



**TOWN OF GRANITE QUARRY
PLANNING BOARD
REGULAR MEETING AGENDA
August 2, 2021
6:00 p.m.**

Call to Order	Chairman Luhrs
Determination of Quorum	Chairman Luhrs
1. Approval of Agenda	Board
2. Approval of Minutes	June 7, 2021 Regular Monthly Meeting
New Business	
3. Text Amendment	Driveways
4. Text Amendment	Exempt Subdivision
5. Discussion	Historic District
6. Discussion	Residential Fence Standards
Old Business	None
Adjourn	

Agenda Item Summary
Regular Monthly Meeting
August 2, 2021
Agenda Item 1

Summary

The Board may discuss, add, or delete items from the agenda.

Action Requested

Motion to adopt the agenda (as presented / as amended).

Approval of Agenda

Motion Made By:

Second By:

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Against:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Agenda Item Summary

Regular Monthly Meeting

August 2, 2021

Agenda Item 2

Summary

Draft minutes from the June 7, 2021 Regular Monthly Meeting are attached for your review.

Action Requested

Motion to approve the June 7, 2021 Regular Monthly Meeting minutes (as presented / as amended).

Approval of Minutes

Motion Made By:

Second By:

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
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Against:

- Chair Richard Luhrs
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- Joe Hudson
- Mike Brinkley
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- Dolores Shannon (A)
- Jim King (A)
-



**TOWN OF GRANITE QUARRY
PLANNING BOARD
REGULAR MEETING MINUTES
June 7, 2021 6:00 p.m.**

Present: Chair Richard Luhrs, Jared Mathis, Joe Hudson, Ronald Jacobs, Dolores Shannon (A)

Not Present: Vice Chair Michelle Reid, Mike Brinkley, Jerry Holshouser, David Morris, Jim King (A)

Staff: Town Planner Steve Blount, Town Clerk Aubrey Smith

Call to Order: Chairman Luhrs called the Planning Board meeting to order at 6:02 p.m.

Determination of Quorum: Chairman Luhrs verified there was a quorum present.

1. Approval of Agenda

Chairman Luhrs stated that he questioned who was responsible for setting the Planning Board agenda and asked that it be clarified in the future.

ACTION: Mr. Jacobs made a motion to adopt the agenda as presented. Ms. Shannon seconded the motion. The motion passed 4-0.

2. Approval of Minutes

ACTION: Mr. Hudson made a motion to approve the minutes from the May 3, 2021 Regular Monthly Meeting as presented. Mr. Jacobs seconded the motion. The motion passed 4-0.

New Business

3. St. Lukes Rd Subdivision Parcel 628 243

Planner Blount presented the property owner's request for the subdivision of parcel 628 243 into two parcels- one parcel of four acres of land and one parcel of forty-sixty acres of land. A single house will be built on the four-acre parcel.

Opened: Chairman Luhrs opened the public hearing at 6:07 p.m.

Comments of those in favor: None

Comments of those opposed: None

Closed: Chairman Luhrs closed the public hearing at 6:07 p.m.

Planning Board Statement of Consistency with Comprehensive Plan - Subdivision

In voting to allow the proposed subdivision of property, the Granite Quarry Planning Board does find this decision to be in the best interest of the public and to be consistent in general with policies stated in the Town's Comprehensive Plan.

ACTION: Mr. Jacobs made a motion to approve the subdivision. Ms. Shannon seconded the motion. The motion passed 4-0.

ACTION: Mr. Jacobs made a motion to adopt the statement of consistency. Mr. Hudson seconded the motion. The motion passed 4-0.

4. Conflict of Interest Text Amendment

Planner Blount reviewed his memo on the Conflict of Interest Text Amendment and recommended the text amendment to the Unified Development Ordinance.

ACTION: Mr. Mathis moved to approve. Mr. Jacobs seconded the motion. The motion passed 4-0.

5. Flood Prevention Ordinance Text Amendment

Planner Blount reviewed his memo on the Flood Prevention Ordinance Text Amendment and recommended the text amendment to the Unified Development Ordinance.

The Board discussion included questions on the difference between stormwater and flood damage ordinances and protections for the residents.

ACTION: Mr. Jacobs moved to approve. Mr. Mathis seconded the motion. The motion passed 4-0.

Old Business

6. Town Appearance Improvement

Code Enforcement v. Encouragement v. Town Action

Planner Blount showed a PowerPoint presentation on town appearance improvement efforts and encouraged trees and creativity in future planning.

Adjournment

ACTION: Mr. Jacobs made a motion to adjourn the meeting. Mr. Hudson seconded the motion. The motion passed 4-0.

Chairman Luhrs closed the meeting at 6:59 p.m.

Respectfully Submitted,

Aubrey Smith

Town Clerk

MEMO

Date: March 16, 2020, Revised 6/7/2021

RE: Driveways

Narrative:

Both Section 10.1.9.4 of the Unified Development Ordinance (UDO) and Chapter 22, Article II of the Town's Code of Ordinances reference driveway regulations. As there is some language in each that is not in the other and as some requirements are contradictory, we are suggesting a completely new rewrite of the Code of Ordinance section and a deletion of all driveway regulations currently included in the *UDO*, specifically Section 10.1.9.4 in the UDO will be deleted (with a note directing reader to Chapter 22, Article II of the Code of Ordinances) and Article II of Chapter 22 in the Code of Ordinances will be completely rewritten.

Some of the confusion and contradiction comes from mixing the requirements for commercial and residential driveways and with little thought given to driveways included as a new structure is built versus those added after-the-fact. Our rewrite will breakout the requirements into several subsections to address differences and avoid confusion.

Suggested text amendment:

Article II, Driveways

A. General

- a. It shall be unlawful for any person to break out or cut any street curb for the purpose of constructing a driveway entrance to any property or to construct any driveway across the grass planting strip or sidewalk where curbs do not exist without first obtaining a permit from the Town's Planning Department. A separate permit will not be required where driveway curb cuts are built as a part of a new or reconstructed street.
- b. Plans for curb cuts for new driveways including approach aprons, sidewalks, driveways and parking areas will be approved by the Town's Maintenance Director who will also inspect the final installation.
- c. No driveway shall be permitted to be closer than 5 feet to an adjacent property line. No driveway for a corner lot shall be permitted within 15 feet of the intersecting right-of-way lines.
- d. No driveway shall be permitted so to interfere with a sidewalk intersection, traffic signal, street light standard or support, fire hydrant or water meter.
- e. Driveways shall be constructed so as to prevent stormwater from flowing down the driveway. This shall be accomplished by sloping the approach apron (entrance) or driveway itself up from its connection to the road surface, maintaining a valley at the road connection point.
- f. Drainage ditches along roads will be piped under the driveway with a concrete pipe of adequate size to carry the water flow as determined by the Town's Maintenance Director but not less than 15 inches in diameter. Pipe should be

installed as per NCDOT standards and approved by the Town's Maintenance Director.

- g. Driveways connecting to State maintained roads shall be permitted by NCDOT and installed per their standards.
 - h. Street pavement, curb and gutters, and sidewalks disturbed during the installation of driveways shall be repaired to like-new condition by the contractor or property owner.
 - i. Driveway approach apron shall be constructed of poured concrete at least 6 inches thick on a stone base and at least 24 inches wide or wide enough to connect to new or existing sidewalks. When connected to an existing 4-inch thick sidewalk, that sidewalk shall be replaced with a new 6-inch thick, 3,000 PSI concrete sidewalk at least 5 feet wide (or wider if needed to match existing sidewalks).
 - j. When a driveway is relocated on a property, the unused portion of the existing curb cut will be replaced by the property owner. When an existing curb cut or driveway entrance is altered or repaired, it shall be made to conform to all dimensional requirements of this section.
 - k. Maintenance responsibility for all driveways including associated curb cuts, sidewalks and driveways will rest with the property owner. After notification, if not repaired within 60 days the Town will undertake needed repairs and bill the property owner for this work. If not paid, the Town will use all legal means to collect the outstanding bill including filling a lien on the property.
- B. Residential Driveways
- a. Driveways shall be no less than 12 feet wide and no greater than 20 feet wide.
 - b. Residential properties shall have no more than two driveway entrances on one street. Corner lots may have 2 driveway entrances on one street and an additional one on the other street.
 - c. Driveway material shall be a minimum of:
 - i. 4-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Pressure compacted 4-inch thick asphalt over a compacted stone base or,
 - iii. Brick pavers over sand on a compacted soil base or,
 - iv. Pervious tiles installed per manufacturer's directions or,
 - v. Decorative rock laid over compacted stone base or,
 - vi. Other paving materials as might be approved by the Town's Maintenance Director
 - d. Driveway shall be installed per industry standards and manufacturer's instructions. Settable materials such as concrete shall be installed using removable forms (excavated dirt edge shall not be used as the form) and after forms are removed, dirt backfill shall be used to bring the adjacent lawn area up to the driveway top elevation. Non-settable materials shall be installed with an edging material (landscape timbers, metal edging, poured concrete edging, etc.) to prevent future erosion of the paving material.
- C. Commercial Driveways
- a. Commercial driveways shall be no less than 25 feet wide and no greater than 35 feet wide. Wider driveways may be approved during the site plan review process.
 - b. Commercial properties shall have no more than two driveway entrances on each street. Corner lots may have 2 driveway entrances on each street.

- c. Driveway material shall be a minimum of:
 - i. 4-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Pressure compacted 4-inch thick asphalt over a compacted stone base or,
 - iii. Other paving materials as might be approved by the Town's Maintenance Director
 - iv. Maintenance Director may require thicker pavement if high truck traffic volume is expected.
 - d. Driveway shall be installed per industry standards and manufacturer's instructions.
- D. Industrial Driveways
- a. Driveways shall be no less than 35 feet wide and no greater than 50 feet wide. Wider driveways may be approved during the site plan review process.
 - b. Industrial properties shall have no more than two driveway entrances on one street.
 - c. Driveway material shall be a minimum of:
 - i. 6-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Other paving materials as might be approved by the Town's Maintenance Director
 - iii. Maintenance Director may require thicker pavement if high truck traffic volume is expected.
 - d. Driveway shall be installed per industry standards and manufacturer's instructions.
- E. Variances
- a. Dimensional requirements of this section can be altered by the issuance of a variance by the Town's Board of Adjustment when their strict enforcement would cause undue hardship on the property owner or make the intended use of the property impossible. Variances may not be issued merely as a matter of cost savings.

Driveways-Code of Ordinances and UDO Text Amendments

The following would be used to create Ordinance or Resolution language for proposed text amendments.

New text shown highlighted in yellow

Deleted text shown with strikethrough

Appendix A-Unified Development Ordinance
Chapter 10 Infrastructure
Section 10.1 Street Standards

Sub Section 10.1.9.4

Driveways.

~~The number of street and driveway connections permitted serving a single property frontage or commercial development shall be the minimum deemed necessary by the Town or NCDOT for reasonable service to the property without undue impairment of safety, convenience, and utility of the roadway. Normally, not more than two (2) driveways shall be permitted for any single property frontage. The arrangement of driveways should be related to adjacent driveways and nearby street intersections and meet the following criteria:~~

- ~~1. Commercial drives leading to a site in the Commercial or Industrial districts must include vertical curb and gutter as stated in 10.1.5.~~
- ~~2. Residential drives shall be located a minimum of 10 feet from the point of tangency of curb radii of street intersections.~~
- ~~3. Driveways serving streets with traffic volumes in excess of 300 ADT or accessing thoroughfares shall be located a minimum of 250 feet from the point of tangency of the radius of curvature of the intersecting street.~~
- ~~4. Where two (2) driveways are proposed along a single property frontage to facilitate operations, the minimum distance between the centerlines of the drives shall be 200 feet.~~
- ~~5. The minimum distance between the centerlines of driveways into shopping centers or facilities generating in excess of 300 ADT shall be a minimum of 400 feet.~~
- ~~6. Full access driveways open to signalization should be 1000 feet apart. Driveways which access thoroughfares and serve more than 1500 ADT shall provide deceleration lanes in approach to the driveway.~~

See Chapter 22, Article II for requirements for all new and existing driveways.

Chapter 22- Streets, Sidewalks, and Other Public Places
Article II-Driveways

Sec. 22-25. - Construction specifications.

The construction of driveways shall be according to town specifications as follows:

A. General

- a. It shall be unlawful for any person to break out or cut any street curb for the purpose of constructing a driveway entrance to any property or to construct any driveway across the grass planting strip or sidewalk where curbs do not exist without first obtaining a permit from the Town's Planning Department. A separate permit will not be required where driveway curb cuts are built as a part of a new or reconstructed street.
- b. Plans for curb cuts for new driveways including approach aprons, sidewalks, driveways and parking areas will be approved by the Town's Maintenance Director who will also inspect the final installation.
- c. No driveway shall be permitted to be closer than 5 feet to an adjacent property line. No driveway for a corner lot shall be permitted within 15 feet of the intersecting right-of-way lines.
- d. No driveway shall be permitted so to interfere with a sidewalk intersection, traffic signal, street light standard or support, fire hydrant or water meter.
- e. Driveways shall be constructed so as to prevent stormwater from flowing down the driveway. This shall be accomplished by sloping the approach apron (entrance) or driveway itself up from its connection to the road surface, maintaining a valley at the road connection point.
- f. Drainage ditches along roads will be piped under the driveway with a concrete pipe of adequate size to carry the water flow as determined by the Town's Maintenance Director but not less than 15 inches in diameter. Pipe should be installed as per NCDOT standards and approved by the Town's Maintenance Director.
- g. Driveways connecting to State maintained roads shall be permitted by NCDOT and installed per their standards.
- h. Street pavement, curb and gutters, and sidewalks disturbed during the installation of driveways shall be repaired to like-new condition by the contractor or property owner.
- i. Driveway approach apron shall be constructed of poured concrete at least 6 inches thick on a stone base and at least 24 inches wide or wide enough to connect to new or existing sidewalks. When connected to an existing 4-inch thick sidewalk, that sidewalk shall be replaced with a new 6-inch thick, 3,000 PSI concrete sidewalk at least 5 feet wide (or wider if needed to match existing sidewalks).
- j. When a driveway is relocated on a property, the unused portion of the existing curb cut will be replaced by the property owner. When an existing curb cut or driveway entrance is altered or repaired, it shall be made to conform to all dimensional requirements of this section.
- k. Maintenance responsibility for all driveways including associated curb cuts, sidewalks and driveways will rest with the property owner. After notification, if not repaired within 60 days the Town will undertake needed repairs and bill the

property owner for this work. If not paid, the Town will use all legal means to collect the outstanding bill including filling a lien on the property.

B. Residential Driveways

- a. Driveways shall be no less than 12 feet wide and no greater than 20 feet wide.
- b. Residential properties shall have no more than two driveway entrances on one street. Corner lots may have 2 driveway entrances on one street and an additional one on the other street.
- c. Driveway material shall be a minimum of:
 - i. 4-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Pressure compacted 4-inch thick asphalt over a compacted stone base or,
 - iii. Brick pavers over sand on a compacted soil base or,
 - iv. Pervious tiles installed per manufacturer's directions or,
 - v. Decorative rock laid over compacted stone base or,
 - vi. Other paving materials as might be approved by the Town's Maintenance Director
- d. Driveway shall be installed per industry standards and manufacturer's instructions. Settable materials such as concrete shall be installed using removable forms (excavated dirt edge shall not be used as the form) and after forms are removed, dirt backfill shall be used to bring the adjacent lawn area up to the driveway top elevation. Non-settable materials shall be installed with an edging material (landscape timbers, metal edging, poured concrete edging, etc.) to prevent future erosion of the paving material.

C. Commercial Driveways

- a. Commercial driveways shall be no less than 25 feet wide and no greater than 35 feet wide. Wider driveways may be approved during the site plan review process.
- b. Commercial properties shall have no more than two driveway entrances on each street. Corner lots may have 2 driveway entrances on each street.
- c. Driveway material shall be a minimum of:
 - i. 4-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Pressure compacted 4-inch thick asphalt over a compacted stone base or,
 - iii. Other paving materials as might be approved by the Town's Maintenance Director
 - iv. Maintenance Director may require thicker pavement if high truck traffic volume is expected.
- d. Driveway shall be installed per industry standards and manufacturer's instructions.

D. Industrial Driveways

- a. Driveways shall be no less than 35 feet wide and no greater than 50 feet wide. Wider driveways may be approved during the site plan review process.
- b. Industrial properties shall have no more than two driveway entrances on one street.
- c. Driveway material shall be a minimum of:
 - i. 6-inch thick 3,000 psi poured concrete over a compacted stone base or,
 - ii. Other paving materials as might be approved by the Town's Maintenance Director

iii. Maintenance Director may require thicker pavement if high truck traffic volume is expected.

d. Driveway shall be installed per industry standards and manufacturer's instructions.

E. Variances

a. Dimensional requirements of this section can be altered by the issuance of a variance by the Town's Board of Adjustment when their strict enforcement would cause undue hardship on the property owner or make the intended use of the property impossible. Variances may not be issued merely as a matter of cost savings.

(Code 2003, § 15-51)

Sec. 22-26. -~~Permit required~~

~~It shall be unlawful for any person to break out any street curb for the purpose of constructing a driveway entrance, or to construct any driveway across the grass plot or sidewalk, without first obtaining a written permit from the public works department.~~

(Code 2003, § 15-52)

Sec. 22-27. -~~Supervision of work.~~

~~Any and all work performed under the provisions of this article shall be done under the supervision of the public works department.~~

(Code 2003, § 15-53)

Sec. 22-28. -~~Paving generally.~~

~~All driveway entrances constructed or reconstructed upon the street rights of way of the town shall be paved in the manner described in this article.~~

(Code 2003, § 15-54)

Sec. 22-29. - ~~Proximity to intersections, hydrants, etc.~~

~~No driveway entrance shall be permitted to intersect the radius of any street corner or be so located that it interferes with intersection sidewalks (or no closer than 25 feet to the intersection of right of way line, whichever is greater), traffic signals, lamp standards, fire hydrants or other public improvements unless specific approval is obtained from the public works department and necessary adjustments to public improvements or installations are accomplished without cost to the town, and in accordance with [section 22-32\(g\)](#).~~

(Code 2003, § 15-55)

Sec. 22-30. - ~~Minimum size of serviced area.~~

~~The area to which a driveway provides access shall be sufficiently large to store vehicles using the driveway completely off the right of way and shall be of sufficient size to allow the functions related thereto to be carried out completely on the private property.~~

(Code 2003, § 15-56)

Sec. 22-31. - ~~Side clearance.~~

~~All portions of the driveway including the returns shall be between the property lines of the property served and shall not encroach on adjoining properties.~~

(Code 2003, § 15-57; Ord. of 8-7-2006)

Sec. 22-32. - ~~Number, width of openings.~~

~~(a) Residential generally. The width of residential driveway entrances shall be limited to 20 feet each as measured along the curbline with not more than two such entrances to the same property. When two~~

entrances are constructed to serve the same residence, there shall be a minimum distance of 25 feet of curb allowed to remain between the driveway entrances measured along the curbline.

(b) *Duplex (two-family)*. The width of a driveway entrance shall be limited to 20 feet each as measured along the curbline when two entrances are made to the same property, provided there shall be a minimum distance of 25 feet of curbline allowed to remain between the driveways. The width of a single driveway entrance to serve a duplex shall be limited to 24 feet. There shall be no more than two entrances to the same property.

(c) *Multifamily*. When driveway entrances are constructed to serve apartment houses, such entrances may be 24 feet in width measured at the curbline with not more than two such entrances to the same property from the same street. When two driveway entrances are constructed, there shall be at least 25 feet between driveway entrances measured at the curbline.

(d) *Joint driveways*. The width of a joint driveway, as may be authorized by the zoning department, serving two adjacent pieces of property shall be limited to 24 feet along the curbline, provided no other means of driveway access is reasonably available and the permit for such driveway is signed by the then owner of the adjacent property. There shall be no more than one joint driveway for each two adjacent pieces of general residential property and no more than two joint driveways for each two adjacent pieces of duplex or multifamily residential property.

(e) *Business*. Driveway entrances and exits, either or both, constructed to serve business property shall not exceed 35 feet in width and not more than two such curb openings shall be permitted from the same street to serve any business or combined group of businesses such as shopping centers. When two openings are constructed, there shall be a minimum distance of five feet of curb allowed to remain between the driveway entrances.

(f) *Industrial*. Curb openings made to provide entrances or exits to industrial plants may be 50 feet in width with not more than one such entrance to the same property; except, that the zoning department may approve, without the concurrence of the board of aldermen, a second entrance when it deems such is in the public interest to facilitate ingress and egress to the property. When two or more such industrial driveway entrances are constructed, there shall be a minimum of 50 feet between such entrances as measured at the curbline.

(g) *Corner lots*. Property having frontage on two intersecting streets within 100 feet of the intersection of such streets shall have access only from the minor or less intensively used street except as may be authorized under [section 22-43](#), and in accordance with [section 22-29](#).

(Code 2003, § 15-58)

Editor's note—Refer to the Unified Development Ordinance, contained in Appendix A to this Code, for standards regarding number and width of openings.

~~Sec. 22-33. -Relocation, alteration or driveway approaches—Permit required; limitation.~~

~~Existing driveway approaches shall not be relocated, altered or reconstructed without a permit approving such relocation, alteration or reconstruction. Such driveway approaches when so relocated, altered or reconstructed shall be subject to the limitations set forth in sections [22-33](#) through [22-36](#).~~

~~(Code 2003, § 15-59)~~

~~Sec. 22-34. - Relocation, alteration or driveway approaches—Replacement of curbs.~~

~~When the use of any driveway approach is changed making any portion or all of any driveway approach unnecessary in the opinion of the zoning department, the owner of the abutting property shall, at his own expense, replace all necessary curbs, gutters and sidewalks within 60 days after written notice from the zoning officer.~~

~~(Code 2003, § 15-60)~~

~~Sec. 22-35. -Relocation, alteration or driveway approaches—Reconstruction by abutting property owner.~~

~~When an existing building or structure is served by a driveway approach (not conforming to the provisions of this article) which is demolished, repaired or altered, the owner of the abutting property shall, at his own expense, reconstruct the driveway approach so as to conform to the provisions of sections [22-33](#) through [22-36](#).~~

(Code 2003, § 15-61)

~~Sec. 22-36. - Driveway approaches; conformance to town standards.~~

~~All work done in the construction of driveway approaches shall conform to town standards for concrete sidewalk and driveway approaches as established in this chapter or by the zoning department. The maintenance department will inspect all such work.~~

(Code 2003, § 15-62)

~~Sec. 22-37. - Thickness of pavements.~~

~~The thickness of pavement shall not be less than six inches including a top surface of not less than one inch of asphaltic concrete and the stone base.~~

(Code 2003, § 15-63)

~~Sec. 22-38. - Replacement of existing sidewalks.~~

~~When any driveway entrance is constructed or reconstructed, any existing four-inch sidewalk shall be replaced with concrete specifications of 3,000 PSI or of not less than six inches in thickness where the driveway crosses the sidewalk. The pedestrian walk shall be indicated by false cracks or lines in the pavement. The newly constructed section of sidewalk shall be at an elevation or grade approved by the maintenance department.~~

(Code 2003, § 15-64)

~~Sec. 22-39. - Materials for construction of residential driveways.~~

~~Paving materials used shall be of cement with specifications of 3,000 PSI or asphaltic concrete with a thickness of at least six inches.~~

(Code 2003, § 15-65)

~~Sec. 22-40. - Property owner's responsibility for maintenance and repairs.~~

~~Responsibility for maintenance and repairs to new and existing driveway entrances or exits shall rest with the property owner. Upon receipt of a notice to repair damaged pavement, the property owner shall make the necessary repairs within 60 days in accordance with the requirements set forth in this article. If the required repairs and/or maintenance are not completed within the time specified, the maintenance department will complete the necessary repairs and/or maintenance and the owner will be responsible for reimbursing the town. Failure to do so within the specified time will result in a lien being placed upon the property.~~

(Code 2003, § 15-66)

~~Sec. 22-41. - Driveways from state highway streets.~~

~~Where the property is to be served by a driveway opening into a state highway street, a permit as required by the state highway commission manual on driveway entrance regulations shall be first submitted to the planning department for its review and approval. The requirements of this article or those of the manual on driveway entrance regulations, whichever is greater, shall be the minimum standards for development.~~

(Code 2003, § 15-67)

~~Sec. 22-42. - Responsibility for damages; use of barricades, lights.~~

~~The property owner shall be responsible for removing all debris and surplus materials upon completion of the work and shall maintain the premises in a safe manner, providing adequate barricades and lights at his own expense to protect the safety of the public using adjacent street or sidewalks and shall hold the town free and harmless from all damages for any liability incurred.~~

(Code 2003, § 15-68)

~~Sec. 22-43. - Variances.~~

~~The zoning board of adjustment may grant variance from the standards of this article.~~

(Code 2003, § 15-69)

Sections 22-26 through 22-43 shall be reserved.



MEMO

Date: 07/07/2021

RE: Exempt Subdivisions
Code of Ordinance/UDO Text Amendment

Narrative:

NC General Statutes have always defined what is legally determined to be considered a subdivision of real property and how said subdivision can be regulated by municipalities. The definition of major and minor subdivisions is defined in these general statutes and our ordinance pretty much mirrors that language.

State statutes also go on to explain some specific cases that are exempt from subdivision regulation. Our subdivision regulations include four of the five as follows:

- 1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.*
- 2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.*
- 3. The public acquisition by purchase of strips of land for the widening or opening of the streets or for public transportation system corridors.*
- 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots are equal to or exceed the standards of this Ordinance.*

In the 160D revisions to land use statutes, a fifth exemption is added that says, “The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under chapter 29 of the NCGS.”

I would suggest the following text amendments to correct this omission:

Code of Ordinances

Unified Development Ordinance
Appendix A- Definitions

Subdivision

After 4., add the following:

“5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under chapter 29 of the NCGS”

Code of Ordinances

Unified Development Ordinance

Section 11.7.1.4- Subdivision Exceptions

After paragraph A.4., add the following:

“5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under chapter 29 of the NCGS”



MEMO

Date: 07/07/2021

RE: Historic District Overlay
Impact of NCGS 160D

Narrative:

Our Unified Development Ordinance (UDO) includes in Chapter 3, the following:

3.6.2 Historic Preservation Overlay (HP-O) District.

The Historic Preservation Overlay District is designed for the preservation of historic structures. Structures in this district may serve as residences, museums, or any similar type uses which may be deemed appropriate by the Salisbury Historic Preservation Commission.

It also includes in the definitions section:

Overlay District. A set of regulations which add an additional layer of design provisions to an underlying regulating district.

Our Zoning Map includes one designated Historic Preservation Overlay which is on the land around the Old Stone House, parcels 609 017 & 018. The Old Stone House is owned and operated by the Rowan Museum.

A review of our records shows that this section was invoked once since its inception, when the Rowan Museum requested construction of a parking lot to serve the House. They wanted to use gravel for the parking lot where paving was required by our UDO. They argued that a paved lot would not be compatible with the historic nature of the site. There is little detail in the easily found records, but it appears this argument was accepted without having a variance granted by the Board of Adjustment.

These stated facts raise many questions:

1. Do we have the authority to delegate Granite Quarry land use decisions to the Salisbury Historic Preservation Commission? (Not according to NCGSs)
2. Does the Salisbury Historic Preservation Commission have the authority to render judgements and make decisions about matters outside of the City of Salisbury? (Not according to their establishment ordinance.)

3. What actions are allowed by which official or entity to accomplish the goal of the HP-O overlay, “*the preservation of historic structures*”? (None are designated by the UDO.)
4. What is included in the “*additional layer of design provisions*” spoken of in the term’s definition? (None are included in our UDO.)

Conclusions:

Historic preservation is important in North Carolina to a point that a separate section of the land use statutes is dedicated to Historic Districts, Part 4 of Article 9, specifically 160D -940 through 951. These statutes start with the creation of a Historic Preservation Commission and then invests in that commission authority to designate properties as landmarks or areas as historic districts. The commission is granted authority to create a set of standards that will help preserve the historic nature of individual properties or all properties within a designated district. Very specific approval processes must be followed, and appeals processes are defined. Salisbury has followed this process with great impact (see <https://salisburync.gov/Government/City-Council/Boards-and-Commissions/Historic-Preservation-Commission> for details).

The creation of a Historic Preservation Overlay in Granite Quarry was apparently done to protect a single property, the Old Stone House. The Town did not establish a Historic Preservation Commission to regulate this designated property. It did not establish guidelines for designating properties as landmarks. It did not issue a required Certificate of Appropriateness.

While there is certainly nothing illegal about designating the Old Stone House property with a Historic District Overlay, without following the complete guidance of the NCGSs concerning Historic Districts, the overly is meaningless. The property must be managed as to land use decisions based on the underlying zoning classification, which is RR or Residential Rural.

Specifically, this means that when a question arises as to parking lots or mobile homes or subdivision or to building a new building- the review must be made as if this was any other RR zoned property in Granite Quarry. Impacts on the historic nature of the building must be ignored.

Options:

1. Trust that the Rowan Museum will remain the property owner and that they will police themselves as to maintaining the historic nature of the property.
2. Assume that the Rowan Museum can continue operating the Old Stone House within the confines and limitations of RR zoning including limited variances that might be granted by the Board of Adjustment. (A gravel parking lot would probably not have been allowed.)
3. Determine if there are other historic properties in Granite Quarry and/or decide if this one property justifies the effort and expense of creating a Historic Preservation Commission and following the NCGSs that apply to designated historic properties.



MEMO

Date: July 19, 2021

RE: Residential Fence Standards Amendments

Narrative:

Our Unified Development Ordinance includes standards for residential fences but it may be too restrictive in some areas while not specific enough in others (see current residential fence standards below).

Needed Revisions/Additions

1. Standards for setback of underground animal control fencing from sidewalks
 - a. We have had reports of these fences being set at sidewalk with aggressive dogs charging people on sidewalk who don't know they are protected by U/G fence.
2. Allow decorative fences at front and sides out to sidewalk (currently required to be at building setback).
 - a. Historically, the "white picket or wrought iron fence was placed at the sidewalk with shrubbery planted on the property owner's side.
3. Require setback from property lines for maintenance
 - a. State law allows fences to be built on property line.
 - b. Impact on access for maintenance of placing fence on property line.
 - c. Need to maintain vegetation (grass, shrubs, vines, etc.) on both sides of fence
4. Acceptable materials
 - a. We list what can't be used. Do we need to list acceptable materials? If so, what?
 - i. Front and side yard adjacent to street (max height 3')
 1. Wood picket
 2. Wrought iron or steel picket
 3. Others as approved by town planner
 - ii. Back yard and side yard adjacent to neighboring property (max height 6')
 1. Wood picket
 2. Wrought iron, steel picket
 3. Wood, open slat or solid/offset for privacy
 4. Chain link??? With privacy slats???
 5. Others as approved by town planner

Current Residential Fence Standards

8.4.2

Residential Fence Standards.

A. Installation of Fences.

1. A permit is not required; however, the following standards shall apply to fences.

Table 8.4: Fence Height Restrictions

<i>Front Yard Fence Max. Height</i>	<i>Side Yard Fence Max. Height</i>	<i>Rear yard fence Max. Height</i>
<i>3'</i>	<i>6'</i>	<i>6'</i>

2. Requests may be made to the Zoning Administrator for fences of more than the maximum height limit due to site constraints such as topography for a determination if the fence meets the intent of the ordinance.

3. Fence installation must meet building setbacks when property is adjacent to a public street.

4. Fences must be installed with the finished side out, facing the perimeter of the lot.

5. Corner lot installations must not obstruct vision as stated in guidelines of Chapter 3, [section 3.4\(D\)](#).

B. Prohibited fences.

1. Chain link and/or metal-slat in front yard.

Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all residential zoning districts.

2. Barbed wire and above ground electrified fences.

Except as needed for Agriculture uses, major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts. Underground electric fences designed for control of domestic animals are permitted.

3. Debris, junk, rolled plastic, sheet metal, plywood or other waste materials.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood or waste materials are prohibited in all zoning districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

In no instance shall fencing around stormwater retention or detention facilities as required by this Ordinance be prevented by this section.

C. Maintenance of Fences.

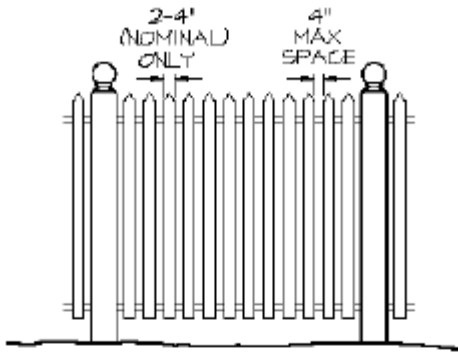
All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical shall be promptly repaired to correct that condition.

Pinehurst

(1) Picket, provided that:

(a) The fence shall be constructed of wood, vinyl or composite material and may be painted, stained or unfinished; width of the pickets shall not be wider than four (4) inches nominal, with a minimum of one (1) inch between pickets.

(b) Maximum height is four (4) feet;



(a) PICKET FENCE

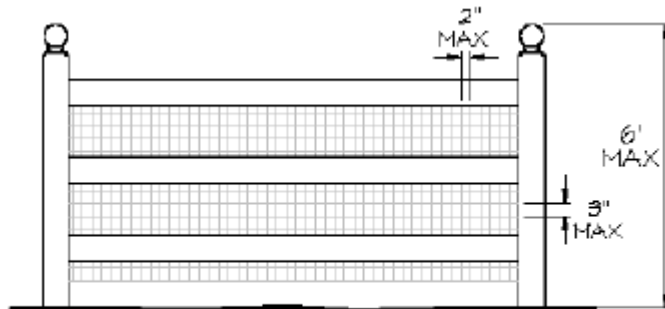
(c) Minimum number of horizontal rails is two (2).

(2) Post and rail (or split rail), provided that:

(a) The wire is located on the inside of the fence;

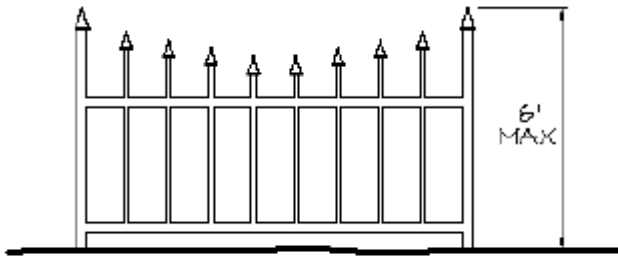
(b) The wire is muted in color, (black, green, or brown);

(c) The use of wire is optional.



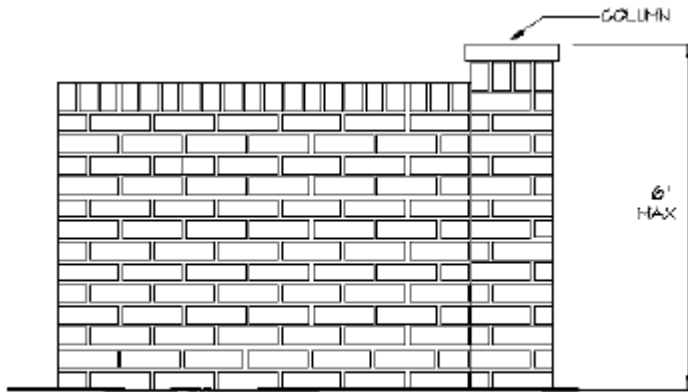
(b) POST AND RAIL FENCE

(3) Wrought iron;



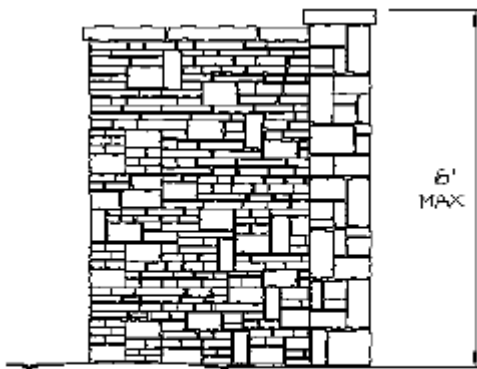
(c) METAL FENCE

(4) Brick;



(d) BRICK WALL

(5) Stone;



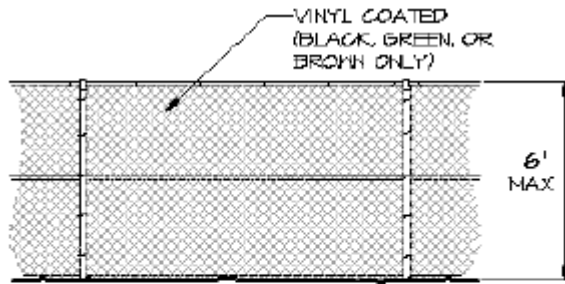
(e) STONE WALL

(6) Chain link, provided that:

(a) The fencing material is vinyl coated (black, green, or brown only);

(b) If the fence is on or near a property line and a buffer is not otherwise required, a five (5) foot setback from the property line is provided.

(c) Chain link fences may only be used for non-residential uses.



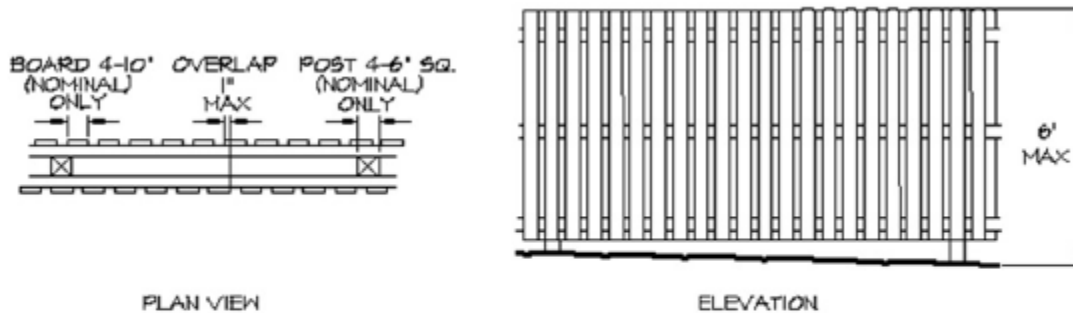
(f) CHAIN LINK FENCE

(7) Vinyl and Wood Board/Shadow Box/Solid, provided that:

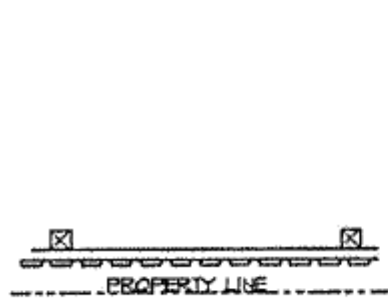
(a) Board width (vertical members) is not less than four (4) inches nominal and not more than ten (10) inches nominal. Vinyl fences shall have the appearance of meeting this requirement;

(b) Wood fences greater than four (4) feet in height are required to have a minimum of three (3) horizontal rails (does not apply to vinyl fences);

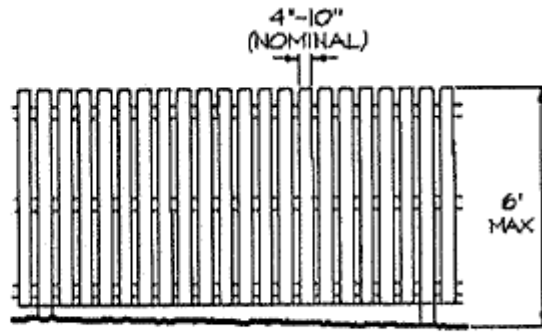
(c) Solid fences may also be constructed of vinyl or composite material.



(g) SHADOW BOX FENCE



PLAN VIEW



ELEVATION

IN BOARD FENCE