



# City of Graham Planning Board

## Meeting Agenda

July 16th, 2024, at 6:30 PM  
Council Chambers, Graham  
City Hall

1. Meeting called to order.
2. Roll Call and confirmation of quorum.
3. Pledge of allegiance and moment of silence or invocation.
4. Overview of board and general meeting rules.
5. Approval of the June 18, 2024, meeting minutes.
6. Old Business:
  - a. AM2402 - Recreational Open Space Text Amendment
7. New Business:
  - a. AM2403 - HRC Member Reduction Text Amendment
  - b. AM2404 - No Soliciting Sign Exemption Text Amendment
8. Public comment on non-agenda items.
9. Staff comment.
10. Adjournment.



## PLANNING BOARD MINUTES

Tuesday, June 18, 2024

The Planning & Zoning Board held its regular meeting on Tuesday, June 18, 2024. Members present were Chad Huffine, Vice Chair John Wooten, Tony Bailey, and James Stockert. Michael Benesch, Jerome Bias, and Chair Dean Ward was absent. Staff members present were Planner Cameron West and Planning & Inspection Technician Debbie Jolly. Vice Chair John Wooten led the meeting with the Chair Dean Wards absence.

1. Meeting called to order at 6:30 p.m. by Vice Chair John Wooten.
2. Roll Call and confirmation of quorum.
3. Pledge of allegiance and moment of silence or invocation.
4. Overview of board and general meeting rules.
5. Approval of the meeting minutes for the April 16, 2024, regular meeting of the Planning Board. James Stockert made a correction to the minutes with the amendment of a name spelling error on the adjournment motion and clerical error of number ordering of items in the minutes. James Stockert moved that the minutes be approved with the correction, Chad Huffine seconded. All voted Aye.
6. New Business:

a. AM2402 – Recreational Open Space Text Amendment- Staff Member Cameron West presented the staff report: The City Council has requested City Staff to analyze the open space criteria inside of the Development Ordinance and update it to include a definite requirement for recreational open space. Prior to the update, there was no requirement for developers to utilize the open space for any recreational activity. It was advocated for, but never a concrete requirement. City Staff has updated the ordinance to reflect a difference between open space and recreational open space, and also provided an amount required per development based on the amount of normal open space being provided. City Staff has started with the idea of a minimum of 40% of the proposed open space or 30,000 square feet, whichever is larger, to be classified as recreational open space to ensure developers are providing areas inside of new developments that will be for the betterment of the future tenants. A minimum amount of total open space is still required and measured the same way as before.

Board Member Chad Huffine discussed with Staff Member Cameron West that the percentages and square footage numbers would be hard to work with based on the existing minimum of open space required and the potential impact it would have on larger developments. Board Member Chad Huffine and Vice Chair John Wooten requested further clarification on the recreational open space calculations so that it could be interpreted as simple as possible. Board Member Chad Huffine suggested he could run some numbers and get with Staff Member Cameron West to provide an alternative calculation that would best suit the City and the potential Developers under this ordinance.



A motion was made by Board Member Huffine to table the item until the next months meeting to work on the recreational open space calculation with Staff Member Cameron West. Tony Bailey seconded the motion. The item was tabled until the July 16<sup>th</sup>, 2024 Planning Board Meeting.

7. Public comment on no agenda items- None.

8. Staff comments- None

9. Adjournment- James Stockert made a motion to adjourn. Seconded by Chad Huffine. All vote aye.

Meeting Adjourned at 7:20 p.m.

Respectfully submitted this day 9<sup>th</sup> of July, 2024  
Cameron West



# STAFF REPORT

Prepared by Cameron West, Planner

## Text Amendment for:

**Type of Request:** Text Amendment for Recreational Open Space

## Meeting Dates

Planning Board on June 18, 2024

Planning Board on July 16, 2024

City Council on August 13, 2024

## Contact Information

On Behalf of Planning Staff from Council Request

## Summary

The City Council has requested City Staff to analyze the open space criteria inside of the Development Ordinance and update it to include a definite requirement for recreational open space. Prior to the update, there was no requirement for developers to utilize the open space for any recreational activity. It was advocated for, but never a concrete requirement. City Staff has updated the previous version of the amendment to reflect the changes that were requested during the previous planning board meeting. That includes a lower minimum percentage and square footage requirement, a minimum lot requirement, and a minimum active open space lot width requirement. This amendment will help ensure developers are providing areas inside of new developments that will be for the betterment of the future tenants. A minimum amount of total open space is still required and measured the same way as before.

## Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

## Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

### Project Name

Text Amendment for Recreational Open Space (AM2402)

### Location

city-wide

### Current Zoning

not applicable

### Proposed Zoning

not applicable

### Overlay District

not applicable

### Staff Recommendation

Approval

### Planning District

All

### Development Type

All

## Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment updates the language to provide a concrete requirement for recreational open space that previously was not required.

**Section 10.249 Open Space Provision for R-12, R-15, and R-18 Zoning Districts**

**Section 10.249.1 Intent**

The intent of this provision is to allow for the development of open space residential subdivisions by right within the R-12, R-15, and R-18 zoning districts. These provisions seek to encourage the development of compact neighborhoods and rural compounds that set aside significant natural vistas and landscape features for permanent conservation.

**Section 10.249.2 Definitions**

Open Space is defined as any area that is not divided into private or civic building lots, streets, rights-of-way, parking, or easements established for the purposes other than open space conservation.

**Section 10.249.3 General Requirements**

- 1) Whenever this section is silent to a development standard the standards established for the conventional development pattern in the zoning district shall be followed.
- 2) The open space regulations are only applicable to new subdivisions that are 5 or more acres. At the time the subdivision is brought before the City, the developer must inform the Staff that they wish to pursue an open space residential subdivision.

**Section 10.249.4 Open Space Standards**

(a) In any of the single-family residential zoning districts indicated below, a developer may create lots that are smaller than those required by the zoning district if such developer complies with the provision of this section and if the lots created are not smaller than the minimums set forth in the following table:

<u>Zone</u>	<u>Open Space Minimum Square Feet</u>
R-18	16,000
R-15	13,000
R-12	10,000

(b) The appropriate setback requirements found in Section 10.245 shall apply to open space residential subdivisions.

(c) Minimum lot widths for each zoning district shall be amended as follows:

<u>Zone</u>	<u>Open Space Minimum Lot Width</u>
R-18	80
R-15	70
R-12	60

(d) The amount of **usable** open space that must be set aside shall be determined by:

- (1) Subtracting from the standard square footage requirement set forth in Section 10.245 the amount of square footage of each lot that is smaller than that standard:



- (2) Adding together the results obtained in (1) for each lot.
- (e) The provisions of this section may only be used if the **usable** open space set aside in a subdivision comprises at least 20,000 square feet of space that satisfies the definition of **usable** open space set forth in Section 10.249.2.
- (f) Any open space subdivision that exceeds 10 lots shall have a minimum of **20 percent** or total of **5,000 square feet of space**, whichever is greater, of open space set aside and shall be classified as recreational open space, including but not limited to the requirements of Section 10.249.6 (3) and Section 10.249.6 (4)

#### **Section 10.249.5 Open Space Criteria**

- (a) In selecting land to be set aside as **usable** open space the developer shall choose areas from the following categories in descending order of importance before designating other land for open space use.
- (1) Designated buffer areas together with any floodway and floodplain they are buffering.
  - (2) Land within 30 feet of other bodies of water or watercourses.
  - (3) Other flood hazard areas or land with slopes greater than 15%.
  - (4) Other hazard areas or environmentally sensitive areas such as noise and privacy buffers for surrounding properties and neighborhoods.
  - (5) Lands that will protect important view sheds and/or trees along existing roads and provide privacy for the development.
  - (6) Other areas within the proposed development.
- (b) Under no circumstances may a right-of-way, easement (excluding those for public purposes), setback requirement, or a portion of a subdivided lot be considered as part of the open space requirement.
- (c) Open space areas shall be legally and easily accessible to the residents of the development from which the required open space is taken.
- (d) Recreational Open Space as defined in Section 10.249.4 (f) shall not be less than 50 feet in the shortest dimension with the exception of walking trails

#### **Section 10.249.6 Uses or Activities Permitted in Open Space Areas**

- (1) Conservation of land in its natural state (for example, woodland, fallow field or managed meadow).
- (2) Agricultural uses, including raising of crops or livestock.
- (3) Passive recreation, including but not limited to trails, picnic areas, community gardens and lawn areas.



- (4) Active recreation areas such as golf courses, swimming areas, playing fields, playgrounds, courts and associated parking. These areas shall be designed to enhance the required open space area.
- (5) Pasture for recreational horses.
- (6) Easements for drainage, access (i.e. greenways, bike trails, etc.), sewer or water lines, or other public purposes.
- (7) Storm water management facilities for the proposed development or for a larger area in compliance with a watershed management plan.

**Section 10.249.7            Uses or Activities Prohibited in Open Space Area**

Uses or activities prohibited in open space areas are cutting of healthy trees, regrading, topsoil removal, altering, diverting or modifying watercourses or bodies. Exceptions shall be in compliance with a land management plan or watershed management plan for the tract in question conforming to the customary standards of forestry, erosion control and engineering.

**Section 10.249.8            Ownership and Maintenance of Open Space**

- (a) Ownership of open space may be handled through one (1) or more of the following, and all open space land will be permanently restricted from future development through deed restriction.
  - (1) A homeowner’s association;
  - (2) Transfer to a private conservation organization;
  - (3) Dedicated to the City of Graham.
- (b) Unless the City agrees to accept the dedication, ~~usable~~ open space that is required to be provided by the developer shall remain under the control of a homeowner’s association or similar organization that satisfies the criteria listed below. If the required open space is not publicly dedicated it shall be available to all residents of the development under reasonable rules and regulations. The regulations shall be established to encourage and govern the use of the open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowner’s association.
- (c) The association or agency identified as having the right of ownership and control over the required open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- (d) Natural features are generally to be maintained in their natural condition but may be modified to improve their appearance, function or overall condition. Permitted modifications may include:
  - (1) Reforestation;
  - (2) Woodland Management;
  - (3) Meadow Management;



(4) Buffer Area Landscaping;

(5) Streambank Protection; and

(6) Wetlands Management.

(e) In no event will a radical change in open space be permitted so as to destroy what may have been an initial sales feature for surrounding homeowners, for example, the removal of all timber, etc. The cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowners association, unless the City of Graham agrees to accept the dedication of the property.







# STAFF REPORT

Prepared by Cameron West, Planner

## Text Amendment for:

**Type of Request:** Text Amendment for HRC Member Reduction

## Meeting Dates

Planning Board on July 16, 2024  
City Council on August 13, 2024

## Contact Information

On Behalf of Planning Staff from Council Request

## Summary

The City Council has requested City Staff to create a text amendment that would reduce the number of Historic Resource Commission members from 7 to 5 due to the lack of quorum with the current appointed members.

## Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

### Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

## Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment updates the language to provide a better platform for the existing and future HRC members to serve on.

### Project Name

Text Amendment for HRC Member Reduction (AM2403)

### Location

city-wide

### Current Zoning

not applicable

### Proposed Zoning

not applicable

### Overlay District

not applicable

### Staff Recommendation

Approval

### Planning District

All

### Development Type

All

- (3) Recommend to the City council individual structures, buildings, sites, areas, or objects to be designated by ordinance as “historic landmarks” or that designation of any historic landmark be revoked or removed for cause;
- (4) Prepare and publish standards and criteria for the review of certificates of appropriateness for all designated historic districts and historic landmarks;
- (5) Prepare and publish rules of procedure;
- (6) Review and act upon applications for certificates of appropriateness;
- (7) Establish criteria, procedures and standards by which designated City staff may review and approve certificates of appropriateness for minor works;
- (8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- (9) Prepare and recommend the adoption of a preservation element as part of the City’s comprehensive plan;
- (10) Propose to the City council changes to this division or any related ordinance and to propose new ordinances or laws relating to the total program for the development of the historic resources of the City and its environs;
- (11) Cooperate with other City boards or commissions or with agencies of the City or other governmental units, including federal and state governments, to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest;
- (12) Conduct an educational program with respect to historic districts and landmarks within its jurisdiction;
- (13) Undertake programs of information, research, or analysis relating to any matters under its purview;
- (14) Request the zoning enforcement officer to take such action as may be appropriate to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in any historic district or historic landmark in violation of the provisions of this division;
- (15) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate; and,
- (16) To exercise such other powers and perform such other duties as are required elsewhere by this division, the General Statutes of North Carolina or by the City council.

(c) Members, Officers and Meetings



- (1) Members. The commission shall be composed of ~~seven (7)~~ **five (5)** members appointed by the Graham City council. All members shall be residents of the territorial zoning jurisdiction of Graham and shall have demonstrated special interest, experience or knowledge in history, architecture, archaeology, or a related field. Members shall serve overlapping terms of four years. The City council shall strive to fill any vacancy within 60 calendar days. Individuals appointed to fill vacancies on the commission shall serve out the term of the member whom they replace. Prior to starting duties, a member must take the Oath of Office as required by 160D-309. If a property in the extraterritorial jurisdiction of the City of Graham is adopted as a local historic property or district, the City must provide proportional representation on the Historic Resources Commission pursuant to 160D-307.
- (2) Attendance at meetings. Any member who misses more than two consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the commission and shall be replaced or reappointed by the City council. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.
- (3) Chair and Vice-Chair. Members of the commission shall elect a chair at the last regular meeting of each calendar year. The chair shall decide all points of order and procedure, subject to the rules of procedure, and shall appoint any committees found necessary to investigate any matters before the commission. A vice-chair shall be elected in the same manner and for the same term as the chair and shall serve as acting chair in the absence of the chair.
- (4) Meetings. The commission shall establish a regular meeting time, and shall meet at least quarterly and more often as it shall determine and require. All meetings shall conform to the North Carolina open meetings law (G.S. Chapter 143, Article 33C). The commission shall adopt and publish rules of procedure for the conduct of its business.
- (5) Minutes of meetings. The commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, actions and the reasons for its actions. The minutes of the commission shall be a public record.
- (6) Quorum and Voting. A quorum shall consist of a majority of the members of the commission. The vote of a majority of those members present shall be sufficient to decide matters before the commission, provided a quorum is present. No commission member shall participate in the decision of any matter in which he has a personal financial interest.
- (7) Annual report. An annual report shall be prepared and submitted to the City council at or before its regular March meeting. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the commission, as well as any budget requests and/or recommendations.

**Section 10.202                      Designation of Historic Districts**

- (a) Criteria for Designation. Historic districts shall be of special significance in terms of their history, prehistory, architecture and/or culture, and possess integrity of design, setting, materials, feeling and association.





# STAFF REPORT

Prepared by Cameron West, Planner

## Text Amendment for:

**Type of Request:** Text Amendment for No Soliciting Signage Exemption

## Contact Information

On Behalf of Planning Staff

## Meeting Dates

Planning Board on July 16, 2024  
City Council on August 13, 2024

## Summary

City Staff is requesting a text amendment to the sign ordinance that allows for a no soliciting sign to be installed at the main entrance of a development subject to certain stipulations. This request stems from a previous amendment to the code of ordinance which allowed these types of signs to be approvable in the City Limits. When this amendment was approved there was never a similar amendment in the Development Ordinance where staff could permit these signs. This amendment adds this permitting aspect and adds an additional layer of approval that wasn't previously available in the sign ordinance by adding requirements on size, location, and entity who can install signage.

### Project Name

Text Amendment for No Soliciting Signage Exemption (AM2404)

### Location

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

Not applicable.

### Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

### Planning District

All

### Development Type

All

## Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment updates the language to permit no soliciting signage and bridge the gap between the code of ordinance allowance and the new development ordinance allowance

*Sign, wall:* A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

*(Section 10.390 amended 1/6/2009)*

**Section 10.391 Intent**

It is the intent of this section to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, appropriate to the type and intensity of activity to which they pertain, expressive of the identity of individual properties or occupants or products or of the community as a whole, legible in the circumstances in which they are seen and appropriate to traffic safety.

**Section 10.392 Scope generally**

Unless specifically exempted, no sign visible from a public right-of-way, whether exterior to or interior to a structure, shall be erected, displayed or substantially altered except in accordance with the provisions of this article and until a permit has been issued by the building inspector.

**Section 10.393 Exemptions**

The following signs are exempt from regulation and permit requirements under this article, provided such signs comply with the provisions of Section 10.397 General Limitations and Section 10.399:

- (1) Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed two (2) signs per zoning lot or two (2) square feet in area per display surface.
- (2) Flags and insignia of a government, when not displayed in connection with a commercial promotion.
- (3) Legal notices; bankruptcy, estate and legal sale signs and traffic directional or regulatory signs erected by or on behalf of a governmental body
- (4) Memorial signs or tablets and names and construction dates of buildings when cut into any masonry surface.
- (5) Signs directing and guiding traffic and parking on private property, provided such signs are non-illuminated or indirectly illuminated, bear no advertising matter and do not exceed four (4) square feet in area per display surface.
- (6) Real estate signs advertising the sale, rental or lease of the premises on which said signs are located, provided such signs do not exceed one sign per street frontage or one sign per four hundred (400) feet of street frontage, or six (6) square feet in area per display surface, and are removed immediately after sale, rental or lease of the premises.
- (7) Construction site identification signs whose message is limited to identification of architects, engineers, contractors and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building and the expected completion date, provided such signs do not exceed one sign per construction site or thirty-two (32) square feet in area per display



surface, are not erected prior to issuance of a building permit and are removed within seven (7) days of issuance of a certificate of occupancy. Construction signs in residential zones shall not be illuminated or reflectorized.

- (8) Temporary political yard signs advertising candidates or issues, provided such signs do not exceed one sign per candidate per zoning lot or sixteen (16) square feet in area per display surface, are not erected prior to forty-five (45) days before the actual election day and are removed within seven (7) days after the election.
- (9) Yard or garage sale signs announcing yard or garage sales, provided such signs do not exceed one sign per site of such sale or four (4) square feet in area per display surface, and are removed within seven (7) days of erection.
- (10) Public event announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs do not exceed one sign per site of such events or activities and twelve (12) square feet in area per display surface, and are removed within fourteen (14) days of erection.
- (11) Temporary signs announcing grand openings of new businesses only, provided such signs do not exceed thirty-two (32) square feet of display area per business site, and are removed within thirty (30) days after they are erected. Such signs shall not be electrified.
- (12) Signs erected by the City or other governmental agencies, such as street signs, public service signs and historical markers, which contain no commercial advertising matter.
- (13) Churches shall be permitted two (2) freestanding signs per zoning lot. Each sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. All other regulations of this article shall apply.
- (14) Temporary signs identifying businesses or business events provided such signs are:
  - (a) Located on the business lot.
  - (b) Not to exceed sixteen (16) square feet in area per display surface.
  - (c) Not to exceed more than one (1) sign per street frontage or one (1) per one-hundred (100) feet of road frontage not to exceed (2) signs per street frontage.
  - (d) Not located less than one-hundred (100) feet from another temporary sign on same frontage.
  - (e) To be located outside of the right-of-way of any public street.
  - (f) Not located on residentially zoned lots.
  - (g) Erected not to exceed thirty (30) days in a ninety (90) day period per business.
- (15) Signs that are not visible from a public way.
- (16) Holiday decorations in season.



(17) Signs at the main entrance to a neighborhood that says “no soliciting” or has comparable language, provided such signs are posted by the authority granted to it, signs do not exceed four (4) square feet in size, and only one being allowed at each main entrance to the development.

