioactive emission that would be dangerous to health.
- j. *Smoke*. There shall be no emission into the atmosphere of smoke from any operation of a shade darker than Number one on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No. 3 on said chart may be emitted for not more than 2 minutes in any thirty-minute period.
- k. Traffic There shall be no industrial vehicular traffic on any minor residential street.
- 1. Vibration. There shall be no vibration perceptible to human senses at the property line of any use that may create vibration.
- 20. **Day Care Center, Child, operated as home occupation (5 or less)** Centers shall meet the standards established by the North Carolina Department of Health and Human Services. At least 200 square feet per child of completely enclosed fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided. (Section 10.136(20) amended 9/2/2003)
- 21. Family Care Facility A Family Care Facility (Family Care Home) shall not be located within a one-half mile radius of an existing Family Care Facility (Family Care Home). An "Existing Family Care Facility (Family Care Home)" for the purposes of this section shall mean one that has obtained a 180-day zoning compliance letter. (Section 10.136(21) amended 6/3/2008)
- 22. **Farmer's Markets, as accessory uses** Farmer's Markets as accessory uses in the B-2, B-3 districts and churches are subject to parking requirements in Section 10.242. Vendors are responsible for obtaining all licenses and permits required for sale of their product. (*Section 10.136(22) amended 9/1/2009*)



- 23. **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. (Section 10.136(23) added 1/8/2013)
- 24. Solar Farms Power inverters and other sound producing equipment shall be no less than 150' from any property line. All solar farms shall be enclosed with a minimum of six feet high security fencing. Solar farms shall be constructed with at least a Type C planting yard, and shall abide by higher requirements when applicable. The height of no panel can exceed fifteen feet. A setback of 100 feet is required for any installation adjacent to a residential use or a residentially zoned parcel. Prior to final approval of the electrical permit, a Decommissioning Plan (see definitions) shall be submitted to the City. (added 2/2/2016)
- 25. Arts and Crafts Studio When located in the B-1 district, the following performances standards shall apply in order to retain a character consistent with the character of the downtown:
 - a. Dust, dirt, fly ash or other air pollutants. There shall be no emission of dust, dirt, fly ash, gases, fumes, vapors or other air pollutants into the atmosphere that could cause damage to the public health, or to animals, vegetation, or other forms of property.
 - b. Electrical interference. There shall be no electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances.
 - c. Heat and glare. There shall be no heat or glare perceptible to human senses at the property line of any use creating heat or glare.
 - d. Landscaping. See landscaping requirements on File in the office of the City clerk and inspection department.
 - e. *Enclosure*. All processing, assembly, and fabrication shall be located within an enclosed building, and shall be subject to fire and building codes.



- f. Liquid or solid waste. There shall be no discharge of any liquid or solid waste into any stream except as authorized by the State of North Carolina.
- g. Noise. The sound-pressure level of sound radiated from an establishment, measured at the lot line, shall not exceed the values in any octave band of frequency that are specified in the table below. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association.

Freque	ency Band	
(cycles	per second)	Decibels
<u> 20-</u>	<u>75</u>	<u>69</u>
<u>75-</u>	<u>150</u>	<u>57</u>
<u> 150-</u>	<u>300</u>	<u>52</u>
<u>300-</u>	<u>600</u>	<u>46</u>
<u>600-</u>	<u>1200</u>	<u>42</u>
<u>1200-</u>	2400	<u>37</u>
<u>2400-</u>	<u>4800</u>	<u>33</u>
4800-	10,000	30

- h. Odor There shall be no objectionable odors perceptible to the human senses at or beyond the property line of any use that may create odors.
- i. Radioactivity. There shall be no radioactive emission that would be dangerous to health.
- j. Smoke. There shall be no emission into the atmosphere of smoke from any operation of a shade darker than Number one on the Ringelmann Smoke Chart as published by the United States

 Bureau of Mines, except that smoke of a shade not darker than No. 3 on said chart may be emitted for not more than 2 minutes in any thirty-minute period.
- k. Traffic. There shall be no industrial vehicular traffic on any minor residential street.
- 1. Vibration. There shall be no vibration perceptible to human senses at the property line of any use that may create vibration.

24.

DIVISION 7. SPECIAL USES

Section 10.137 Purpose of special use regulations

Permitting special uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedure, property uses that would otherwise be undesirable in certain districts can be developed to minimize any undesirable effects they may have on surrounding properties.

Section 10.138 Special uses shown in Table of Permitted Uses





PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Arts and Crafts Studio (AM2205)

Type of Request
Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

X Table 60 days
I move to recommend APPROVAL of the application as presented.
☐ I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan.</i>
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.
Attest:
Dean Ward, Planning Board Chair
Albai Golly
Debbie Jolly, Secretary ()



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Arts and Crafts Studio (AM2206)

Type of Request

Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Choose one
I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
-
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Text Amendment for: Flags and Banners

Type of Request: Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Contact Information

N/A

Summary

City Council has proposed language to create standards for flags (public and private), feathered advertising flags, and banners. Staff has worked the proposed language into each applicable section. These amendments will allow, under certain circumstances, feathered advertising flags and banners to assist our business community, while offering standards for maintenance and upkeep to prevent excessive cluttering, dangerous, or unsightly situations. The Planning Board tabled this item for 60 days to consider constitutionality and other issues, as well as to allow additional time for attorney review.

Project Name

Text Amendment (AM2207)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

Not applicable; city-wide.

Planning District

All

Development Type

ΑII

ARTICLE X. SIGNS

Section 10.390 Definitions

For the purposes of this article, the following definitions shall apply:

<u>Feather banner</u>: A lightweight portable temporary advertising medium, mounted on a pole that resembles a feather shape.

<u>Feather flag</u>: A lightweight portable temporary advertising medium, mounted on a pole that resembles a <u>sail.</u>

<u>Flag (private)</u>: Any fabric or other flexible material that is attached or designed to be attached to a pole or similar device, which represents or symbolizes a business, organization or group.

<u>Flag (public)</u>: A flag displaying the name, insignia, emblem, or logo of any official nation, state or municipality recognized by the federal government of the United States of America.

Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or a product, which are visible from any public way and used to attract attention.

Sign, dilapidated: An existing sign shall be considered dilapidated when it shows signs of being in disrepair, broken down, shabby or neglected, when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions of dilapidation shall include, but not be limited to:

- (1) Structural pole or support failure.
- (2) Signs not being held vertically or as originally constructed.
- (3) Borders falling off or already removed.
- (4) Panels missing or falling off.
- (5) Message falling off or in disrepair such that it cannot be interpreted by the motoring public.
- (6) Signs which are overgrown by trees or other vegetation.

Signs, freestanding, adjacent to interstate highway: As used in this section, shall be defined as a sign located on the property that is located within five hundred (500) feet of the right-of-way of an interstate highway and contiguous with an interstate highway or a state-numbered highway which interchanges with an interstate highway. Amended by City council 4/2/2002.

Signs, freestanding on-premises: As used in this section, shall be defined as a sign advertising a service, product, or offering which utilizes the property for the business and purpose advertised.



- i. Any sign with a changeable or movable face, electronic or otherwise, shall display a static message for a minimum of twenty (20) seconds, and shall have a dimmer system installed so as to automatically adjust the brightness based upon ambient light conditions.
- k. Any nonconforming sign that is damaged or destroyed by a sudden act of God may be replaced to its original condition pursuant to the Code and may not be enlarged. The reconstruction or repairs must be completed within sixty (60) days of the sudden natural occurrence, which caused the damage or destruction.
- I. Sign company must acquire notarized signature of land owner or land owner must sign permit.

(6) Private flags, public flags, feather flags, and banners.

a. Location.

- 1. Feather flags or banners are allowed anywhere on a parcel, but they shall not be located within a public right of way, nor shall they be located in any fashion that would obstruct pedestrian access, vehicular access, safety, or visibility. Any flags or banners determined to be in violation of this subsection shall be removed by the property owner within seven days of receipt of a Notice of Violation. If not removed within seven days, the City shall remove the flags and store them at City Hall for a period not to exceed 30 days. After this time, they shall be disposed of if not claimed by the owners. Any person aggrieved by a decision of the Zoning Enforcement Officer shall be entitled to appeal said decision to the Board of Adjustment within 30 days of receipt of a written Notice of Violation.
- 2. Flags of any type located on the building shall be located so that the minimum clearance distance is nine feet from the bottom of the flag to the sidewalk or roadway. Flags of any type shall not be installed flat or flush against a wall or on any roof of a structure.

b. Size.

- 1. Feather flags shall be no greater than 12 feet in height and no greater than four feet in width.
- 2. Feather banners shall be no greater than 12 feet in height and no greater than 2.5 feet in width.
- 3. Private flags shall be no greater than 15 square feet in area and shall be no taller than 20 feet total in height when mounted to a flagpole.
- 4. Public flags shall be no larger than 50 square feet in area and shall be no taller than 30 feet in total height when mounted to a flagpole.

c. Number allowed.



1. Businesses and other private organizations may be allowed one feather flag or banner or two private flags per parcel. If more than one business or organization is located on a single parcel of land, the total number of feather flags or banners or private flags permitted shall not exceed two per parcel. No more than four public flags shall be permitted on any individual parcel unless otherwise approved by the City Council.

d. Illumination.

- Feather flags or banners and private flags shall not be illuminated. This shall not
 apply to public flags, which may be either uplit or downlit, provided the light shines
 directly on the public flags and does not create nuisance glare to pedestrians or
 motorists.
- 2. No electric, battery-powered, or motor-powered device shall be allowed for any advertising device.

e. Advertising message.

- 1. Feather flags or banners and private flags may have an advertising message or logo of the business for which the sign is intended.
- 2. No offensive content shall be allowed (included but not limited to obscenities, profanities, hate speech, lewd material, adult content, etc.). No political content shall be allowed on any flag.

f. Materials.

1. Feather flags or banners and flags shall be of nylon, fabric, canvas, or plastic material.

q. Installation.

- 1. Feather flags or banners and flags shall be installed to ensure safety measures.

 Business owners will be responsible for ensuring that flags will not create an unsafe environment during high winds. Should flags appear to be dangerous or should they dislodge by wind, they shall be immediately taken indoors or they will be disposed of by the City.
- 2. Flags of any type shall be tied down or mounted securely.

h. Time-limited Signs

- 1. Grand opening signs shall be removed after 30 days
- 2. Businesses are required to bring in feather flags at close of business each day.



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3. Feathered flags or banners shall not be permanent fixtures on any property and shall be taken down after a 30-day period. They may be replaced after being absent on the property for 30 consecutive days.

i. Maintenance and Replacement.

- 1. Flags, feather flags or banners, and other similar items intended for temporary use shall be maintained so as to prevent deterioration. Should any portion of the flag or feathered flag or banner become faded, frayed, torn, or otherwise deteriorated, it shall immediately be removed.
- 2. Damaged or destroyed flags or feathered flags or banners may be replaced only in compliance with the provisions of this Ordinance.

m.

(Section 10.399 amended 8/2/2005)



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- (d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:
 - (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.
 - (2) Portable signs, unless exempt by Section 10.393 Exemptions.
 - (3) Projecting or suspended signs from building or structure.
 - (4) Inflatable signs or tethered balloons.
 - (5) Backlit monument signage is not permitted except in knockout backlit signs.
 - (6) Beacons.
 - (7) Roof signs.
 - (8) Flags used as promotional devices of any type, including but not limited to the promotion ofgoods, services, business establishments, events, etc., except that feather banners, private flags, and feathered flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.

(8)

- (9) Posters.
- (10)Outdoor advertising signs shall be permitted only on properties in the Overlay District adjacent to Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40.

(Section 10.442 amended 1/6/2009)

Section 10.443 Trees

All issues involving trees in the South Main Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

Section 10.444 Access Management and Parking Areas

- (a) Standards
 - (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.



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- (b) Walls Signs: The maximum total area of all allowable wall signs shall be equal to no more than ten percent (10%) of the area of the wall of which such sign is a part or to which each such sign is attached.
- (c) Signs shall be located such that there is at every street intersection a clear line of sight, and all signs shall be located outside of the right-of-way of any public street.
- (d) Prohibited Signs: In addition to signage prohibited in Article X of the *City of Graham Development Ordinances*, the following signs shall be prohibited in the Overlay District:
 - (1) Animated sign, nor moving or flashing signs, including changeable copy signs, except for ones that display exclusively time, date, and/or temperature.
 - (2) Portable signs, unless exempt by Section 10.393 Exemptions.
 - (3) Projecting or suspended signs from building or structure.
 - (4) Inflatable signs or tethered balloons.
 - (5) Backlit monument signage is not permitted except in knockout backlit signs.
 - (6) Beacons.
 - (7) Roof signs.
 - (8)—Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, etc., except that feather banners, private flags, and feathered flags may be displayed subject to the requirements of Section 10.399 during the operating hours of the business establishment and shall be removed and stored indoors before close of business each day.

(9)(8) Posters.

(10)(9) Outdoor Advertising Signs shall be permitted only on properties in the Overlay District adjacent Interstate 85-40. Such signs shall be directed toward traffic on Interstate 85-40.

(Section 10.467 amended 1/6/2009)

Section 10.468 Trees

All issues involving trees in the East Harden Street Overlay District shall conform to Article VII of the *City of Graham Development Ordinances*.

Section 10.469 Access Management and Parking Areas

- (a) Standards
 - (1) Joint driveways are permitted and recommended. Property owners who wish to share driveways should record a driveway maintenance agreement between them.





PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Flags and Banners (AM2207)

Type of Request
Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Table (0) day 5 I move to recommend APPROVAL of the application as presented.
I move to recommend APPROVAL of the alternative language, as proposed by the Planning Board.
I move to recommend DENIAL.
The application is consistent with The Graham 2035 Comprehensive Plan.
The application is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The action is reasonable and in the public interest for the following reasons:
This report reflects the recommendation of the Planning Board, this the 15th day of March, 2022.
Attest: Delu Ward
Dean Ward, Planning Board Chair
Debbie Jaly
Debbie Jolly, Secretary $igl(igl)$



City Council Decision & Statement of Consistency

Per NCGS 160D-701, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Flags and Banners (AM2207)

Type of Request

Text Amendment

Meeting Dates

Planning Board on March 15, 2022 City Council on April 12, 2022

Choose one
I move that the text amendment be APPROVED .
I move that the text amendment be DENIED .
Choose one
The text amendment is consistent with <i>The Graham 2035 Comprehensive Plan</i> .
The text amendment is not fully consistent with <i>The Graham 2035 Comprehensive Plan</i> .
State reasons
This action is reasonable and in the public interest for the following reasons:
This way art well arts the decision of the City Council this the 12th day of April 2022
This report reflects the decision of the City Council, this the 12 th day of April, 2022.
Attest:
Jennifer Talley, Mayor
Darby Terrell, City Clerk



Cherry Lane Overlay

Type of Request: Information for Council

direction only

Meeting Dates

Planning Board on March 15, 2022

City Council on April 12, 2022 **Contact Information** Chad Huffine chuffine08@gmail.com

Summary

Staff has received a request from Chad Huffine, on behalf of the Concerned Citizens of Cherry Lane, to look into numerous text amendments, including the adoption of an "Industrial Protection Overlay" along Cherry Lane, as well as a potential Future Land Use map amendment to return this corridor to its 2020 Plan designations. Staff has met with Mr. Huffine, and at this time, they are seeking Planning Board recommendation, whatever that might be, as to whether the City Council should direct staff to invest the considerable time and effort needed into reviewing and re-writing these items.

Staff's main concern here is that there are anticipated FLUP and UDO re-writes hopefully upcoming in next fiscal year's budget cycle. Staff would prefer that these items be considered carefully in concert with those proposed re-writes, as opposed to rushing something through the process that can have a regional impact on the North Carolina Commerce Park. Not only would we need to look at these items internally, there are legal considerations and regional cooperative plans in place that would directly be impacted by these proposed changes, and a number of additional stakeholders need to be invited into the process to ensure we do not make a rush decision that can have major unintended consequences. Those additional stakeholders include all property owners in the vicinity of the proposed overlay, NCDOT, Alamance County, local realtors, Alamance County Chamber of Commerce, City of Mebane, Town of Haw River, the City attorneys, and likely the new Economic Development and Marketing Committee's members. Each of these stakeholders would be impacted by such a change.

Staff, at this time, would recommend that the City delay consideration of these items until after the 2022-2023 City of

Location Cherry Lane

GPIN: multiple

Current Zoning

I-1, R-18, PUD, C-R

Proposed Zoning add overlay

Overlay District N/A

Surrounding Zoning R-18, I-1, C-R, PUD

Surrounding Land Uses

Single Family, Townhome, Farming, Vacant, and Light Industrial

Size

approx. 250 acres

Public Water & Sewer

in some areas

Floodplain

Yes

Staff Recommendation

See below

Graham budget is adopted, and if the UDO re-write and Comprehensive Plan updates are in the budget, then staff can invite all of the stakeholders into meetings to discuss how these proposals would best be considered relative to those revisions. If, however, one or both of those items is not funded, then staff

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could come back to the Planning Board and/or City Council for additional direction to move forward as they deem necessary.

Planning Board Recommendation:

Planning Board recommended sending this item to City Council for further direction. The Board does not feel that there is a quick and easy solution, but rather, that this would best be handled at an accelerated pace, perhaps with the UDO and FLU updates. A holistic approach was seen as the best method moving forward so all stakeholders have an opportunity to discuss and provide input. These stakeholders include Mebane, Alamance County, NCDOT, utility companies, residents, land developers, businesses, and City boards and staff.

**Staff believes the UDO and FLU process are still the best approach to handle these items, and that this will provide the best opportunity for transparency and public input.

Cherry Lane Industrial Protection Overlay District

Adopted,	2022
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ARTICLE I INTRODUCTION

WHEREAS, Heavy Industrial Development is a source of significant environmental, community, and human health impacts, the full extent of which the Graham 2035 Plan did not fully consider in designating the Cherry Lane Area as future industrial north of Mill Creek without the input of citizen's living on Cherry Lane; and

WHEREAS, The Cherry Lane area, both inside the City of Graham and within The City of Graham Extraterritorial jurisdiction has large tracts of undeveloped farm land, pastures, and larger residential home sites with abundant resources, sound infrastructure, desirable location in the U.S. southeast corridor, and a diverse economy, make it attractive to larger business and industry; and

WHEREAS, business, jobs, and growth are necessary to the economy and continued vitality of The City of Graham, The City of Mebane, The Town of Haw River, Alamance County; and

WHEREAS, these industrial land uses, by their very nature, produce objectionable secondary effects, including damaging aesthetic impacts, truck traffic, noise, odors, vibrations, fumes, light, smoke, and/or other impacts, upon the lands adjacent to them; and

WHEREAS, the existing City of Graham Unified Development Ordinance did not adequately address the unique potential in the Cherry Lane Area for the location of drastically differing land uses immediately adjacent to one

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another along with the adverse effects resulting from these uses on existing Historical, agricultural, residential and other existing uses in the vicinity of the Area's Industrial Park,

WHEREAS, the existing Unified Development Ordinance does not achieve its intended goal of allowing for the placement and growth of industrial land uses, while maintaining the health, safety, and general welfare standards of established historical, residential, agricultural and commercial areas along Cherry Lane; and

WHEREAS, it is the intent of the Cherry Lane Industrial Protection Overlay to remedy these deficiencies in the City of Graham Unified Development Ordinance concerning the unique setting of Cherry Lane to balance the needs of all the citizens of the City of Graham and Alamance County; and

WHEREAS, the City of Graham finds that this overlay is consistent with the adopted City of Graham 2035 Plan; and

WHEREAS, the City of Graham Planning Board voted u	inanimously to adopt a Statement of Plan Consistency with
regards to this Overlay at their regular meeting on	, 2022

NOW THEREFORE THE CITY OF GRAHAM HEREBY ORDAINS AND ENACTS INTO LAW THESE ARTICLES AND SECTIONS:

Section 1. Authority. The City of Graham enacts this Overlay pursuant to its police powers, as set forth in and authorized by Section 153A-121(a) of the North Carolina General Statutes; pursuant to its power to regulate businesses as set forth and authorized by Section 153A-134 of the North Carolina General Statutes; pursuant to its power to regulate noise as set forth and authorized by Section 153A-133 of the North Carolina General Statutes; pursuant to its power to regulate solid waste as set forth and authorized by Section 153A-134 of the North Carolina General Statutes; pursuant to its power to regulate explosive, corrosive, inflammable, or radioactive substances as set forth and authorized by Section 153A-128 of the North Carolina General Statutes and pursuant to its planning and zoning powers, as set forth in and authorized by Article 18 of Chapter 153A of the North Carolina General Statutes.

Section 2. Purpose. The following regulations of industrial development are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County and The City of Graham, and to promote and preserve the peace and dignity of the Cherry Lane Area. The City of Graham hereby establishes certain criteria relating to industrial development and associated land uses. These uses by their very nature produce objectionable levels of aesthetic impact, massive presence and heat islands, vehicle and freight traffic, high levels of noise, odors, vibrations, fumes, light, flashing light, odd hours of operation, continuous diesel engine idling, off shoulder traffic parking in public throughways, smoke, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and

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general welfare standards of established historical, residential, agricultural and commercial areas in the Cherry Lane Area as defined by this overlay.

<u>Section 3. Territorial Coverage.</u> Pursuant to G.S. §153A-122, this Overlay shall apply to all areas within the City of Graham Extraterritorial Jurisdiction and City of Graham territories along Cherry Lane From its intersection with Jimmie Kerr Road east to its intersection with Trollingwood Road and extending south from Cherry Lane at its intersection with Governor Scott Farm Road to Mill Creek at the crossing of Governor Scott Farm Road over Mill Creek, including unincorporated areas of Alamance County along Cherry Lane in the area in which no town or city is exercising extraterritorial jurisdiction under Article 19 of Chapter 160A of the North Carolina General Statutes.

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ARTICLE II

REGULATED LAND USES AND EXCEPTIONS

Class I
Inert Debris Landfills
Renewable Energy Generating Facilities
Automobile Salvage & Storage Facilities
Resource Extraction
Metal Recycling & Salvage Facilities
Class II
Waste Facilities
Saw Mills
Ready Mix Concrete Plants and Suppliers
Class III
Mining/Quarrying
Mining/Quarrying
Mining/Quarrying Race Tracks
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility Landfills-except inert debris
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility Landfills-except inert debris Paper Mills / Chemical Manufacturing
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility Landfills-except inert debris Paper Mills / Chemical Manufacturing Warehouse Docking and Transfer Stations
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility Landfills-except inert debris Paper Mills / Chemical Manufacturing Warehouse Docking and Transfer Stations Processing and Fulfillment Centers
Mining/Quarrying Race Tracks Asphalt Plants Cement Manufacturing and Materials Reclamation Electricity Generating Facility Landfills-except inert debris Paper Mills / Chemical Manufacturing Warehouse Docking and Transfer Stations Processing and Fulfillment Centers Freight Yards

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Section 1. Exceptions to Applicability.

The following are exceptions, by right, from regulations within this Overlay:

Agricultural Farming Operations

Residential Land Uses

Exception from this Ordinance does not grant immunity from other applicable Ordinances including, but not limited to, the City of Graham Noise and Nuisance Ordinance, Watershed Protection Ordinance, Flood Hazard Protection Ordinance, Stormwater Ordinance, etc.

<u>Section 2. Definitions.</u> The following definitions shall be used for the purposes of interpreting this Ordinance. For terms not defined below, the common usage of the term shall prevail.

Agricultural Farming Operations means farming operation whose primary purpose is the production of agricultural products including but not limited to crops, fruits, Christmas trees, forestry, vegetables, ornamental or flowering plants, dairy, livestock, poultry, swine, and all other forms of agricultural products and animals having a domestic or foreign market. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. Included with this definition is the operation, equipment operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.

<u>Area of Operations</u> means the portion of a tract of land on which an industry is situated that is actually under use, or may actually be put to use in the future, for operations by the industry, including the area occupied by buildings, structures, parking, equipment, storage, stormwater control measures, and other uses necessary for the business of the industry. Area of operations shall not include required setbacks, buffers, planting yards or those areas required by this overlay district, or any other regulations, to be kept in a vegetative state.

<u>Asphalt Plant</u> includes establishments, with all related equipment, for the manufacture and production of asphalt and tar paving mixtures and blocks from purchased asphaltic materials (NAICS 324121). Also included in this definition are establishments engaged in manufacturing asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials and/or saturating purchased mats and felts with asphalt or tar (NAICS 32412 and 324122).

<u>Assisted Living Facility</u> includes any group housing and services program for two or more unrelated adults, however named, which makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more North Carolina licensed home care or hospice agencies.

<u>Automotive Salvage Facilities</u> includes establishments primarily engaged in the merchant wholesale and retail distribution of used motor vehicle parts and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts (NAICS 423140).

<u>Automotive Storage Facility</u> includes establishments primarily intended for the short or long term storage of wrecked or inoperative automobiles pending sale of the entire automobile. This definition does not include establishments where the storage of automobiles is ancillary to the repair of the automobiles stored, such as at a garage or repair shop.

City Council means the City of Graham City Council.

<u>Cement Manufacturing</u> includes establishments primarily engaged in manufacturing Portland, natural, masonry, pozzolanic, and other hydraulic cements. Cement manufacturing establishments may calcine earths or mine, quarry, manufacture, or purchase lime (NAICS 327310).

<u>Chemical Manufacturing</u> includes establishments primarily involved in the production, synthesis, formation, processing, refining, manufacturing, and/or distribution of chemical products in bulk, for other than retail sales onsite (including all chemical manufacturing in NAICS subsector 325).

Child Care Facility means a child care facility as defined in G.S. §110-86 or any successor statute thereto.

<u>Church</u> means any building used on a regular basis for the primary purpose of serving as a place of public worship.

<u>Commercial</u> means the use of land for the purpose of operating a business intended to profit, whether or not a profit is actually realized, through the exchange of monies for goods and/or services.

<u>Construction Activities</u> includes any studies, investigations, operations, improvements, or other activities undertaken at the site of a proposed regulated industry pertaining to the construction, placement, erection, or establishment of the same, including but not limited to surveys, soil and other environmental tests, clearing and grading, pouring footers or pads, placing building materials or equipment at the site, locating or constructing buildings, structures, or other improvements, or any other similar activities.

County means the County of Alamance.

D.E.N.R. means the North Carolina Department of Environment and Natural Resources.

D.O.T. means the North Carolina Department of Transportation.

<u>Dragstrip or Race Track</u> includes any commercial facility for the conducting of races of human- operated machines (e.g. automobiles, go-carts, lawnmowers or motorcycles).

<u>Dwelling Unit</u> (single and multi-family) means any building, manufactured home, or modular home providing complete independent living facilities for a single or multi-family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Two or more manufactured homes which are combined on one lot or parcel shall be considered as a single dwelling unit if they are joined together in one living unit for the use of a single family and meet all of the requirements for a "dwelling unit" under the amended Alamance County Watershed Protection Ordinance.

Educational Facility means any elementary school, secondary school, charter school, private school, community college, college, university, or any other similar institution or facility for the education of persons, including any property owned by such facility used for educational purposes.

<u>Electricity Generating Facility</u> includes any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from any source other than solar, hydroelectric, and wind, including but not limited to fossil fuels, nuclear, or waste products, to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

<u>Fuel Bulk Storage Facilities</u> includes any establishment whose primary purpose is the wholesale or retail distribution, storage, distribution, mixing, or transfer of flammable or combustible liquids, gases, or solids, received or transferred by truck, train, tank vessel, pipelines, tank car, piping, portable tank or containers, or other method, including propane, methane, ethanol, gasoline, kerosene, oil, coal, and other fuels. This definition shall not include filling stations used solely for distribution to individual consumers; nor shall it include fuel stored at or on an agricultural farm, residence, business, or other facility where use of the fuel stored is limited primarily to on-site consumption (NAICS 424710 and 424720).

Hospital means any facility as defined in G.S. §131E-76(3) or any successor statute thereto.

<u>Inert Debris</u> means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

<u>Landfill</u> means a disposal facility or part of a disposal facility where waste is placed in the land with the intent of permanent disposal thereby, and not otherwise regulated by this Ordinance. Material and Recycling Facility

<u>Metal Recycling & Salvage Facilities</u> includes establishments primarily engages in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap (NAICS 423930).

<u>Mining</u> includes the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; excavation or grading where all of the following apply:

The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes. The affected land, including nonpublic access roads, does not exceed five acres. The excavation or grading is completed within one year. The

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excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of offsite waste on the affected land, or the surface disposal of groundwater beyond the affected land.

<u>Nursing Home</u> means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the operator.

<u>Paper Mill</u> comprises establishments primarily engaged in manufacturing paper from pulp. These establishments may manufacture or purchase pulp. In addition, the establishments may convert the paper they make. The activity of making paper classifies an establishment into this industry regardless of the output.

<u>Person</u> means a firm, corporation, general partnership, limited partnership, Limited Liability Company, sole proprietor, individual, individual acting on behalf of another, or any other entity of any type whatsoever.

Planning Board means the City of Graham Planning Board

Planning Department means the City of Graham Planning Department.

Quarrying includes open excavations where the works are visible at the surface and intended for the extraction of stone, slate, marble, or other mineral from a mass of surrounding rock.

<u>Ready-Mix Concrete Suppliers</u> includes establishments, such as batch plants or mix plants, primarily engaged in manufacturing concrete delivered to a purchaser in a plastic and unhardened state, where such establishments are not engaged in mining or quarrying sand and gravel (NAICS 327320).

Renewable Energy Facility includes any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from solar, hydroelectric, and wind to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

<u>Replacement Value</u> means the cost to restore a structure to its previously existing condition as computed by an appraisal which has been conducted by an appraiser holding a North Carolina State Certified General Real Estate Appraisal License and conducted in compliance with generally accepted practices within the appraisal community.

<u>Residential</u> means the use of land for the purpose of housing or living accommodations for human occupants. Residential land uses shall also include any accessory uses of the land that is not commercial in nature, as defined by this Ordinance, and incidental to the residential use.

<u>Resource Extraction</u> means the commercial removal of any naturally occurring substance from the land not otherwise covered by the definition of mining and quarrying. Such substances include, but not limited to top soil or fill dirt. Such substances do not include petroleum in any form, natural gas, or other gaseous substance agricultural products, timber, surface or subsurface water, or any renewable resource.

<u>Rural Medical Center</u> means a facility staffed on a regular basis by one (1) or more physicians licensed to practice medicine in the State of North Carolina, which facility is located outside the boundaries of a municipality and is established and maintained for the purpose of providing medical care to members of the community in which it is situated.

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<u>Saw Mill</u> means any permanent commercial establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planning machine to achieve smoothness and uniformity of size. Temporary or portable sawmills without permanent structures are excluded from this definition.

<u>Waste Processing Facility</u> includes incinerators, composting facilities, household hazardous waste facilities, waste-to-energy facilities, transfer stations, reclamation facilities or any other location where wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being released into the air or transported to a final disposal site. Specifically included in this definition are medical waste facilities as defined by G.S. § 130A-309.26a.

Section 3. Regulations and Standards.

Prior to the issuance of any permit under this Ordinance, the regulated land use must demonstrate compliance with the regulations and standards imposed by this section.

	Min. Lot	Building	Land Use	Operations	Stream
Classification	Size	Height	Spacing	Setback	Setback
Class I	10 acres	40 feet		125 feet	50 feet
Class II	10 acres	40 feet	250 feet	250 feet	50 feet
Class III	30 acres	40 feet	1400 feet	500 feet	50 feet

Minimum Lot Size.

No Class I or Class II land use regulated by this ordinance shall be situated on a tract of land less than ten (10) acres in size. Class III land uses shall be located on a tract no less than thirty (30) acres in size.

Building Height Limits.

In order to allow for adequate fire protection, no building which is intended or used for human occupancy shall exceed a vertical height of forty (40) feet, measured from the top of the foundation (entrance grade) to the highest point of the exterior roof assembly. No more than one (1) occupancy story may be below this entrance grade.

Excluded from this limitation are the following:

Water, radio, telephone (including cellular), or television towers or any equipment for the transmission of electricity or communications, or both; and Structures which are slender in nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, silos or windmills, provided no part of the structure which is higher than (forty) 40 feet is intended or used for human occupancy.

Land Use Spacing & Protected Facilities

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All industries regulated by this ordinance shall be required at the time of the issuance of an Intent- to-Construct permit to meet a minimum spacing requirement from any "protected facility" as defined by this ordinance. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the area of operations is located to the nearest improvement currently in use as a protected facility. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

For the purpose of this ordinance, the following shall be considered "protected facilities":

An educational facility

A North Carolina licensed child care facility

A North Carolina licensed assisted living facility

A North Carolina licensed nursing home

A public or privately owned hospital

A cemetery or gravesite

A church

A dwelling unit

An Historic or significant landmark recognized by City of Graham and Cherry Lane Overlay District Residents and / or Property owners.

Operations Setback

All industries regulated by this Overlay shall be required to designate and maintain a minimum "operations setback". Operations setbacks shall be measured from the edge of the designated area of operations to the property line of the tract on which the area of operations is located. No retaining walls over 4' high, area of operations or roads impervious, pervious, haul, temporary, dirt or soil or otherwise greater than 6' wide may be may be located within the operations setback area. Earthen Berms Retaining walls four feet tall or less, Vegetative screening and fencing are allowed.

Traffic Impact Analysis

Access to all regulated industries shall be directly from a state-maintained road. No access from a private road shall be allowed. All industries regulated by this Overlay shall be required to demonstrate if their proposed heavy industrial use would create an amount of traffic (in terms of vehicle trips per day) that would detrimentally fatigue and damage the roads by which the industry is gaining access over its practical design intention as defined by the N. C. Department of Transportation (NCDOT). The most updated version of the Institute of Transportation Engineers "Trip Generation Manual" and / or the reported vehicle counts required by any necessary TIA shall be used to determine the average number of daily trips generated by the proposed industry. The regulated industry

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shall add these projected daily vehicle trips to the most recent and current traffic counts performed by NCDOT or the applicant's traffic engineer as part of a required TIA for the surrounding road network.

If the regulated industry will exceed the design intent of the roads that provide access to the property over the practical anticipated design, then the applicant shall provide a traffic impact analysis (TIA) performed by a N.C. licensed engineer or transportation planner which includes a structural evaluation of the existing road structure within the proposed project frontage area and throughout the limits of the required improvements as a result of the TIA. The TIA shall provide specific recommendations for the mitigation of traffic volume impacts and a geotechnical and materials report will address specific recommendations for the mitigation of the structural impacts from the proposed traffic. Types of traffic, DISTINGUISING freight trucks and trailers and typical automobiles shall be included, providing widening of existing lanes, acceleration and deceleration lanes, specific road design standards, shoulder width, stop lights and any outlying intersection improvements.

Operations Area

Operation of the regulated land use outside of the designated area of operations is prohibited.

The following areas shall not be allowed in the designated area of operation of the regulated industry:

1. Any area located within a Regulatory Flood Way as defined by the current City Flood Damage Prevention Ordinance.

Any area classified as wetlands or woody swamp by the U.S. Army Corp of Engineers.

Any area designated by the North Carolina Wildlife Resources Commission as habitat for an identified Species of Greatest Conservation Need (SGCN).

Any buffered stream or critical non-stream drainage way.

Co-location of dissimilar land uses as listed uses in categories I, II, and or III with a residential or agricultural use or other listed protected use from section C. above as regulated by this Overlay within the area designated for operation of the regulated industry is not allowed. Each land use required by this Overlay to designate an area for operation and must maintain a separate and distinct operations area independently.

Stream Setbacks

All industries regulated by this Overlay shall be required to maintain a minimum stream setback from any perennial or intermittent stream. Stream setbacks shall be measured from the "area of operations" to the top of bank of the stream.

Landscaping & Screening

All industries regulated by this overlay shall be required to provide a landscaping/screening plan. The purpose of this requirement is to minimize/mitigate the visual impacts of the land use on adjacent properties as well as to

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maximize the buffering of noise and particulate matter. Screening shall be a minimum of fifty (50) feet in width for Class I and Class II uses and one hundred (100) feet for Class III uses. For Class I and II uses, the screening shall consist of a minimum of two staggered rows of plantings. For Class III uses, the screening shall consist of a minimum of a 20' tall berm as measured from the slope toe to top of berm having sufficient top width to accommodate three staggered rows of plantings creating an opaque vegetative and earthen perimeter completely surrounding the area of operations. As part of the review process, the Planning Director, at their discretion, as verified by an independent arborist, landscape architect or professional engineer, may consider existing screening and vegetation on the property as part of this requirement. Suggestions for screening plans may be found in Appendix A of this document.

In the event that an applicant is unable to plant required screening and/or landscaping within 7 months of the issuance of the temporary, permanent or final certificate of occupancy; the applicant may post a bond or certified check in the amount of 1.5 times the engineer's estimate for the proposed screening, berm and planting plan. Should the industry fail to install the necessary berm/landscaping/screening, the City will be entitled to issue a stop work order for the industry, procure a cease and desist order for the operation halting all activity on of with and about the industry and immediately complete the landscaping plan using the proceeds of the bond or certified check allowing the industry to resume operations upon fulfillment of the perimeter screening, berm, landscape, and other requirements.

Gating & Fencing

At a minimum, the entire area of operations of a regulated use shall be completely enclosed by a minimum six (6) foot high fence with lockable gate(s).

<u>Lighting</u>

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Applicants are encouraged to use light shielding and fixtures that are approved by the International Dark Sky Association (IDA) as these fixtures conserve energy, reduce monthly costs, and minimize the impact of light pollution on surrounding properties. No light shall exceed 0.2 foot candles beyond 15' outside the area of operations and no light shall exceed 0.2 foot candles at the public right of way, property lines, and the driveway connection(s) or at any vehicular access points to any industry

Compliance With Other Governmental Requirements

Applicants under this ordinance are required to comply with all other applicable County, State, and Federal regulations. Said regulations include but are not limited to watershed protection, stormwater, erosion control, air quality, water quality, flood protection, building code, and NCDOT requirements. The Planning Director may require the applicant to submit additional information based on the permitting requirements. Failure to submit any additional information required by the Planning Director shall result in the denial or revocation of a Certificate of Occupancy and Zoning Compliance Permit.

ARTICLE III GRANDFATHERING AND NONCONFORMING USES

Section 1. Grandfathering of Existing Uses.

Any regulated land use, as specified in this ordinance, existing and in legal operation upon the date of initial adoption of this overlay which does not conform to the requirements hereof shall constitute a nonconforming use. Such nonconforming use may continue at the site of said operations, subject to the provisions of Sections 2, 3, and 4 below. In all cases the burden shall be upon the owner or operator of the nonconforming use to show clear, cogent, and convincing evidence that the use qualifies for such status.

Owners of non-conforming uses shall be identified by the Planning Director. The Planning Director will notify the use by certified mail and receive dated proof of contact for this notification. The use shall have a period of one (1) year from the date of notification to apply, at no cost, for a non-conformance approval which will establish them as a non-conforming use grandfathered under this Overlay. After the initial one (1) year period, industries shall be required to pay a fee for the non-conformance application, as established by this Overlay. Failure to apply for a nonconformance approval will constitute a violation of the Overlay as set forth in Article V.

As part of the application for a non-conformance approval, the applicant shall be required to submit a site plan of existing operations on the property. For this purpose, the applicant shall not be required to have a site plan drawn by an engineer or surveyor; however the planning director or zoning enforcement officer shall perform a final site compliance visit to verify that the stated features and purported operational limits to the area of operations are as described in the application and plan as presented to the City for initial approval.

Section 2. Alteration or Expansion of Nonconforming Use.

A nonconforming use may be altered, added to, expanded, or enlarged at the site of its operations, provided that the real estate used for expansion was owned or leased by the industry prior to the date of initial adoption of this Overlay.

Section 3. Reconstruction of Nonconforming Use.

In cases of damage to a nonconforming use, repairs may be made and the nonconforming use may be continued; provided, that said hazard was not caused by the intentional conduct of the owner or operator; provided further, that in making repairs the owner or operator shall ensure that the footprint(s) of the original building(s) is/are maintained, or, in case of an expansion of the same, that said expansion meets the requirements as specified

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above. In all other cases of damage to a nonconforming use, the same may be repaired and continued only if proper permits and approvals are obtained pursuant to Article IV and all of the requirements of this Overlay are met.

Section 4. Discontinuance of Nonconforming Use.

Notwithstanding the provisions of Section 3 above, if a nonconforming use is, for any reason, discontinued for three hundred and sixty-five (365) or more consecutive days, such use may not resume until approvals are obtained pursuant to Article IV below and all of the requirements of this overlay are met. For purposes of this Section, a regulated use shall not be deemed to be discontinued during such time as the owner or operator thereof has temporarily suspended operations solely due to the seasonal nature of the business.

Section 5. Transfer of Permits & Sales of Nonconforming Uses.

An intent-to-construct or nonconformance approval issued for any use of land regulated under this Overlay runs with the land and may be transferred with the property; provided that all other operational permits and approvals are maintained as required.

ARTICLE IV APPROVAL PROCEDURES

Section 1. General

All regulated land uses under this overlay shall be required to apply for a compliance review and or Technical review committee site plan review and approval from the City of Graham prior engaging in any construction and/or operational activities.

Section 2. Photo Identification Required

Applicants seeking to obtain an approval under this ordinance shall be required to provide a form of photo identification to the city of Graham upon submission of the application and site plan pursuant to City policy.

Section 3. Pre-Application Meetings Required

The applicant or an authorized owner or officer is required to meet in person with a Planning Staff member to discuss the nature of their application at least 14 days prior to making a formal application and submitting a site plan.

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At this pre-application meeting, the applicant shall identify in writing any additional permits which the applicant needs in order to operate the regulated industry and provide a reasonable timeline for obtaining those permits.

Additionally, the applicant shall identify any protected facilities in the spacing area for which a spacing waiver is required.

Section 4. Intent-to-Construct Approval

An Intent-to-Construct Industrial Development approval shall be required before the owner or operator of a regulated industry commences any construction activities. An Intent-to-Construct Industrial Development approval is required for each regulated use.

Upon the issuance of an Intent-to-Construct approval, the Alamance County Land Records System or Geographic Information System shall be updated by the City and or County GIS information office to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel is located within the spacing requirements of a regulated use within this overlay district.

Fees

All applicants shall be required to pay a fee at the time of filing an application as pursuant to the guidelines listed in Appendix F of this Overlay; or as determined by the City of Graham during the establishment of the annual budget for the given fiscal year. Fees established as part of the annual budget shall supersede those listed in this document.

Approval of Intent-To-Construct Applications

All applicants shall be required to submit a site plan for review as part of the permitting process. All site plans shall be drawn to scale by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix D of this document.

Planning Staff shall receive into the planning office the application and associated plans and fees. The Planning Director will then review the application documents and physically visit the proposed property and surrounding areas as part of the review. The Planning Department shall take no longer than a period of fifteen (15) days to review application packages issuing a report on the 16th day directly to the City Council and to the industry, applicant or petitioner.

Appeal of a Denied Application

Within 30 days of the issuance of the written denial determination by the City Technical Review Committee (TRC), the applicant or Planning Director may appeal the decision of the TRC to the City Council who shall review the written determination of the TRC and review the application for compliance with the requirements of this Overlay. If the City Council determines that the application is compliant with the requirements of this Overlay, it shall issue the Intent-to-Construct approval. If the City Council determines that the application is not compliant with the requirements of this Overlay, it shall deny the application. The decision of the City Council may be appealed per Article VI of this document.

Duration of Intent-to-Construct Approvals

Intent-to-Construct approvals shall run with the technical review committee's site plan approval and will sunset with the site plan expiration in the event the project is not brought to construction. Expired approvals due to inactivity or failure to begin construction and secure a building permit shall require re-application and review. In the event that an applicant must reapply for an approval, it shall require a fee to be paid at the time of the filing of the application.

If, prior to the issuance of an Operations Industrial Development Approval, any changes or amendments are made to an approved site plan which impact the requirements of this overlay, the changes or amendments must be submitted to the City of Graham for Technical review. In the event an application is resubmitted with substantial changes, alterations from previous plans, or other impacts, the Planning Director may restart the validation period.

Section 5. Operations

A valid Operations Industrial Development Approval shall be required before the owner or operator of a regulated land use commences, continues, or maintains operations of said land use. An Operations Industrial Development Approval is required for each regulated use.

Post-Development/As-Built Site Plans

Prior to receiving any temporary final or permanent certificate of occupancy, all applicants shall be required to submit a final "as- built" site survey to the City of Graham. Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix D of this document.

Operations approvals may be granted prior to the completion of required traffic improvements upon the guarantee of said improvements by the owner/operator within a seven (7) month period. The City of Graham may accept surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to The City of Graham.

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Surety must be in an amount equal to one and one-half times (150%) the engineer's estimate or actual invoiced cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the owner/operator.

Owner/operators are required to obtain a letter from an engineer registered in North Carolina stating the total cost to complete construction surety amounts.

Final Site Inspection

Prior to issuing an Operations Approval, a final site inspection shall be performed by the City of Graham Planning Director or Chief zoning officer to ensure that development was established in agreement with the approved site plan, as-built plan and the provisions of this overlay.

Other Requirements

Proof of an approved spill containment plan as issued by the Alamance County Fire Marshal.

Proof that all other required permits from other governmental or regulatory agencies have been issued.

Appeal of a Denied Operations Application

In the event that an Operations Approval is denied, the applicant may appeal the Planning Department's decision to the City Council pursuant to Article VI of this ordinance.

Section 6. Operations Approval Renewal Required

Operations approvals issued under this overlay run with the approval of the site plan and shall remain in effect unless the area of operations is altered, the property is subdivided, recombined, or altered in its approved boundary configuration in any way, unless subject to a public necessity taking or condemnation beyond the industry's control. If the result of the taking or condemnation yields no necessity and is not used in the necessity, and the property later reverts back to the parent parcel either by recombination, excess right of way disposal, or otherwise absorbed back into the parent parcel, then the industry may either 1) resume operations as originally approved, or 2) reapply with an altered configuration of boundary and area of operations for review by the City of Graham technical review committee. An Operations Industrial Development approval renewal is required for each regulated use. Any alteration, expansion, or elevation change to the, operation, the lighting, traffic routing, topography, vegetative and berm construction, hydrology, area of operations, boundary, or any other components of the original approval after the as-built compliance inspection is made by the Planning director or the Chief Zoning officer, will result in an immediate cease of operations of the industry and necessitate a requirement for fee, re-review and approval. Upon approval, the industry may remedy the alteration and resume operations upon completion of the as-built and Planning Director and / or Chief zoning officer's inspection.

Site Visit Required

A site visit must be conducted by the City of Graham Planning Director or Chief Zoning Officer prior to issuing an approval. It is the responsibility of the industry or applicant to schedule the site visit with the City of Graham providing escort and access for the Planning director or Chief Zoning Officer to the industry and property in its entirety prior to the issuance of the temporary certificate of occupancy, the final certificate of occupancy or the release of surety made to the City of Graham.

Other Requirements

Reserved for future requirements

Appeal of a Denial of an Operations Application

In the event that an Operations application denial, due to failure to meet the overlay requirements, illicit expansion or construction, non-permitted construction, the applicant may correct the deficiency or appeal the City Planning Director or Chief Zoning officer's decision to the Graham City Council pursuant to Article VI of this ordinance.

ARTICLE V

ADMINISTRATION, ENFORCEMENT, AND VIOLATIONS

Section 1. Administration and Enforcement.

The Planning Director of the City of Graham shall be responsible for the administration of this Overlay. The Planning Director of The City of Graham and / or the City of Graham Chief Zoning Officer shall be responsible for the enforcement of this Overlay. The Planning Director, or his/her designee, shall determine whether any of the provisions of this overlay are or have been violated. If it has been determined that a violation exists, notification shall be sent, in writing, to the person responsible for such violation. All notices shall be sent via Certified mail with proof of receipt.

Those found in violation shall be given thirty (30) days to remedy the violation. At the end of the thirty (30) day period, the Planning Director may, at their discretion, grant additional time to obtain compliance provided that the violator has made a demonstrated good-faith effort to bring their property into compliance. In no circumstance,

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unless approved by the City of Graham City Council, shall a person or industry in violation be given more seven (7) months to obtain compliance.

As part of enforcement, the Planning Director may order the discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; the discontinuance of any illegal work being done; and may take any other action authorized by this overlay or other law to insure compliance with, or to prevent violations of, the provisions hereof.

<u>Section 2. Interference</u>. It shall be unlawful for any person to interfere with, hinder, or harass the employees, agents, or authorized representatives of the City of Graham in the performance of their duties under this provision.

Section 3. Violations; Penalties.

Any violation of this Overlay shall result in a non-conformance fee in the amount of \$5,000 per violation.

Each day's continuing violation of this Ordinance, where applicable, shall constitute a separate and distinct offense.

Section 4. Equitable Enforcement; Order of Abatement.

This Overlay may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by an order of abatement, as provided under G. S. § 153A- 123(d) and (e).

<u>Section 5. Cumulative Remedies</u>. The remedies and penalties for violation of this Overlay shall be cumulative, and the election of a remedy or enforcement of a penalty by the City hereunder shall not preclude the election of any other remedy or enforcement of any other penalty by the City which may be provided under this Overlay or by law.

ARTICLE VI APPEALS

If an individual has been cited for a violation of this overlay or has had an approval revoked by the City of Graham, they may appeal the decision to City of Graham City Council. Appeals must be submitted, in writing, within 30 days of the notice of violation or notice of denial or revocation. At that time, the applicant's appeal will be placed on the next available City Council agenda. The City Council shall make the final determination to uphold or overturn the denial or revocation.

Within 30 days of receiving notice, every decision of the City Council shall be subject to review of the superior court in the nature of certiorari consistent with G.S. 160A- 388.

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In cases of appeals of violations, denials, or revocations of approvals, neither notices to adjacent property owners nor the posting of the site shall be required.

ARTICLE VII

SPACING WAIVERS AND VARIANCES

Section 1. Waiver of Land Use Spacing Requirement.

In the event a regulated industry cannot satisfy the land use spacing requirement due to the presence of a protected facility, the regulated industry may apply for a waiver of the requirement. This waiver may be granted, but is not required to be granted, in the discretion of the City Council, if the owner(s) in fee of the affected parcels and or parcels on which the protected facility exists consents in writing to the operation of the regulated use and the regulated industry is otherwise compliant with all other requirements of this Overlay.

<u>Section 2. Quorum and Vote Required for Variance.</u>

The City of Graham City Council, as established by N.C.G.S. § 153A-25 et seq. shall hear all requests for variances under this provision.

A quorum of the City Council, necessary to conduct any business of the Council, shall consist of four-fifths of the total membership of the Council.

The concurring vote of a simple majority of the total membership of the Council shall be necessary in order to approve an application for a variance.

Section 3. Application of the Variance Power.

A variance shall only be allowed by the City Council in cases involving practical difficulties or unnecessary hardships. Any authorizing of a variance shall not destroy the intent of the overlay. Any authorized variance shall be recorded in the minutes of the City Council. A hardship, as used in the context of this section, shall be considered to be some unique or unusual character of the proposed site, including but not limited to unique size, shape, contour, or distance requirement. An economic hardship to the applicant is not to be considered for a variance.

The Board may grant a variance upon finding that the following conditions exist:

Extraordinary and exceptional conditions exist pertaining to the particular place or property in question because of its size, shape, or topography.

The variance will not confer upon the applicant any special privileges that are, or would be, denied to other similarly situated individuals or properties seeking similar industry. This overlay would deprive the applicant of rights commonly enjoyed by other similarly situated individuals. The variance would not seriously deter from the purpose and intent of this overlay and will not be injurious to the neighborhood, adjoining properties, protected uses or to the general welfare.

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The special circumstances causing the need for variance(s) are not the fault of the applicant or property owner.

The City Council may impose reasonable conditions upon the granting of any variance in order to protect the public interest or neighboring property owners and to maintain the substance of the overlay requirement. Violation of any such conditions shall be a violation of this provision and subject to the same penalties set forth in this document.

Section 4. Appeals of Board Actions.

Every such decision of the City of Graham City Council shall be subject to review of the superior court in the nature of certiorari consistent with G.S. 160A-388.

ARTICLE IX GENERAL PROVISIONS

Section 1. Conflict with Other Laws.

Wherever the provisions or application of this Overlay impose higher standards than are required in any other local ordinance or regulation, the provisions or application of this Overlay shall govern. Wherever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of this overlay, the provisions of such other statute or local ordinance or regulation shall govern.

Section 2. Severability Clause.

If any section or specific provision or standard of this Overlay is found by a court of competent jurisdiction to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this document.

Sec. 3. Ordinances Rescinded.

Upon adoption, this Overlay District shall rescind no other Ordinance.

Section 4. Limit of Liability

In no event shall the City of Graham or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this overlay.

Section 5. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to an industry regulated by this overlay

Section 6. Effective Date.

This Cherry Lane Industrial Protection Ov, 2022.	verlay District shall become effective and in full force on	
The City of Graham hereby adopts this Cl	Cherry Lane Industrial Protection Overlay District,	
Adopted this theday of, 2022.		
	CITY OF GRAHAM CITY COUNCIL	
	Mayor	
	Councilman	

Page 194 of 220 Appendix A

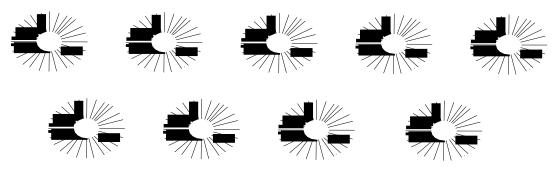
Screening Guidelines and Standards

General Guidelines

Screening buffers shall be a minimum of fifty (50) feet in width for Class I and Class II Industrial Developments. Screening buffers for Class III Industrial Developments should be a minimum of one hundred (100) feet in width.

Planting for all screening buffers, in general, should be done in a staggered manner with plants set on 10 foot centers. Planting may be allowed closer, depending on the trees, shrubs, and other vegetation involved, at the discretion of the Planning Director. In all cases, the screening should produce a continuous opaque solid hedge that eliminates the visual impact of the land use from adjacent properties and public rights of way. Existing vegetation may be deemed contributory in some degree or adequate, based on a site visit and visual inspection by a certified arborist, landscape architect, or professional engineer.

Ex: Staggered Planting



Suggested Vegetation

Applicants are encouraged to consult with arborists, horticulturalists, soils scientists, landscape architects, civil engineers, and other landscape professionals in the area to evaluate the quality, longevity and stability of the proposed perimeter berms and the plantings as well as the soils and probability of survival of proposed plantings. Native species are preferred. Plantings which could be considered invasive are strongly discouraged. The following trees are generally approved for visual screening purposes:

Loblolly Pine (fast growing, 60-90' mature height)

Arizona Cypress (medium growth, 40-50' mature height)e

Southern Magnolia (slow to medium growth, 60-80' mature height)

Cryptomeria Yoshino (fast growing, 50' mature height)

Tree Hollies (Nellie Stevens Holly, Mary Nell Holly, Emily Brunner Holly, Fosteri Holly, etc....(fast growing, 20-25' mature height)

Page 195 of 220 APPENDIX B

Cherry Lane Industrial Protection Overlay Industrial Development Intent-to Construct Application The City of Graham Date: ___ Project Name: _____ Township Name (etj only): Contact Person: Parcel I.D. Number: Contact Address: Proposed Use: Acreage of Lot: Contact Phone: _____ Property Owner (if different) ID Verified

Please state the proposed days and hours of operation:

Describe what the land and/or building(s) will be used for:

Page 196 of 220		
Please state any additional commen this application:	nts you would like to make that you feel may be relevant to the consideration	on of
By signing this application, the appli	cant hereby certifies to the best of their knowledge the following statemen	nts
are true:	cant hereby tertifies to the best of their knowledge the following statement	11.5
The industry for which the approval standards imposed under this Overla	is being requested will at all times comply with the applicable regulations a ay.	and
No approval issued to the applicant revoked.	under this Overlay, or under any successor provision hereto, has ever beer	n
Applicant Signature:	Date:	
Received by:	Date:	

Heavy Industrial Developme	nt Approval
The City of Graham	
_	
Date:	
Project Name:	Township Name(etj only):
Contact Person:	Parcel I.D. Number:
Contact Address:	Proposed Use:
_	Acreage of Lot:
Contact Phone:	
By signing this application, t are true:	ne applicant hereby certifies to the best of their knowledge the following statements
The industry for which the a standards imposed by this o	pproval is being requested will at all times comply with the applicable regulations and verlay.
No Permit issued to the app revoked.	licant under this Overlay, or under any successor provision hereto, has ever been
operated and will continue t	operly permitted under and complies with, and at all times will be maintained and o be permitted under, all rules, regulations, and other requirements imposed by her applicable regulatory agency or governmental body.
The applicant is the owner clocated.	r lessee of the tract or tracts on which the industry is located or is proposed to be
	issued an Intent-to-Construct Industrial Development Approval under this overlay by ame proposed use, which the approval is still valid as of the date of filing of the
Applicant Signature:	Date:
Received by:	Date:

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Specifications for a Cherry Lane Industrial Protection Overlay Industrial Development Site Plan Title & General Information Date of submission. Location designation (township(etj) city, county, state). Name and address of surveyor or engineer. Scale in figures and bar graph. North arrow. Vicinity Map Surveyor's or Engineer's North Carolina Seal Site Data Name and address of owner(s). Parcel Identification Number(s) Name of Project. Total acreage Total percentage of proposed and existing impervious surface area. Project Area (as applicable) Designated Area of Operations; clearly showing all fencing and existing and/or proposed buildings to be located on the site. The distance of the Area of Operations from all property lines and identified protected uses. Location of any streams, ponds, or other waterways located on the property.

The distance of the Area of Operations from any stream top of bank (perennial or intermittent) located on the

Lake and stream buffers.

property.

Location and extent of any floodplain and regulatory floodway.

Representative topography not less than 5 foot contour intervals.

Location and purpose of any existing or proposed rights-of-way or easements.

Page 199 of 220 Location of any existing or proposed stormwater control devices.

Location of existing or proposed septic tank and drainage field or public utilities

Design of the parking lot, lay-down yards, storage yards, transfer areas, showing all points of entrance and exit, docks and dock lighting, proposed lot lighting (if lit and as applicable), employee, transfer and visitor parking stalls and access routes, handicapped-parking stalls, and distance between stalls (aisles); including all dimensions.

Location and dimensions of loading berths, idle areas, tanks above and below ground, pits ponds, lagoons, bioretention cells, exterior mechanical equipment, transformers, chillers, coolers, silos, heaters, tanks, towers, stacks, helipads, control towers, windmills or solar panel arrays.

Location of proposed gate houses, gates and signage.

An exterior lighting plan showing locations of all lighting and proposed lighting fixtures with photometrics meeting the standards of this overlay.

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Appendix E

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Proposed 2022 Fee Schedule

Classification	Permit Application Fee	
Class I	\$250	
Class II	\$250	
Class III	\$250	
Nonconforming/Grandfathered	\$0	

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APPENDIX G

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February 15, 2022

The City of Graham 201 South Main Street Graham, North Carolina 27253

Office of the City Clerk – City of Graham City of Graham Planning Department City of Graham Planning Board Mayor and City Council Members:

Cherry Lane Industrial Protection Overlay District Cherry Lane, City of Graham and Graham ETJ Alamance County, North Carolina

To The City of Graham:

The purpose of this letter is to advise the City of Graham in writing that the undersigned is:

Submitting to the City for immediate Planning Board review and City Council action the attached:

"Cherry Lane Industrial Protection Overlay District (Proposed)"

Very truly yours,

The Concern Citizens of Old Fields

Signed: Charles D. Huff-

Address: 2198 Cherry Lane

Copies:

Office of the City Clerk - City of Graham City of Graham Planning Board Mayor and Graham City Council

PLANNING DEPT.

Community 10:38 am

Charles D. Lack.



Chad Huffine - Zoning Text amendment Submittal

2 messages

chad huffine <chuffine08@gmail.com>

Fri, Feb 11, 2022 at 1:42 PM

To: Justin Snyder <jsnyder@cityofgraham.com>, Cameron West <cwest@cityofgraham.com>

Justin:

Is there an application and fee required for a zoning text amendment proposal like there is for a rezoning request?

Thank you, Chad

Justin Snyder <jsnyder@cityofgraham.com>

Fri, Feb 11, 2022 at 1:50 PM

To: chad huffine <chuffine08@gmail.com>, Cameron West <cwest@cityofgraham.com>

At this time, there isn't. The best way to initiate is to speak at the City Council meeting and ask them if they will direct staff to write the amendment and then tell them what it would be and why.

Sincerely,

Justin Snyder

Justin Snyder, AICP, CZO

Planning Director

City of Graham

P.O. Drawer 357 (mailing address)

201 S. Main Street

Graham, NC 27253

336-570-6700



Pursuant to NCGS Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it *may* be considered public record and as such are subject to request and review by anyone at any time.

From: chad huffine <chuffine08@gmail.com> Sent: Friday, February 11, 2022 1:43 PM

To: Justin Snyder <jsnyder@cityofgraham.com>; Cameron West <cwest@cityofgraham.com>

Subject: Chad Huffine - Zoning Text amendment Submittal

[NOTICE: This message originated outside of the City of Graham, NC mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

[Quoted text hidden]

February 17, 2022

The City of Graham 201 South Main Street Graham, North Carolina 27253

Office of the City Clerk – City of Graham City of Graham Planning Department City of Graham Planning Board Mayor and City Council Members:

Minor General Amendment to the City of Graham 2035 Plan Former Hw Fields Planning District, City of Graham and Graham ETJ Alamance County, North Carolina.

To The City of Graham:

The purpose of this letter is to advise the City of Graham in writing that the undersigned is:

Submitting to the City for immediate Planning Board review and City Council action the proposed Minor General Amendment to the City of Graham 2035 Plan and associated mapping.

Very truly yours,

The Concern Citizens of Old Fields and Cherry Lane

Signed: Cfues D. Holo:
Address: 2198 Cherry Lane

Copies:

Office of the City Clerk - City of Graham City of Graham Planning Board

Mayor and Graham City Council

RECEIVED

PLANNING DEPT. Charles 12- Hull 11:00 am

General Minor Amendment to the Long Range Land Use Plan - Graham 2035

A plan amendment and general minor modification is requested to accommodate changes in the general desired land use within the Haw Fields area planning district.

This plan presents a proposal that is consistent with the character of the area, consistent with the projects on in existence, those projects proposed, and those intentions of the area stakeholders.

The following amendment:

- a) The purpose of this land use plan amendment is to immediately return the land use plan in the Haw Fields planning district to those boundaries reflected in the 2020 plan in the vicinity of Cherry Lane and Governor Scott Farm as presented in the revised attached land use plan amendment map
- b) This plan amendment does not greatly reduce or cause any shortage of other planned uses nor does it preclude the opportunity for any potential rezoning of area properties within the revised areas. The amendment does provide the City with an updated view of the area citizen's consensus to present to parties interested in seeking out this area for development presents the intentions and plans of those residents and stakeholders which were not invited or involved in the creation or adoption process for the 2035 plan.
- c) The plan amendment calls for the immediate return to the revised portions of those consistent with the 2020 plan and no other changes are proposed. This amendment request is based on previously presented information to the City Planning Board and staff in numerous public hearings and cites adequate transportation and roadways support for truck traffic accompanying the current industrial use, infrastructure does not exist to accommodate this level of activity in the form of heavy truck traffic. Additionally, City invested infrastructure in this area is sized for residential uses and volumes.
- d) The adoption of the land use plan cites public involvement, the solicitation of public opinion of area stakeholders and property owners. Based on recently discovered information, personal citizen testimony from November 2021 to present, a significant number of citizens in this area have never heard of this plan, its formation, or were invited to participate in the formulation of any future land use designations forecasted for the area. Based on recently presented information by the citizens of this area, it has come to the attention of the City that the uses designated by previous City management and planning staff are in no way consistent with those future plans held by the landowners and stakeholders in the area.
- e) The amendment to the land use plan for the area proposed will have a positive impact in the future, easing the demands on the citizens in this area as well as City staff and elected officials. The current future land use plan targets these areas for uses which are not consistent in any way with those desired by the citizens or residents in this area. The 2035 plan was conceived without consideration of precedence of previous land use plans and land uses which have actually materialized based on that plan. The abrupt change in planning from the 2020 land use plan to the 2035 land use plan has caused significant demands on citizens as well as City resources in the hearing of proposed uses in the area which are directly inconsistent with the single family residential uses and are not desirable to stakeholders or landowners in the revised area.
- f) Adequate infrastructure, topography and access to NCCP for future uses designated in the 2035 plan are incompatible based on the uses of today and the unintended consequences of previous future land use without significant investment from private property development groups, or the City. Developers have objected in public to the addition of the required transportation infrastructure and additional dimensional buffering and setback constraints needed to alleviate the industrial encroachments into the single family residential areas. As such, this future land use amendment proposal returns the intended uses to those which are consistent with the future plans of the residents,

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takes advantage of the existing infrastructure and aligns correctly with the intentions and plans of those residents in the area with topography, naturally established boundaries, and new transportation infrastructure.

- g) The amendment to the land use plan returns the current 2035 plan to the 2020 plan which was adopted appropriately by the city of Graham. The 2035 plan was inconsistent with the desires and future intentions of those stakeholders and property owners which aligned their uses with the 2020 plan. The 2020 plan was used for the guidance of development in the Old Fields area and the 2035 plan significantly contradicts those intended uses and those uses which are now relativity. The 2035 plan is in direct conflict with the current growth patterns in this area. The proposed amendment respects the natural boundaries and avoid significant changes in difficult topography and avoids further detriment to vehicular infrastructure and property values.
- h) This amendment neither prevent nor requires significant improvement to existing infrastructure, roads, water, and sewer systems. However the implementation of the 2035 plan requires significant upgrades including the complete reconstruction of arterial roads, upgrades and extensions of public water, the significant horizontal buffer boundaries and topographical changes which developers seeking to expand the NCCP are unwilling to commit to and have refused in public hearings to compromise. Injurious aesthetic changes to the existing neighborhood, and the reduction in the quality of life and reduction of property values further support this amendment.

The 2035 plan adversely impacts the existing uses by increasing traffic, heavy truck traffic, degradation of highways, roadways, and require significant topographic alterations to accomplish those goals erroneously planned for in the 2035 long-range plan. Alternatively, the implementation of this amendment accurately aligns the future plans of those property owners and stakeholders in the area, adequately and appropriately uses resources and preserves scenic topography, respects natural boundaries and travel ways without the increase in costs of infrastructure to the City. This amendment, as proposed, demonstrates significant benefits to the area and those benefits significantly outweigh the existing 2035 plan for the specific area considered for amendment.

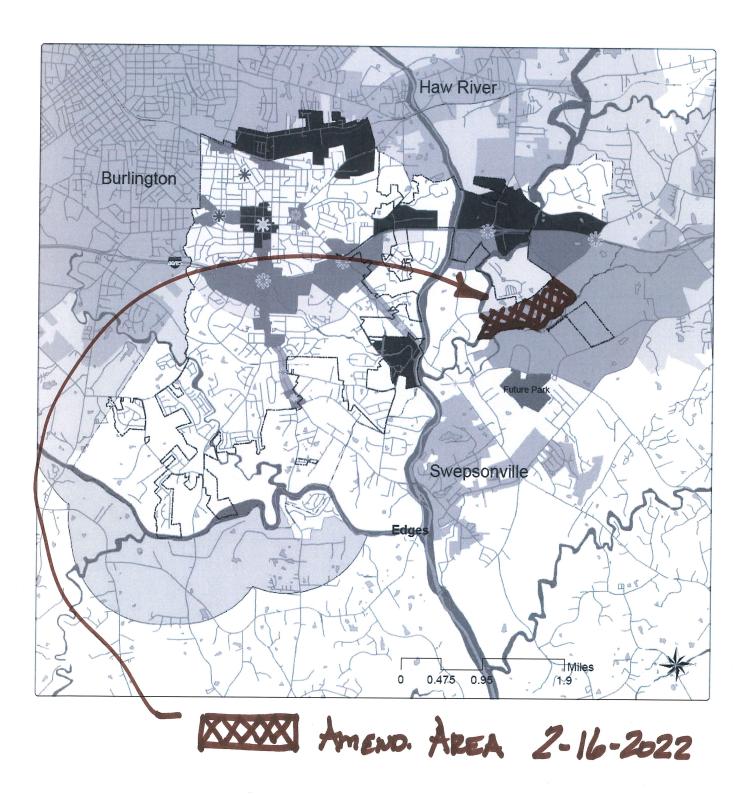
The 2035 plan proposes uses which will detriment existing single-family home property values, detrimentally effective value of the Old Fields neighborhood, prohibit the intended preservation and respect of the Historical Barn and Home place, prohibit the completion of the Cherry Lane at Governor Scott Farm Road intersection, and adversely affect the success of the event center and destination attractions, and will completely destroy the traveling surface for Cherry Lane if implemented.

The proposed amendment provides a an overall improvement to the general area, aligns the intended uses, future uses and potential uses to those uses currently under construction. This amendment reflects future intentions of the landowners in the area. This amendment to the 2035 land use plan alleviates detriment to property values of existing property owners of residential, agricultural, destination, and historical properties in the area.

Amendment to the 2035 Plan respectfully submitted by the concerned citizens of Old Fields and Cherry Lane on this day February 17th 2022.

The attached area map with amended land use boundaries are submitted with this amendment. The implementation of the revised land use plan map is consistent with this amendment request and represents the long-range plan of the neighborhood and existing stakeholders. The attached map returns the original 20/20 boundaries to the pre-2035 adoption and proposes no other changes to the 2035 plan.

PART III: LAND USE



STAFF REPORT

SUBJECT:	RECYCLING
PREPARED BY:	BURKE ROBERTSON, PUBLIC WORKS DIRECTOR

REQUESTED ACTION:

Recycling options for Council to consider.

BACKGROUND/SUMMARY:

The Cities current recycling contract began July 1, 2012 as 5-year contract with 5 additional 1-year renewals. This contract expires June 30, 2022

FISCAL IMPACT:

All options increase operating cost from current contract.

STAFF RECOMMENDATION:

N/A

SUGGESTED MOTION(S):

N/A

Recycling

Current Conditions

- *The City is paying \$1.23 per cart per month.
- *Current Sanitation fee \$8.50 per mo. (\$4.50 per mo. trash \$4.00 per mo. recycling).
- *5-year average cost of all sanitation services including recycling \$13.49 per mo. per house.
- *Average participation rate over last 5 years 59%.
- *Total tons collected 20-21, 950 tons.
- *20-21 budget year total cost \$74,809.47.
- *Current contract with GFL started July 1, 2012 and expires 6-30-2022. The contract was written as a 5-year contract with the City having the option of renewing annually for 5 more years.

When this contract was written, there was a lot of value in recycling as China was buying much of the world's recycling and was not addressing contamination issues. In 2013, China started addressing contamination. By 2018 China had banned some materials and set contamination rate at 0.05%.

The national average for contamination in the carts is over 20% and 3-5% coming out of single stream Material Recovery Facility (MRF) is about as good as they can accomplish. Due to this loss of markets, value of recycled materials has dropped. Processing cost have increased due to these allowable contamination rates.

Due to contamination, MRFs now charge \$120+ per ton to process and some are charging a contamination fee if over 10% contamination of \$150 or more per ton. Processing cost, market value, and rising cost for equipment and labor have caused a substantial increase to recycling contracts nationwide.

There were 257 municipalities in NC that offered both curbside waste and recycling service in FY 2019-2020 with an average fee of \$190 per year. Graham was \$75 per year at that time and we currently are at \$102 per year. The average increased \$23 per year from 2016 to 2020 (13.77%).

*If we add the \$5.01 increase to fee, we would still be \$27.88 per year less than State average.

New Contract Proposal

Burlington sent out RFPs and only GFL summitted a bid. Republic Services responded that they were not going to submit a bid.

- *The proposed rate of \$6.24 per mo. per cart represents a 5X increase from our current contract.
- *As of December 14, 2021, we had 5,407 recycling carts out for service.
- *GFL has offered a few options to consider as well.

\$6.24 per mo. X 5407 carts	\$33,739.00
	X 12 mo.
	\$404,876.00
Minus 2020-2021 cost	\$74,809.00
Increase per year at current cart count	\$330,067.00

1) First year cost of \$5.89 per mo. per cart with a guaranteed 5% annual increase.

This option over 5 years would average out to \$6.50 per mo. per cart for approx. \$85,000 Additional cost over 5-year contract at current cart count.

- 2) We pay GFL \$4.24 per mo. per cart to collect and haul to MFR and we pay Republic direct for Processing. (\$275,108.00 per year at current cart count plus processing @\$125 per ton.) If you add last year's tonnage to this you wind up at \$400,000.00. The City is assuming risk for commodities prices, if they go up we would get rebate down we would get cost increase.
- 3) We ask if there was a once a month option, GFL said at this time they are not offering that Option.

We sent out a less restrictive RFP and received zero bids

With further due diligence we received a price from Republic of \$5.50 per month per cart providing further negotiation for a mutually agreeable contract.

\$5.24 per mo. X 5407 carts	\$30,008.85
	X 12 mo.
	\$360,067.00
Minus 2020-2021 cost	\$74,809.00
Increase per year at current cart count	\$285,297.20

^{*}This option includes bi-annual fuel surcharge*

In-House Recycling Option

Current quote on truck	\$70,000 (Total 350,000)
Annual fuel estimate	\$36,000
Annual maintenance	\$12,000
MRF rates (using 20-21 tonnage)	\$128,750

^{*}There is no fuel surcharge in this bid*

Employee cost (with benefits)	\$90,000
Total Estimate	\$336,750

- *Per conversation with Republic on processing fees, there is a rebate for commodities. Depending on prices, actual cost could be more of less than projected. This would also apply if we opted for contractor collect and haul option as well.
- *Back up truck for holidays, weather, repair, maintenance or other issues and to prevent going to Greensboro with less than a full load not included in above quote. Truck will have to be dependable as it would be driving to Greensboro on regular basis.
- *Operation cost of back up truck not included in estimate.
- *Contamination fees not included.
- *Estimate based on bare minimum employee/equipment. With current staffing levels, especially with yard waste and growth, requiring a second truck a couple days per week, we would have to have another employee above the primary operator to fill the holes and back up.
- *Per vendors, a new truck if ordered today not likely to be delivered till 2023 and price is still a moving target.
- *Assumes same participation rate of 59% going forward; however, new developments tend to have higher participation.
- *In-house option would require change in recycling schedule with week A section 1-4 and week B section 5-8 on same day as solid waste for efficiency.
- *With growth of the City, we are adding two additional sanitation routes now and two in the future. This addition would also have to be addressed with recycling. Current approved houses will add approximately \$200,000 to cost when they all become active.
- *Staffing to handle extra call volume/customer service not included. Will also need to work on addressing contamination issues through educational/enforcement efforts.

With rising costs, especially with fuel and ever-increasing cart count and above-mentioned issues, it would be reasonable to budget \$350,000.00 per year for a per month/per cart cost of \$5.39 per month. First year start up would be around \$700,000 for purchase of truck.

Glass Issues

Glass is approximately 23% of recycling by weight and value per ton is low. Based on our tonnage of recycling, 23% would be around 180 tons. If we could get all glass out of the carts, we would save around \$24,000 per year in processing cost.

Alamance County Landfill participated in a regional grant for glass recycling and it may be possible to drop off glass there or Orange County for no tipping fees. Glass would have to be fairly clean.

I have had conversations Strategic Materials in Wilson NC about glass as well and if we had really clean glass they might would pick up for free.

Either of the above options would require collection sites, Greensboro went this route and used Parks and Fire Stations as collection sites to help reduce illegal dumping and per Republic's MRF they have had about a 10% reduction in tonnage going to the MRF. With Greensboro being a large City 10% of their total is a lot of tons.

If we had same 10% results it would equal about 18 tons for a savings of about \$2400 in processing fees but we would still have to collect from collection sites and haul. If we only achieve 10% or so reduction there is no savings and added expense with contamination, illegal dumping and staff time to run.

Per conversation with Richard Hill glass is still banned from knowingly dumping in landfill.

Doing Away with Recycling

- *At our current tonnage of recyclables, we would be looking at about \$45,000 a year in additional tipping fees. Per the Landfill, they will be asking for at least a \$2.00 per ton rate increase this year and not included above.
- *With the exception of glass, recycling is bulk not weight which would mean about 110 more trips per year to landfill. Automated trucks average around 2.5 mpg. This would be around an additional \$6,800 per year in fuel at current price per gal.
- *How do we manage the extra waste for those whose trash cart is full every week.
- *What do we do with the carts? Do we pick them up, if so where do we store them?
- *Do we require citizens to store them?
- *Do we allow them to use them as second trash cart, if so we just doubled the number of carts we could have to service. We would have to add staff/truck to address additional volume.
- *Per Alamance County Solid Waste Ordinance Section IV-F, which Graham City Council adopted by resolution, if we knowingly dump target recyclables they can double our tipping fees.
- "F. A surcharge equal to the applicable tipping fee or Twenty-five Dollars (\$25.00), whichever is greater, shall be assessed against any person who empties loads containing any amount of target recyclables into the lined municipal solid waste landfill, solid waste receptacles, construction/demolition cell, or any other area of the landfill not specifically designated for recyclables. This surcharge shall be assessed in addition to any applicable tipping fee. This surcharge shall not be assessed against the North Carolina Department of Transportation or charitable organizations."
- *If the County followed their Ordinance, we would have about a \$300,000 increase in our tipping fees as it would apply all loads we haul to them not proposed counting rate increase.
- *From data provided by DEQ, several communities that decided to end recycling quickly reinstated after public outcry.

We would be looking at around an additional \$450,000 per year for sanitation if we dropped recycling and the County follows Ordinance for tipping fees/staffing/truck to handle extra tonnage.

Recycling Drop off Sites

- *We could set up drop off sites for recycling at parks or other public locations. It would give us some knowingly cover with the County, but...
- *Unmanned convenience centers are targets for illegal dumping and have no control of usage from those outside of City limits.
- *Participation likely to be low and City still see significant increase in tonnage going to landfill that would need to be addressed.
- *There is cost associated with building sites, contract cost for service, contamination is likely to be high. We would have to purchase dumpsters and equipment to service. Either option would require additional staff to monitor, clean up, and service.



SUBJECT:	STREET CLOSURE REQUEST
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORINDATOR

REQUESTED ACTION:

Approve the following street closures

Graham Recreation & Parks request the following street closures:

9/11 Commemorative 5K Event | Saturday, September 10, 2022

Closure of the northbound lane of Maple Street from Pine Street to McAden Street, westbound lane of McAden Street from South Main to Maple Street, the southbound lane of South Main Street from Pine Street to McAden Street, and the eastbound lane of Pine Street from South Main to Maple Street from 6:00 a.m. – 12:00 p.m. on Saturday, September 10, 2022.

Pumpkin Bash | Friday, October 28, 2022

Closure of the 100 blocks of East and West Elm Streets from 2 p.m. -10:30 p.m. and North and South Main Streets from 4 p.m. - 10:30 p.m.

BACKGROUND/SUMMARY:

The City of Graham presents the second annual 9/11 Commemorative 5K Run/Walk Event on Saturday, September 10, 2022. In remembering the tragic events of September 11, 2001, this events goal is to bring our community together and to give directly back to the community. All proceeds from sponsorships and donations are donated to the Children of Fallen Heroes non-profit organization. The event will also feature a non-competitive 1-mile run/walk, food trucks, community organization booths, a kid's zone, blood drive, a Runner Services station located in the fire bays, and music. This is a community event and is open to all to participate!

This Halloween Festival is a joint effort put on by the Graham Recreation and Parks, Graham Police Department, and Graham Fire Department. Join us for an evening of games, rides, and fun in beautiful Downtown Graham.

FISCAL IMPACT:

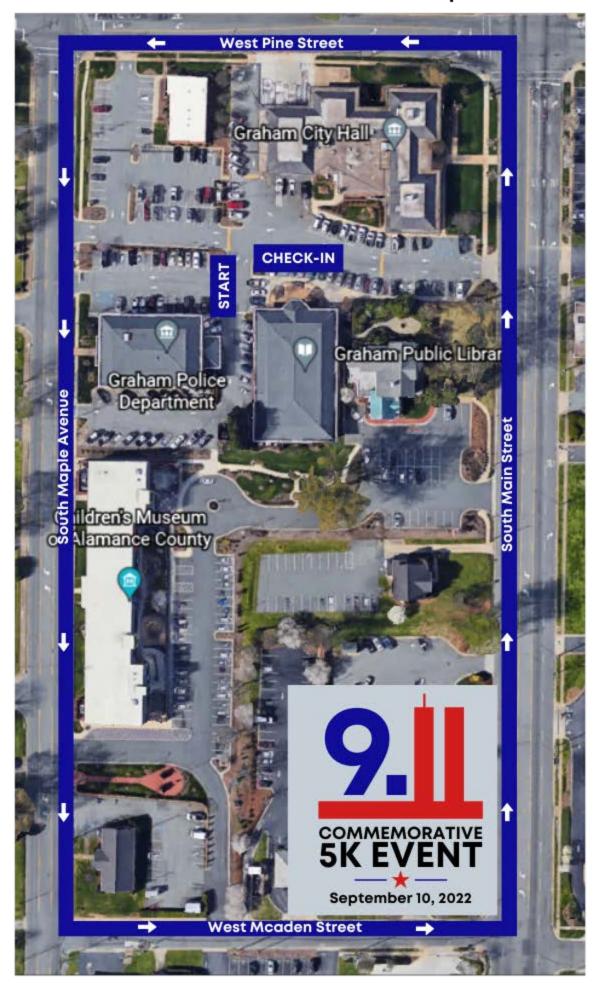
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STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to approve the street closures for the 9/11 Commemorative 5K event on September 10, 2022 and for the Pumpkin Bash on October 28, 2022.





STAFF REPORT

SUBJECT:	NCLM VOTING DELEGATE AND ALTERNATE
PREPARED BY:	DARBY TERRELL, CITY CLERK

REQUESTED ACTION:

Appoint a voting delegate and an alternate for the NCLM Annual CityVision Conference.

BACKGROUND/SUMMARY:

City Council will need a voting delegate and an alternate voting delegate to be appointed by the Council for the NCLM Annual CityVision Conference. Once chosen, the City Clerk will report to the appropriate contact with NCLM of the City of Graham's voting delegate and alternate for the Conference on April 26-28, 2022, in Wilmington, NC.

The following members are registered to attend the conference: Mayor Talley, Mayor Pro Tem Hall, and Council Member Chin.
FISCAL IMPACT:
N/A
STAFF RECOMMENDATION:
N/A
SUGGESTED MOTION(S):
Make a motion to appoint as the voting delegate and as the alternate voting delegate.