



City of Graham Planning Board

Meeting Agenda

September 17th, 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 August 20, 2024, meeting minutes.
6. Old Business:
 - a. RZ2402 - Jimmie Kerr Road B-2
7. New Business
 - a. AM2405 - Recreational Open Space Location
 - b. AM2506 - Short-Term Rentals and Boarding Houses
8. Public comment on non-agenda items.
9. Staff comment.
10. Adjournment.



PLANNING BOARD MINUTES
Tuesday, August 20, 2024

The Planning & Zoning Board held its regular meeting on Tuesday, August 20, 2024. Members present were Tony Bailey, and James Stockert, Chad Huffine, Jim Young, Vice Chair John Wooten, and Chair Dean Ward. Michael Benesch was absent. Staff members present were Planner Cameron West and Planning & Inspection Technician Debbie Jolly.

1. Meeting called to order at 6:30 p.m. by Chair Dean Ward
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 July 16, 2024 minute of the Planning Board. John Wooten moved that the minutes be approved, Jim Young seconded. All voted Aye.
6. New Business:
 - a. RZ2402 – Jimmie Kerr Road B-2: Chair Dean Ward noted that the applicant was not in attendance and it has been customary that the Planning Board not make decisions on an item when the applicant was not present to answer questions. Chad Huffine made a motion to table the item to then next meeting, seconded by Chair Dean Ward. All voted Aye
7. Public comment on no agenda items- None.
8. Staff comments- Staff noted that the three previous text amendments were approved by City Council
9. Adjournment- John Wooten made a motion to adjourn. Seconded by James Stockert. All vote aye.

Meeting Adjourned at 6:40 p.m.

Respectfully submitted this day 3rd of September, 2024
Cameron West



STAFF REPORT

Prepared by Cameron West, Planner

Jimmie Kerr Road (RZ2402)

Type of Request: Rezoning

Meeting Dates

Planning Board: September 17th, 2024

City Council on October 8th, 2024

Contact Information

Shannon Donoho

3938 Forest Oaks Lane Mebane NC 27302

919-805-8478

boodonoho@hotmail.com

Summary

This is a request to rezone a .79-acre lot at 759 Jimmie Kerr Road and 0 Jimmie Kerr Road from Un-zoned to B-2 (General Business). The applicant wishes to make a water connection to the existing house on the property. Doing so requires the applicant to get annexed into the City. The property cannot be annexed without an appropriate zoning classification. The applicant has requested the B-2 zoning district to stay consistent with the zoning in the area and also keep the single-family home in an approved zoning use classification. The property also has a portion of land in the city that is zoned B-2. This property is not listed on the Future Land Use Map since it is outside of our city limits but the land use maps shows the area being an industrial warehousing use area.

Location

Jimmie Kerr Road

GPIN:

8894676053 8894666926

Current Zoning

Un-zoned

Proposed Zoning

B-2 (General Business)

Overlay District

N/A

Surrounding Zoning

B-2 Un-zoned

Surrounding Land Uses

Vacant Single Family Industrial

Size

.79 acres

Public Water & Sewer

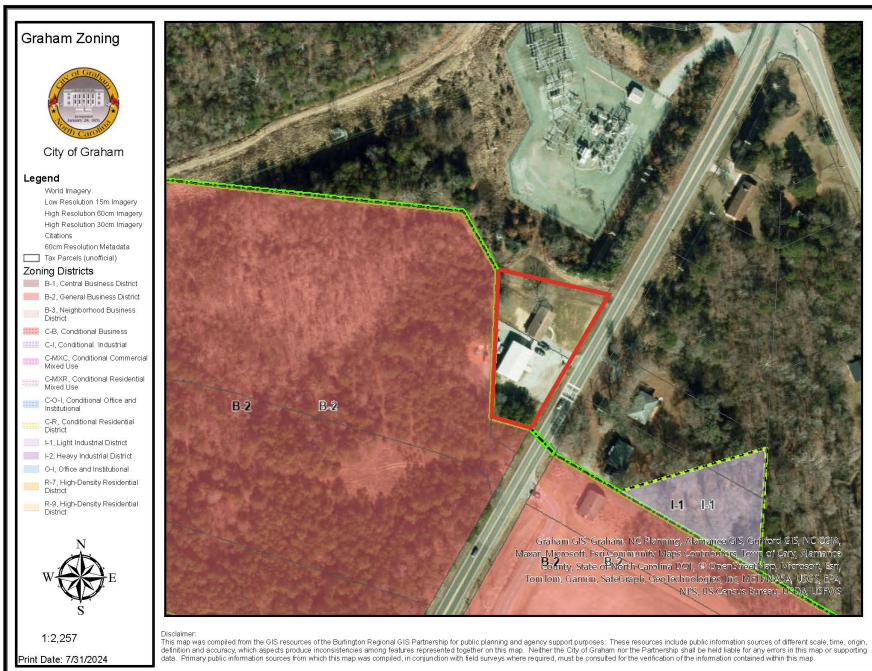
ater

Floodplain

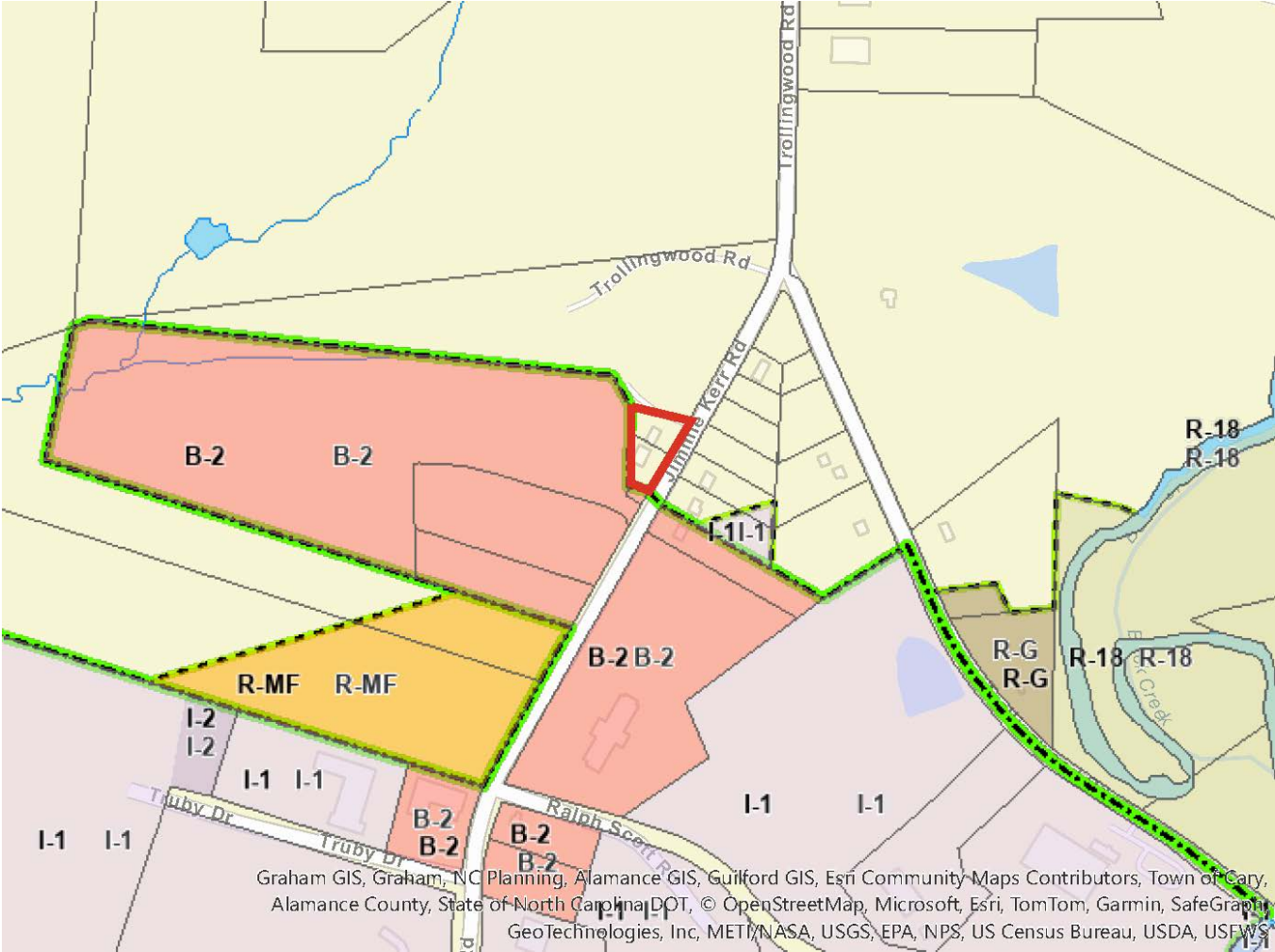
No

Staff Recommendation

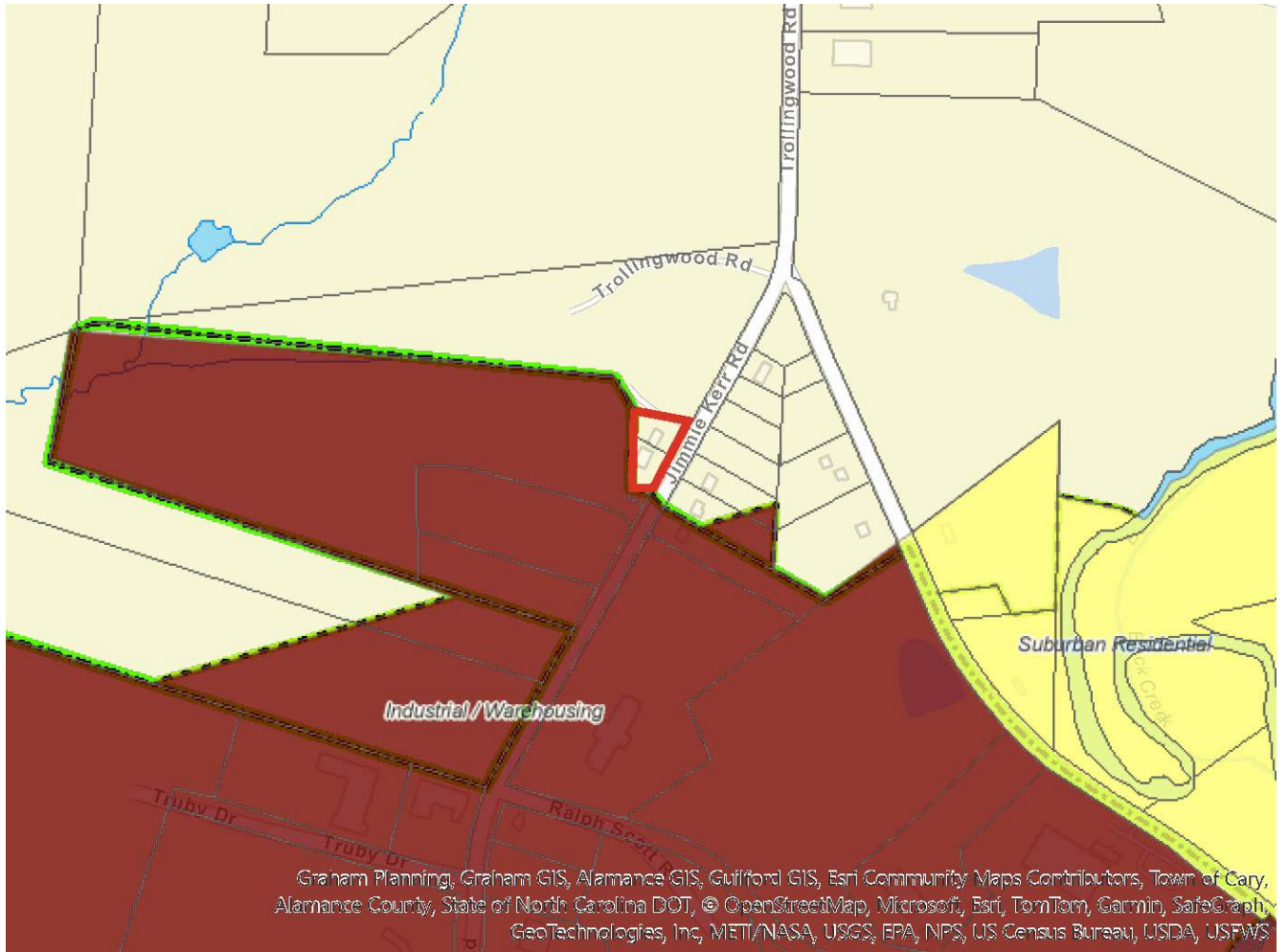
Approval



Zoning Map



Future Land Use Map



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

Applicable Policies:

- The Future Land Use Map provides direction for land use changes in Graham over time. **Future land use designations provide information on where and how to grow in an efficient, sustainable, and orderly manner.** Physical form is a critical component of future growth and this section addresses development patterns in Graham. The Future Land Use Map follows several growth principles, and will guide the City's land use decisions.
- 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.
- 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.

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:

- The proposed use of zoning is consistent with the current land zoning and land use plan for the overall goal of establishing water in this residence.



STAFF REPORT

Prepared by Cameron West, Planner

Type of Request: Text Amendment for Recreational Open Space Location

Meeting Dates

Planning Board on September 17, 2024
City Council on October 8, 2024

Contact Information

On Behalf of Planning Staff from Council Request

Summary

The City Council has requested City Staff to analyze the previously approved recreational open space ordinance and include a section that provides a location requirements of recreational open space inside of new open space subdivisions. Staff has come up with a requirement that 90% of lots must be located within one-quarter (1/4) mile (or 1,320 feet) of a recreational open space area. This will be measured by the linear feet of right of way that leads to the recreational open space area.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable.

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

<u>Project Name</u> Text Amendment for Recreational Open Space Location (AM2405)
<u>Location</u> city-wide
<u>Current Zoning</u> not applicable
<u>Proposed Zoning</u> not applicable
<u>Overlay District</u> not applicable
<u>Staff Recommendation</u> Approval

<u>Planning District</u> All
<u>Development Type</u> 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 location inside of developments that previously was not required.

Section 10.249.5 Open Space Criteria

- (a) In selecting land to be set aside as 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.
- (e) In open space subdivisions which require recreational open space, as defined by Section 10.249.4 (f), 90% of lots must be located within one-quarter (1/4) mile (or 1,320 feet) of a recreational open space area. This distance will be measured in linear feet on a right-of-way that leads from a lot to a recreational open space area.

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.





STAFF REPORT

Prepared by Cameron West, Planner

Type of Request: Text Amendment for Short-Term Rentals and Boarding Houses

Meeting Dates

Planning Board on September 17, 2024
City Council on October 8, 2024

Contact Information

On Behalf of Planning Staff from Council Request

Summary

The City Council has requested City Staff to review and include definitions for both Short-Term Rentals and Boarding Homes inside of the Development Ordinance. Staff has defined them, included them in the Table of Permitted Uses, and provided use specific notes that add an extra layer of requirements for these uses.

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 Short-Term Rentals and Boarding Houses (AM2406)

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 in our ordinance to provide definitions for both Short-Term Rentals and Boarding Houses. This allows staff to provide a guideline to potential interested parties who are interested in operating these types of uses as it is not specifically defined now.

Boarding House - A residential establishment which accommodates single-room occupancies of unrelated individuals for compensation. Guests are expected to stay on a long-term basis, at least 90 days consecutively, as these establishments cater to people who need temporary or semi-permanent accommodation. Guests may have access to a number of communal services including but not limited to: a kitchen, housekeeping, meals, and laundry services. *This does not include hotels, motels, bed and breakfasts, and short-term rentals.*

Boutique Shop— 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 of foods, gourmet/imported food stores, bakeries, cafes, specialty non-drive through restaurants, delicatessens, and organic food and beverage stores.

Buffer - (Along a stream or other body of water) An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not form a channel and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building - Any structure enclosed and isolated by exterior walls or columns constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, manufactured homes, freestanding billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof."

Building, height of - The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building line - A line that establishes the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.

Comprehensive Plan— A Comprehensive Plan is not a law, rather the Plan overviews the City's policies, goals, and plans. A Comprehensive Plan consolidates a vast amount of information into a single document that can be understood and used as a guide for making decisions for developing sustainable, efficient, and prosperous community. The Comprehensive Plan should keep the health, safety, and welfare of all residents and future residents in mind. The plan was created with resident input, and may be expanded and amended with future study area information as needed.

Condominium— Two or more single units in a multi-unit structure with common areas and facilities, on one tract of land. Unit owners own only the interior portions of their unit and accessory space and have an undivided interest in the common areas and facilities. Condominium ownership may be created by initial development or by an owner or the co-owners of a structure by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act," of North Carolina (Chapter 47A of the North Carolina General Statutes).

Congregate Care Facility - A facility providing shelter and services for ambulatory individuals at least 55 years of age who by reason of their age, functional impairment, or infirmity may require meals



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



issuance of the permit whose ownership or employment would have originally prevented issuance of the permit; violation of a zoning, building, or fire prevention ordinance by the permittee.

Use: Antique and Other Specialty Shops in Structures Designed for Residential Use

Special Use Districts: O-I

General Restrictions

1. No more than two salespersons may be employed on the premises at any given time.
2. No flashing lights or fluttering designed and used to attract attention shall be permitted.
3. No lights shall be so arranged as to direct light into any residence.
4. If the shop is within 100 feet of any dwelling, other than that of the shop operator, the shop shall not operate between the hours of 6:00 p.m. and 9:00 a.m.

Use: Boarding House

Special Use Districts: R-9, R-7, R-G

General Restrictions

1. No signs permitted advertising the Boarding House on site.
2. Lighting shall be residential in nature
3. One resident per 500 square feet of the home.
4. 1 parking space per bedroom is required, not including on-street parking

Use: Car Wash

Special Use Districts: B-3 District

General Restrictions

1. No flashing lights or fluttering devices designed and used to attract attention shall be permitted.
2. No outdoor storage of any equipment, merchandise, or rubbish shall be permitted.
3. All floodlights shall be turned off at the close of business or at 11:06 p.m., whichever is earlier.
4. No lights shall be so arranged as to direct or reflect light into any residence.
5. No curb cut shall be less than 25 feet from the intersection of any two street curb lines. Curb cuts shall not be wider than 25 feet. No more than two curb cuts shall be permitted on each abutting street.



- c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
- d) Masturbation, actual or simulated; or
- e) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
- g) Human excretion, urination, menstruation, vaginal or anal irrigation.

Short-Term Rental - A furnished dwelling that is rented as a whole for periods of less than 30 days consecutively for compensation. These should be rented for traveling activities including, but not limited to: vacation, leisure, recreational, or employment. *This does not include hotels, motels, boarding homes, or bed and breakfasts.*

Sign - A sign is any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, 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 product, which are visible from any public way and used to attract attention.

Site-specific Development Plan - A plan of land development submitted for approval by the City council for the purpose of obtaining a vested right pursuant to NCGS 160D-102 and 160D-108.

Solar Farm – A utility-scale commercial solar energy system, the full size of which (including all equipment, accessory buildings, and planting yards) is one acre or more. Solar Farm site plans shall require the approval of the TRC. *(Added 2/2/2016)*

Special Use Permit - A special use permit may be granted by the City council or Board of adjustment for a specified land use which is permitted in a given zoning district under ordinance provisions which authorize the use when the Board makes specified findings. Special use features introduce flexibility into the zoning ordinance so that uses that might otherwise be unsuitable in a district can be made satisfactory to the neighbors.

Stormwater Control Measure (SCM or BMP) – A permeant structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration or mimic the natural hydrologic cycle by promoting infiltration, evapo-transportation, post-filtration discharge, reuse of stormwater, or a combination thereof.

Stormwater Runoff - The direct runoff of water resulting from precipitation in any form.

Stream - A water course that collects surface runoff.

Stealth - The technology of, or the structure containing telecommunications or telephone communications antennae in a structure or building so that the antennae are disguised to look like something else. Examples include steeples, bell and clock towers, silos, pine trees, office buildings and others.

Street - A public thoroughfare which affords the principal means of access to abutting property.



Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
School, commercial, vocational									S	C	S	X	X	C	X	X	C	C	C	1
School, music, art, martial arts, or dancing											X	X	X	C	X		C	C	C	1
Septic Tank Installation and Servicing Businesses															X	X	C			3
Sexually Oriented Business												S			S					5
Shooting Range, Indoor															X	X	C			3
Shooting Range, Outdoor																S				4
Short-Term Rental (See Note 25)			X	X	X			X				X	X							
Solar Farm (See Note 24)						C				C				C	X	X	C	C	C	2
Stable, including riding facilities	S														S	S	C			1
Storage Yard, See Note 13															X	X	C			5
Tanning Salon									X	C		X	X	C				C	C	3
Tattoo Business												X			X	X				3
Taxidermist												X		C	X		C		C	3
Temporary Construction or Real Estate Office, Storage Facilities – use to be terminated upon completion of construction	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	n/a
Theater (indoor)												X	X	C	X		C	C	C	3
Tire Recapping and Retreading (principal use)															X	X	C			3
Tire Sales												X		C	X		C		C	3
Towers, Radio, Television, Cellular and Digital Communication															S	S	C			5
Truck and Utility Trailer Rental and Leasing												X		C	X	X	C			4
Trucking or Freight Terminal, Storage, Repair, Wash, or Stop															S	S	C			4
Unattended facilities for public utilities, See Note 16	X	X	X	X	X	C	X	X	X	C	X	X	X	C	X	X	C	C	C	2
Utility building sales, sales of storage sheds and trailers												X			X	X	C			
Unified Business Development, Heavy									S	C		S	S	C	S		C	C	C	3



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. **Short-Term Rentals** – A Zoning Permit is required to operate the use. No signage advertising the use is permitted on site. All exterior lighting shall be residential in nature. 1 parking space per bedroom is required, not including on-street parking. Overnight occupancy will not exceed two-persons per bedroom.

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

Each use for which a special use permit is required is indicated in the Table of Permitted Uses, by an "S" in the column for a particular zoning district. The "S" indicates that such use may be placed in that zoning district only after a special use permit has been approved by the City council and issued by the zoning enforcement officer.

Section 10.139 Application for a Special Use Permit

Applicants for a special use permit are advised to confer with the Planner before formal application for a permit in order to ascertain what information must accompany the formal application. Applications for special use permits shall be submitted to the Planner. Depending on the character and size of the

