

A-G-E-N-D-A
REGULAR MEETING
PLANNING BOARD
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE

TUESDAY, February 27, 2018
5:30 P.M.

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the regular meeting on January 23, 2018.
5. New Business:
 - A. STREET CLOSING SC-17-02**
Consideration of closing an unopened portion of Jackson Street. Submitted by Zoeje, LLC and Robert L. Crouch and wife, Deborah H. Crouch.
 - B. ZONING CASE Z-12-01 FINAL DEVELOPMENT PLAN**
Consideration of a Final Development Plan for Summit Place, Phase 3, a planned unit development located on Wilshire Drive. Request submitted Martha W. Hopkins, Representative for Northridge Development Corporation.
 - C. ZONING CASE Z-18-01 TEXT AMENDMENT**
Consideration of a zoning text amendment request to makes changes to the home occupations requirements. Submitted by Victor Cestari.
6. Items from Staff:

Update on Friendly Road zoning cases.
7. Items from the Planning Board:
8. Adjournment.

PLEASE CALL THE PLANNING AND INSPECTIONS DEPARTMENT IMMEDIATELY
TO LET US KNOW YOUR PLANS FOR ATTENDING THE MEETING
336-623-2110 OPTION 2

EDEN PLANNING BOARD
JANUARY 23, 2018

A regular meeting of the Eden Planning Board was held on Tuesday, January 23, 2018, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Amelia Dallas
Barbara Garland
Carol Helms
Jerry W. Holland, Jr.
Fred Ramsey
Matt Smith
Gwen Taylor
Frank Wyatt

Members absent: Gwen Taylor
Frank Wyatt

Staff Present: Kelly K. Stultz, Planning Director
Debra M. Madison, Planning Coordinator/Legal Assistant

Others Present: David W. Cook, Jr.

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Gwen Taylor and Frank Wyatt.

SET MEETING AGENDA:

A motion was made by Eddie Barker and seconded by Carol Helms to set the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF THE SPECIAL MEETING ON DECEMBER 5, 2017.

The minutes of the special meeting on December 5, 2017, were presented to the Board. Carol Helms made a motion to approve the minutes as submitted. Eddie Barker seconded the motion. Motion carried unanimously.

NEW BUSINESS:

A. ZONING CASE Z-17-12 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 614 Irving Avenue and adjoining Parcel No. 107312 and Parcel No. 107376 from Business-General and Business–Central to Residential-6. Request submitted by David Cook, Jr., Property Owner.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property known as 614 Irving Avenue from Business - General to Residential - 6.

Kelly Stultz presented the Staff Report with the recommendation that 2 lots that adjoin the subject property be added to the rezoning request.

Amelia Dallas made a motion to recommend to the City Council that the request as amended be approved and that the Resolution be approved. Fred Ramsey seconded the motion and it passed unanimously.

OLD BUSINESS:

B. ZONING CASE Z-17-13 TEXT AMENDMENT

- (1) Consideration of a zoning text amendment to amend Section 11.24(o) to create a special use process to allow recycling centers as a special use in the I-2 Industrial district.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.24(o) to create a special use process to allow recycling centers as a special use in the I-2 Industrial district.

Kelly Stultz gave the Staff Report explaining that the proposed amendment would apply to all properties in the City that are zoned I-2 and not to just this property. A history of the ownership of the property and owners was provided by Mrs. Stultz and how the property lost its “grandfather” status. If this amendment passes, it will be changing the Council’s decision that recycling belongs in I-3. She explained how the staff had researched municipalities across the state that had regulations for recycling centers and we had taken points from several different locations to add to what we thought would be appropriate for Eden.

Chairman Smith reiterated that this was strictly for a text amendment to create a Special Use Permit process in I-2 for recycling. Board members discussed the differences between I-2 and I-3 and the special use process.

Jerry Holland made a motion, seconded by Fred Ramsey, that the board recommend approval of the text amendment to the City Council and approve the Statement of Consistency. The motion passed.

C. ZONING CASE Z-17-06 MAP AMENDMENT

Kelly Stultz reminded the board of the discussion the last 2 months concerning this case and that staff had recommended to deny the zoning request.

Jerry Holland made a motion to recommend denial of the map amendment to the City Council and to adopt the Statement of Consistency. Fred Ramsey seconded the motion. The motion passed.

D. ZONING CASE SU-17-03 SPECIAL USE PERMIT

Kelly Stultz explained that, since the case to have the property rezoned from I-2 to I-3 had been recommended for denial, this case could not move forward.

ITEMS FROM STAFF:

Debra reminded the board that the next meeting is scheduled for March 27, 2018, and we already have 2 cases to bring before the Board.

ITEMS FROM THE PLANNING BOARD:

None

ADJOURNMENT:

There being no further business to come before the Board, Jerry Holland made a motion for adjournment Fred Ramsey seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Planning Board

Attest:

Matthew W. Smith, Chair

PETITION

TO CLOSE STREET OR ALLEY

Date Filed 11-30-2017

Application No. SC-17-02

Mayor and City Council
City of Eden
Eden, NC 27288

(I)(We) the undersigned, being owner(s) of real property adjacent to the (street) (alley) as shown by sketch and described on the attached sheet to hereby petition the City Council to permanently close said (street) (alley):

SIGNED:

MAILING ADDRESS

Jackie B. Johnson 4332 Beacon Light Rd.
Edgewater, Florida, 32141

Naomi Zoe Johnson 4332 Beacon Light Road
Edgewater, FL 32141

Robert K Crouch "Pete" 3166 Anderson Rd
Eden NC 27288

Deborah H. Crouch 3166 Anderson Rd.
Eden, NC. 27288

INSTRUCTIONS:

Each petitioner must sign the petition.
If any petitioner is married, the spouse must also sign.

A copy of each deed must be submitted with the petition. A fee of \$600.00 must be submitted with each petition.

**CITY OF EDEN
PLANNING AND INSPECTIONS DEPARTMENT
STREET CLOSING REPORT
February 21, 2018**

CASE NUMBER: SC-17-02

APPLICANT: Zoejo, LLC and
Robert L. Crouch and wife, Deborah H. Crouch

APPLICANT'S ADDRESS: 4352 Beacon Light Road, Edgewater, FL 32141
366 Anderson Road, Eden, NC 27288

APPLICANT'S STATUS: Property Owners

REQUESTED CLOSING: Section of Jackson Street

STREET WIDTH: Approximately 50 feet

STREET LENGTH: Approximately 240 feet.

GENERAL INFORMATION

The City has received a petition signed by the owner of 100 percent of the abutting property requesting that a section of Jackson Street be closed. (See attached map).

The Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorize the City Council, upon recommendation of the Planning Board, to consider closing or vacating of a street in accordance with the rules and procedures set forth therein. Furthermore, it permits the City Council to close a street provided, that after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or alley is not contrary to the public interest, and that the City has no interest in preserving the dedication of such street or alley for municipal purposes, and that no individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

PUBLIC SERVICE CORPORATIONS

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area:

City of Eden Engineering – A 20 foot utility easement needs to be reserved for the City of Eden.

Duke Energy – Did not have any objections to the closing.

The following companies have yet to respond to inquiries regarding locations of utilities in this area or their future plans:

Piedmont Natural Gas

Sprint

Time Warner Cable

Dan River Water

REQUIRED FINDINGS

According to the N.C. General Statutes and the Eden City Code, before the City can close a street, the City Council must be satisfied of two matters:

1. That the street closing is not contrary to the public interest.
2. That no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

DEPARTMENT FINDINGS AND RECOMMENDATION

In regards to the required findings, the Planning and Inspections Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the street is not required for public utility service for the area except for the 20 foot utility easement for the City of Eden

Based upon the design, staff is of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the street be closed as requested.

DEPARTMENT RECOMMENDATION:

Close street as requested.

STREET CLOSING

Z-17-02



**239.24 feet from
Intersection with
West Stadium Drive**



LEGEND

- EIS _____ EXISTING IRON STAKE
- I.S. _____ IRON STAKE SET
- MON. _____ CONCRETE MONUMENT
- CL _____ CENTER LINE
- M.H.O. _____ MAN HOLE
- R.V. _____ RIGHT-OF-WAY
- OH _____ OH _____ OVERHEAD ELECTRIC
- PT. _____ POINT
- U. _____ UTILITY POLE
- B.G. _____ BELOW GRADE
- A.G. _____ ABOVE GRADE

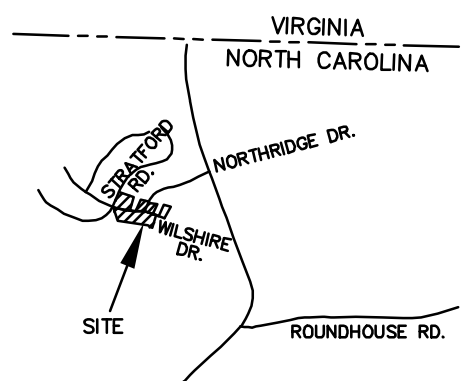
CERTIFICATE OF OWNERSHIP AND DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGES TO THE OWNERSHIP OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF EDEN, AND HEREBY ADOPTS THIS PLAN OF SUBDIVISION WITH FREE CONSENT, ESTABLISHES MINIMUM BUILDING SETBACK LINES, AND DEDICATES FOREVER CONSENT, ESTABLISHES MINIMUM BUILDING SETBACK LINES, AND DEDICATES FOREVER ALL STREETS, ALLEYS, WALKS, PARKS, OR OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED, AND DEDICATES ALL SANITARY SEWER, STORM SEWER AND WATER LINES TO THE CITY OF EDEN.

NORTH CAROLINA
 ROCKINGHAM COUNTY
 I, _____, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL, THIS DAY OF _____

NOTARY PUBLIC: _____
 MY COMMISSION EXPIRES: _____

STATE OF NORTH CAROLINA
 COUNTY OF ROCKINGHAM
 _____, REVIEW OFFICER OF _____, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: _____
 DATE: _____



"VICINITY MAP"
 NO SCALE

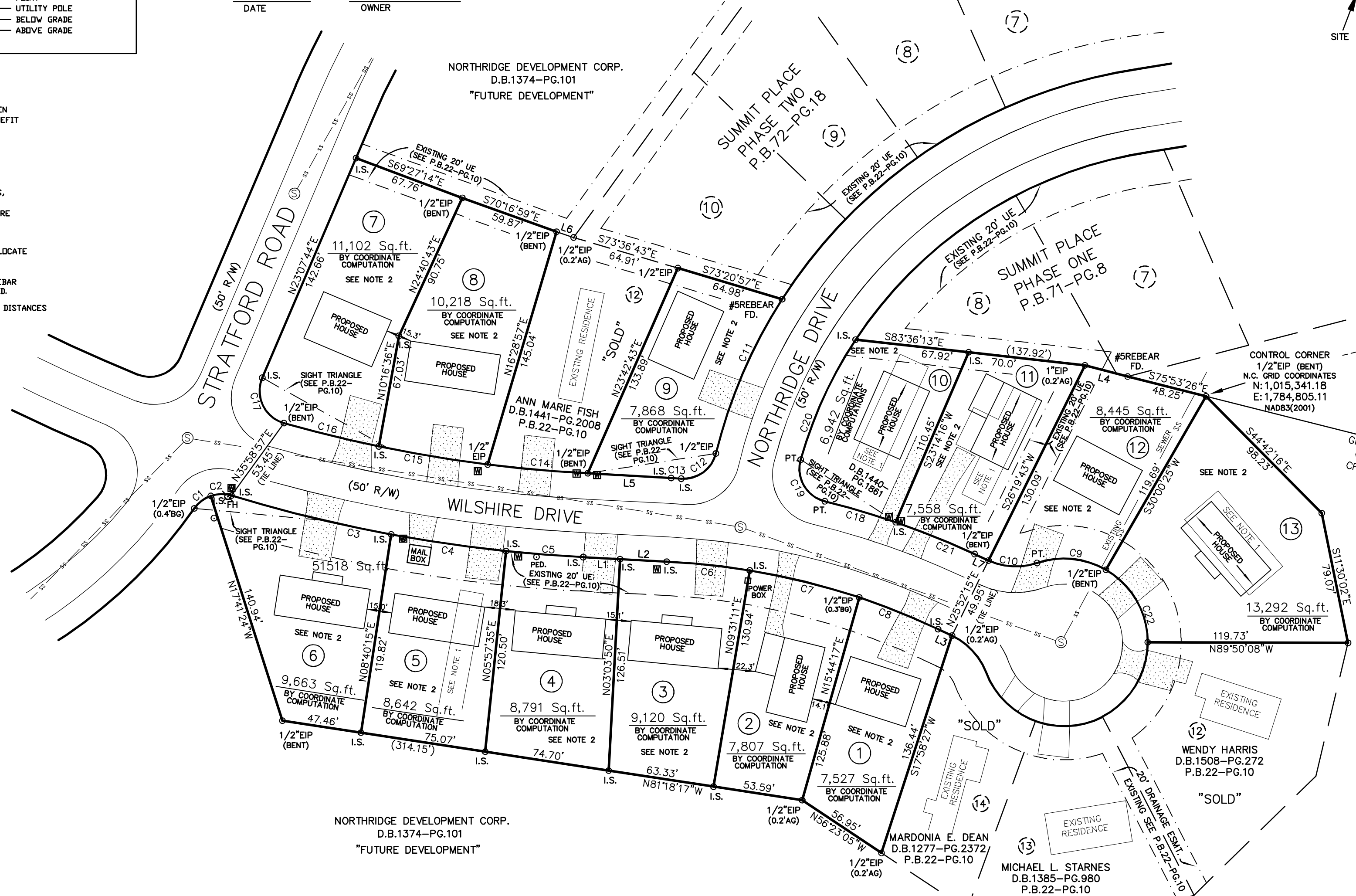
NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND, THEREFORE, DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE

SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS-OF-WAYS OF RECORD WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND UTILITIES.

ALL IRONS SET ARE 5/8" REBAR SET FLUSH WITH THE GROUND.

ALL DISTANCES ARE GROUND DISTANCES UNLESS OTHERWISE NOTED



CONTROL CORNER
 1/2" EIP (BENT)
 N.C. GRID COORDINATES
 N: 1,015,341.18
 E: 1,784,805.11
 NAD83(2011)

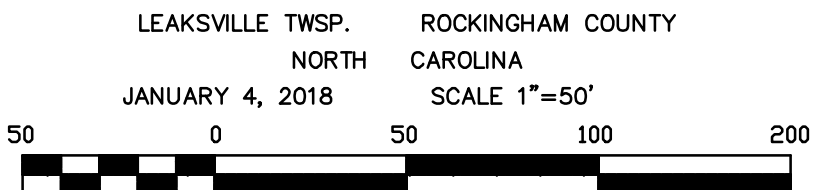
CONTROL CORNER
 NGS MON.
 "HUTCHINS"
 N: 1,015,191.67
 E: 1,785,397.67
 NAD83(2011)

NORTHTRIDGE DEVELOPMENT CORP.
 D.B.1374-PG.101
 "FUTURE DEVELOPMENT"

SITE DATA:
 ZONING: R-4/PUDR
 NUMBER OF LOTS: 13
 TOTAL AREA IN LOTS: 2.685 Ac.

NOTE 1: RESIDENCE TO BE REMOVED
 NOTE 2: ELECTRIC, TELEPHONE AND TV CABLE SERVICES ARE UNDERGROUND AND WERE NOT LOCATED AT THIS TIME

"PRELIMINARY"
 FINAL DEVELOPMENT PLAN
 FOR
SUMMIT PLACE
"PHASE THREE"



SCALE
 C.E. ROBERTSON & ASSOCIATES, P.C.
 PROFESSIONAL LAND SURVEYOR L-1421
 CERTIFICATION NUMBER: C-2928
 P.O. BOX 584
 EDEN, NC 27289
 PH. (336) 627-0498

SURVEYOR'S CERTIFICATE

I, C.E. Robertson, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 1469-Page1131); that the boundaries not surveyed are clearly indicated as drawn from information found as shown; that the ratio of precision as calculated is 1 : 10,000 + ; that the Global Positioning System (GPS) survey and the following information was used to perform the GPS survey:
 Class of survey: A
 Positional accuracy: 0.10'
 Type of GPS field procedure: Rapid Static
 Dates of Survey: June 2017
 Datum/Epoch: NAD83(2011)
 Published/Fixed control use: NGS/CORS
 Geoid model: Geoid12B
 Combined grid factor: 1.00009582
 Units: US survey feet
 That his plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number, and seal this 4th day of January, 2018.

Surveyor
 Registration Number: L-1421

CURVE TABLE

NUM	ARC	RADIUS	BEARING	DISTANCE
C1	12.54'	20.00'	S52°54'36"W	12.34'
C2	12.54'	20.00'	N88°50'58"E	12.34'
C3	98.31'	882.71'	S76°18'48"E	98.26'
C4	69.39'	882.71'	S81°45'21"E	69.37'
C5	46.21'	882.71'	S85°30'28"E	46.21'
C6	49.90'	434.44'	S83°56'45"E	49.87'
C7	67.47'	434.44'	S76°12'22"E	67.41'
C8	50.82'	434.44'	S68°02'18"E	50.80'
C9	42.56'	50.00'	N84°22'53"W	41.29'
C10	29.78'	40.00'	N87°03'39"W	29.10'
C11	100.66'	306.25'	S23°13'13"W	100.21'
C12	27.87'	20.00'	S54°00'26"W	25.67'
C13	5.98'	484.44'	N86°24'51"W	5.98'
C14	60.03'	832.71'	N84°59'06"W	60.01'
C15	65.97'	832.71'	N80°31'01"W	65.96'
C16	58.37'	832.71'	N76°14'20"W	58.36'
C17	34.00'	20.00'	N25°32'14"W	30.05'
C18	43.57'	484.44'	N73°35'59"W	43.56'
C19	32.67'	20.00'	N30°51'40"W	29.15'
C20	35.87'	256.25'	N24°35'27"E	78.89'
C21	50.86'	484.44'	N68°00'54"W	50.84'
C22	52.36'	50.00'	N29°59'34"W	50.00'

LINE TABLE

NUM	BEARING	DISTANCE
L1	S86°53'45"E	22.06'
L2	S86°53'45"E	27.94'
L3	S64°41'01"E	9.16'
L4	S75°14'46"E	26.40'
L5	N86°45'02"W	49.93'
L6	S71°27'34"E	10.76'
L7	S65°00'27"E	9.16'

OWNER: NORTHTRIDGE DEVELOPMENT CORP.
 P.O. BOX 610
 EDEN, NC 27289
 DEED REFERENCE: D.B.1374-PG.101
 D.B.1440-PG.1861

**CONDITIONS OF APPROVAL
FOR
FINAL DEVELOPMENT PLAN
SUMMIT PLACE PHASE 3
(formerly NORTHRIDGE)**

Prior to issuance of a building permit, the following conditions shall be met:

- (1) The Homeowners Association documents shall be recorded in the Rockingham County Register of Deed's office.
- (2) The developer shall provide all sanitary sewer easements and drainage easements and grant any rights-of-way necessary for each phase of the development. All such improvements shall be installed as per the Final Development Plan and shall meet all City requirements and specifications.
- (3) The PUD shall comply with all City of Eden land use regulations including all provisions of the PUD-R district.
- (4) The size and location of all signs must be noted.
- (5) The plat for Phase 3 shall be recorded in the Rockingham Country Register of Deeds office.



PLANNING & INSPECTIONS DEPARTMENT

APPLICATION FOR ZONING ORDINANCE AMENDMENT
PETITION FOR TEXT AMENDMENT

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, all required information provided and the application fee paid at the time of submittal.

(1) **APPLICANT INFORMATION:**

NAME: Victor Cestari TELEPHONE: 336-501-7874
MAILING ADDRESS: 980 Westley Park Road
CITY Eden STATE NC ZIP CODE 27238

(2) **APPLICABLE SECTION OF THE ZONING ORDINANCE:**

11.26 (3)(5) Home Occupations - Major
only 25% of square footage inside dwelling

(3) **EXISTING WORDING IN TEXT:**

prohibited in R-20, R-12S and R-1S and R-4
only 25% of square footage inside dwelling

(4) **REQUESTED WORDING IN TEXT:**

allow in R-20, R-12S, R-1S and R-4
in separate structure

(5) **REASON FOR REQUESTED CHANGE:**

to use existing barn

(6) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Victor R Costari 2/6/18
Applicant's Signature Date of Signature
Joyce Costari 2/6/18
DEPARTMENTAL USE ONLY

APPLICATION NUMBER: 2-18-01

FEE PAID: \$150⁰⁰

RECEIVED BY: Madison

DATE: 2/7/2018

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING TEXT AMENDMENT REPORT
February 27, 2018**

CASE NUMBER: Z-18-01

REQUESTED ACTION: To amend Section 11.26 (c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts.

APPLICANT: Victor Cestari

EXISTING TEXT

Section 11.22(c)(3)(c)(5) Home Occupations

(5) **HOME OCCUPATIONS** - Home occupations, other than minor home occupations, have the potential to adversely affect residential areas and shall be reviewed and permitted by special use permit. Home occupations, other than minor home occupations, are prohibited in the Residential-20, Residential-12S, Residential-6S and Residential-4 zoning districts. In addition to any other requirements with respect to the Petition authorized in this Section, the Petition shall set forth the following:

(1) The special use shall not be a prohibited home occupation. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and they impair the use and value of a residentially zoned area for residence purposes and are more suited for office or commercial districts, where permitted. Therefore, the uses specified below shall not be permitted as home occupations:

Appliance repair (i.e., major appliances).

Broadcast studios (i.e., radio and TV).

Dry cleaning and laundry plants/pick-up stations.

Extermination services.

Funeral homes.

Gunsmiths.

Massage parlors.

Medical or dental clinics and laboratories.

Motor vehicle related operations (e.g., car washes, repair service, body work).

Private clubs.

Rental service establishments.

Restaurants, bars, nightclubs.

Retail sales establishments.

Tattoo parlors.

Taxi stands.

Tow truck services.

Veterinary uses, including animal boarding, but not including pet grooming.

Welding or machine shops.

- (2) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (3) The home occupation must be conducted by a resident of the dwelling unit and no more than one person that is not a resident of the premises shall be employed in connection with the home occupation.
- (4) The gross floor area attributed to the home occupation shall not be greater than 25 percent of the total gross of floor area of the dwelling or more than 500 square feet, whichever is less.
- (5) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated

sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation performed.

The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.

- (6) No display or merchandise, goods or other commodities shall be visible from outside the dwelling unit.
- (7) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- (8) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (9) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (10) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (11) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.
- (12) The home occupation shall provide additional off-street parking reasonably adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
 - (i) The residential character of the lot is not changed, and
 - (ii) The parking area does not detract from the visual appearance of the dwelling.
- (13) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, provided that products related directly to the service performed may be

sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.

- (14) Home occupations shall be encouraged in neighborhoods in transition from one land use to another, in high-density residential neighborhoods and predominantly rural areas.

Predominantly single-family neighborhoods should, in general, be protected from home occupations, unless it can be specifically demonstrated that such use will have no short or long-term negative impact on the neighborhood.

- (15) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the conditions necessary to protect the public health, safety, morals and general welfare.

The Board of Adjustment shall, prior to the issuance of a Special Use Permit for a home occupation, find that such special use meets the following standards:

- (a) That the special use is not a prohibited home occupation.
- (b) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (c) The home occupation must be conducted by a resident of the dwelling until and no more than one (1) person that is not a resident of the premises shall be employed in connection with the home occupation.
- (d) The gross floor area attributed to the home occupation shall not be greater than 25 percent of the total gross of floor area of the dwelling unit or more than 500 square feet, whichever is less.
- (e) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation

performed. The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.

- (f) No display of merchandise, goods or other commodities shall be visible from outside the dwelling unit.
- (g) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- (h) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (i) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (j) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (k) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.
- (l) The home occupation shall provide additional off-street parking reasonable adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
 - (i) The residential character of the lot is not changed, and
 - (ii) The parking area does not detract from the visual appearance of the dwelling.
- (m) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, provided that products related directly to the service performed may be sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.

- (n) Home occupations shall be encouraged in neighborhoods in transition from one land use to another, in high-density residential neighborhoods and predominantly rural areas.

Predominantly single-family neighborhoods should, in general, be protected from home occupations, unless it can be specifically demonstrated that such use will have no short or long-term negative impact on the neighborhood.

- (o) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety, morals and general welfare.

Upon finding that the Petitioner meets the foregoing standards, the Board of Adjustment shall issue to the Petitioner a Special Use Permit for the home occupation.

PROPOSED TEXT

- (5) **HOME OCCUPATIONS** - Home occupations, other than minor home occupations, have the potential to adversely affect residential areas and shall be reviewed and permitted by special use permit. Home occupations are permitted in all residential districts including O & I. In addition to any other requirements with respect to the Petition authorized in this Section, the Petition shall set forth the following:

- (1) The special use shall not be a prohibited home occupation. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and are more suited for office or commercial districts, where permitted. Therefore, the uses specified below shall not be permitted as home occupations:

Appliance repair (i.e., major appliances).

Dry cleaning and laundry plants/pick-up stations.

Extermination services.

Funeral homes.

Massage parlors.

Medical or dental clinics and laboratories.

Motor vehicle related operations (e.g., car washes, repair service, body work).

Private clubs.

Rental service establishments.

Restaurants, bars, nightclubs.

Retail sales establishments not including antique sales or the sale of arts or crafts made onsite.

Tattoo parlors.

Taxi stands.

Tow truck services.

Veterinary uses shall only be allowed in Residential Suburban. Pet grooming or boarding shall be allowed in all other residential districts upon receipt of a special use permit.

Welding or machine shops.

- (2) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (3) The home occupation must be conducted by a resident of the dwelling unit.
- (4) The gross floor area attributed to the home occupation shall not be greater than 40 percent of the total gross floor area of the dwelling if conducted inside the primary residence or it shall be conducted in an accessory structure that meets all other applicable land use requirements for accessory structures and building code requirements for the use requested.

- (5) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation performed.
The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.
- (6) No display or merchandise, goods or other commodities shall be visible from outside the dwelling unit or the accessory structure.
- (7) A home occupation shall not create a substantial increase in vehicle or pedestrian traffic.
- (8) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (9) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (10) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (11) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.
- (12) The home occupation shall provide additional off-street parking reasonably adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
 - (i) The residential character of the lot is not changed, and

- (ii) The parking area does not detract from the visual appearance of the dwelling.
- (13) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, except as otherwise permitted, provided that products related directly to the service performed may be sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.
- (14) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety, morals and general welfare.

The Board of Adjustment shall, prior to the issuance of a Special Use Permit for a home occupation, find that such special use meets the following standards:

- (a) That the special use is not a prohibited home occupation.
- (b) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
- (c) The home occupation must be conducted by a resident of the dwelling unit.
- (d) The gross floor area attributed to the home occupation shall not be greater than 40 percent of the total gross floor area of the dwelling if conducted inside the primary residence or it shall be conducted in an accessory structure that meets all other applicable land use requirements for accessory structures and building code requirements for the use requested.
- (e) There shall be no change in the exterior appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation, provided that one non-illuminated sign may be permitted provided it does not exceed 4 square feet in area. The sign message shall only indicate the name of the occupant or home occupation and the occupation performed. The sign must comply with the provisions of Section 11.31, Signs, of this ordinance.

- (f) No display of merchandise, goods or other commodities shall be visible from outside the dwelling unit.
- (g) A home occupation shall not create a substantial increase in vehicle or pedestrian traffic.
- (h) No more than one (1) vehicle shall be utilized in the home occupation. Furthermore, the home occupation shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in the occupation. One (1) commercial vehicle may be permitted on the lot provided it does not exceed 2 tons rated capacity.
- (i) There shall be no outside operations, open display, or open storage of materials or products used in the home occupation.
- (j) No home occupation shall create objectionable noise, fumes, dust, or electrical interference.
- (k) No process or materials shall be used or stored on site that is hazardous to the public, health, safety, morals, or general welfare.
- (l) The home occupation shall provide additional off-street parking reasonably adequate to accommodate needs created by the home occupation. To this extent, the application for a home occupation shall provide a plan for any additional parking required, which shall be approved if:
 - (i) The residential character of the lot is not changed, and
 - (ii) The parking area does not detract from the visual appearance of the dwelling.
- (m) The home occupation shall not involve the retail sale of merchandise manufactured off the premises, except as otherwise permitted, provided that products related directly to the service performed may be sold, (e.g., beauty products in a beauty salon), further provided that sales orders for items made by telephone or at sales parties may be picked up by customers.

- (n) In order to guarantee that a home occupation, once permitted, will not become a nuisance to the neighbors or otherwise violate these standards, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety, morals and general welfare.

Upon finding that the Petitioner meets the foregoing standards, the Board of Adjustment shall issue to the Petitioner a Special Use Permit for the home occupation.

GENERAL INFORMATION

This request was submitted by Victor Cestari.

STAFF ANALYSIS

Prior to the industrial revolution the lines between work and home were often blurred. Blacksmiths worked in their own barns and tailors, bakers and other professions lived and worked in the same building or on the same property.

When the first enabling legislation for zoning and land uses came to exist, the most common theme was to separate uses. In North Carolina, the first zoning laws were the result of fires similar to the one that destroyed the original commercial district in Draper in the early 1900's.

In the 1950's, planners began to recognize the growing problems of such rigid regulations and realized that many home based businesses continued to thrive. The rise of the internet changed everything about how we might live and work at home.

Home based businesses are a vitally important part of economic development. Hewlett-Packard, Walt Disney Corporation and Amazon all started as home based businesses. The number of home based businesses has increased from 16.37 million in 1992 to 27.63 million in 2012.

Staff is of the opinion that making the regulation of home based businesses more flexible will permit our citizens more opportunity to become entrepreneurs and make our local economy more secure.

Therefore, staff recommends in favor of this amendment.

STAFF RECOMMENDATION:

Approval of the text amendment.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-18-01
TEXT AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, the City of Eden Planning Board received a request for an amendment to the Zoning Ordinance as follows:

To amend Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements to permit some uses to be undertaken in a building other than the residence and to allow major home occupations in all residential districts.

STATEMENT OF NEED:

Staff is of the opinion that making the regulation of home based businesses more flexible will permit our citizens more opportunity to become entrepreneurs and make our local economy more secure.

STATEMENT OF CONSISTENCY.

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.

- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Board finds that this amendment would be consistent with the goals and policies expressed in the Land Development Plan, including, but not limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

1. The Planning Board of the City of Eden finds that the proposed zoning text amendment is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and is in the public's best interest.

Approved, adopted and effective this 27th day of February, 2018.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board