

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

TUESDAY, MARCH 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 February 27, 2018.
5. New Business:
 - A. ZONING CASE Z-18-02 MAP AMENDMENT**
 - (1) Consideration of a zoning map amendment request to rezone property at 405 Church Street from Industrial-1 to Planned Unit Development – Mixed Use. Submitted by Fasil Khan, Property Owner.
 - (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 405 Church Street from Industrial-1 to Planned Unit Development – Mixed Use.
 - B. ZONING CASE Z-18-03 MAP AMENDMENT**
 - (1) Consideration of a zoning map amendment request to rezone property at 1815 NC 135 and 2401 Harrington Hwy from Residential-20 to Business-General. Submitted by Susan C. Pace and Wanda T. Dyer, Property Owners.
 - (3) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 1815 NC 135 and 2401 Harrington Hwy from Residential-20 to Business-General.
 - C. CITY CODE AMENDMENT CCA-18-01 TEXT AMENDMENT**

Consideration of a request to amend Chapter 2, Administration, Article III, Planning Organization, by adding Division 9 Strategic Planning Commission. Submitted by the Planning Board.
6. Items from Staff:
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
FEBRUARY 27, 2018

A regular meeting of the Eden Planning Board was held on Tuesday, February 27, 2018, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker
Amelia Dallas
Barbara Garland
Carol Helms
Steve Morgan
Fred Ramsey
Matt Smith
Gwen Taylor
Frank Wyatt

Members absent: Jerry W. Holland, Jr.*

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

Others Present: Pete Crouch

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

It was noted that everyone was present except Jerry Holland and that Debra Madison had administered the Oath of Office to Steve Morgan prior to the meeting.

SET MEETING AGENDA:

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

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JANUARY 23, 2018.

The minutes of the regular meeting on January 23, 2018, were presented to the Board. Eddie Barker made a motion to approve the minutes as submitted. Carol Helms seconded the motion. Motion carried unanimously.

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.

Kelly Stultz presented the Staff Report which included the request by the City of Eden to reserve an easement for a water line across the subject area. Staff made a recommendation that the Board recommend approval of the street closing to the City Council.

Pete Crouch inquired about the water line and how the easement would affect the property. Kelly explained that he could use the property but he could not build a structure over the easement area.

Amelia Dallas made a motion to recommend to the City Council that the request be approved. Steve Morgan seconded the motion and it passed unanimously.

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.

Kelly Stultz gave the Staff Report explaining that this is another phase to the subdivision formerly known as Northridge and that Mr. Wright planned to continue to build houses on lots that were previously occupied by manufactured homes. Staff recommended that the final development plan be approved.

Steve Morgan made a motion, seconded by Eddie Barker, that the board recommend approval of the plan to the City Council. The motion passed. Amelia Dallas abstained from voting.

C. ZONING CASE Z-18-01 TEXT AMENDMENT

(1) Consideration of a zoning text amendment request to makes changes to the home occupations requirements. Submitted by Victor Cestari.

(2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.26(c)(3)(c)(5) to make changes to the home occupations requirements.

Kelly Stultz gave the Staff Report explaining that the current provisions regulating major home occupations were antiquated and needed to be updated. She highlighted the many changes that were proposed and provided the Staff Analysis including the staff's recommendation that the amendments be approved.

Victor Cestari commented that he had only positives comments about Eden and the businesses here. It had been he and his wife's dream to have a business in the barn on the property they had recently purchased.

Kelly reminded the Board Members that the amendment would affect all properties in the City's planning jurisdiction and not just Mr. Cestari's property.

Steve Morgan made a motion to recommend approval of the amendments to the City Council and to adopt the Statement of Consistency. Carol Helms seconded the motion and it passed unanimously.

ITEMS FROM STAFF:

Kelly updated the Board on the action taken by the City Council with regards to the rezoning request for property located at 1130 Friendly Road. She also informed the Board that she had requested funds at the Annual Budget Retreat to hire a consultant to assist with rewriting the Zoning Ordinance.

ITEMS FROM THE PLANNING BOARD:

None

ADJOURNMENT:

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

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Planning Board

Attest:

Matthew W. Smith, Chair



PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR ZONING ORDINANCE AMENDMENT
PETITION FOR MAP 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: Faisal Khan TELEPHONE: (540) 676-3598

MAILING ADDRESS: 689 Frosty Meadow Dr

CITY Pittsboro STATE NC ZIP CODE 27312

APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S): _____

Owner, Spray Cotton, LLC

(2) PROPERTY OWNER INFORMATION:

NAME: Spray Cotton LLC TELEPHONE: (540) 676-3598

MAILING ADDRESS: 689 Frosty Meadow Dr

CITY Pittsboro STATE NC ZIP CODE 27312

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7070-15-73-2821; Parcel 177124

STREET LOCATION: 405 Church Street

DEED BOOK: 1531 PAGE NUMBER 1009

YEAR CURRENT OWNER ACQUIRED PROPERTY: 2017

PROPERTY SIZE (in acres or in square feet if less than 1 acre): 5.98

PUBLIC WATER AVAILABLE YES NO PUBLIC SEWER AVAILABLE YES NO

CURRENT USE OF PROPERTY: Industrial

(4) ZONING INFORMATION:

EXISTING ZONING DISTRICT: I-1 REQUESTED ZONING DISTRICT: PUD-MU

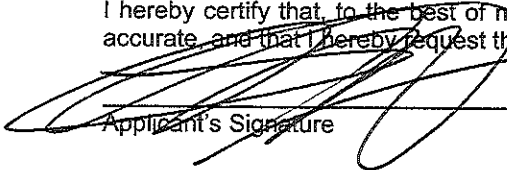
(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

(7) 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 request the issuance of a special use permit as described herein.

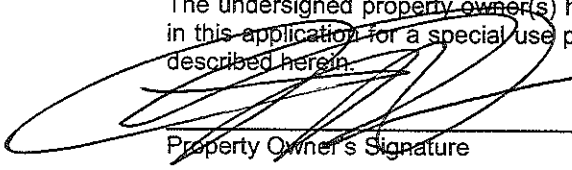


Applicant's Signature

3/2/2018
Date of Signature

(8) PROPERTY OWNER(S) CERTIFICATION:

The undersigned property owner(s) hereby certify to the ownership of the property shown and described in this application for a special use permit, and hereby requests the issuance of a special use permit as described herein.



Property Owner's Signature

3/2/2018
Date of Signature

Property Owner's Signature

Date of Signature

(9) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which is described in this application for a special use permit and that the Corporation hereby requests the issuance of a special use permit as described herein.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

Secretary

By: _____

President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: 2-18-02
54-18-02

FEE PAID: \$150

RECEIVED BY: Madison

DATE: 3/2/2018

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
March 5, 2018**

CASE NUMBER:	Z-18-02
EXISTING ZONING DISTRICT:	I-1
REQUESTED ZONING DISTRICT:	PUD-MU
APPLICANT:	Faisal Khan
APPLICANT'S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	405 Church St.
PIN:	7070-15-73-2821
SIZE:	5.98 acres
ACCESS:	Church St.
LAND USE:	Former textile mill
PHYSICAL CHARACTERISTICS:	Former mill building and outbuildings
ZONING HISTORY:	Zoned I-1 at time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north by vacant I-1 property; bordered on the east by the Smith River; bordered on the south by I-1 property containing the parking lot for Spray Mercantile; bordered on the west by vacant I-1 property and the Spray Canal.		
ADJACENT ZONING:	North:	I-1	
	South:	I-1	
	East:	I-1 (Smith River)	
	West:	I-1	

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes

PUBLIC SEWER AVAILABLE: Yes
LAND DEVELOPMENT PLAN (2007): Town Center
FLOOD HAZARD AREA: Yes
WATER SUPPLY WATERSHED: Yes – WS-IV (Critical)

STAFF ANALYSIS

The request is to rezone approximately 5.98 acres from I-1 (Industrial-1) to PUD-MU (PUD-Mixed Use). The I-1 Industrial District is established as a district in which the principal use of land is for industries which can be operated in a clean and quiet manner. The PUD-Mixed Use District (PUD-MU) is established for the development of new and existing commercial and industrial properties for mixed uses including residential, commercial and light industrial, and is intended to provide for:

- (1) Flexibility in design to take greatest advantage of historic resources while protecting historic and natural resources;
- (2) Greater freedom for developers to submit plans that use a creative approach to land use and adaptive reuse of historic properties, utilizing innovative techniques to enhance the aesthetic quality of the development;
- (3) Efficient use of land and existing utilities and infrastructure which may reduce environmental impact and development costs;
- (4) Simplification of the procedures for obtaining approval of proposed development through timely review of proposed land use, site plan, public needs and other relevant factors.

The PUD-MU zoning must be approved by the City Council, upon recommendation from the Planning Board.

The subject parcel is located in an area of former textile mills and associated structures, most of which have been vacant for years. The subject property is also a former textile mill, however there have been various uses which have occupied the building over the years. This area contains some of the City's most historic resources, however most of the buildings and the entire area has been in a state of decline since the closing of the mills. This property is a notable exception, in that the building has been well-preserved and is more susceptible to adaptive reuse due to its condition. Also its location adjacent to the Smith River makes it a good candidate for redevelopment and possible revitalization of the area. The PUD-MU district is specifically designed for such uses. Staff is of the opinion that this zoning would be suitable for the property, with the following exceptions:

- (1) No new development shall occur and no permits shall be issued until a final development plan is approved subject to all regulations of the PUD-MU district.
- (2) Provisions shall be met in order to protect the natural environment and character of the area.
- (3) Provisions for on-site parking shall be met subject to the regulations of the PUD-MU district.

- (4) The Articles of Incorporation for the owners' association shall be submitted with the Preliminary Development Plan and filed with the Rockingham County Register of Deeds.
- (5) The permit-issuing authority may impose other appropriate or more stringent conditions deemed necessary to protect the public health, safety, and general welfare, and the character of the neighborhood.

Based upon the character of the area and the potential for mixed-use redevelopment of the property, staff recommends approval of the request.

STAFF RECOMMENDATION:

Approval of the PUD-MU request.

ZONING CASE

Z-18-02

AERIAL MAP



Subject Property

Subject Property

405 Church Street

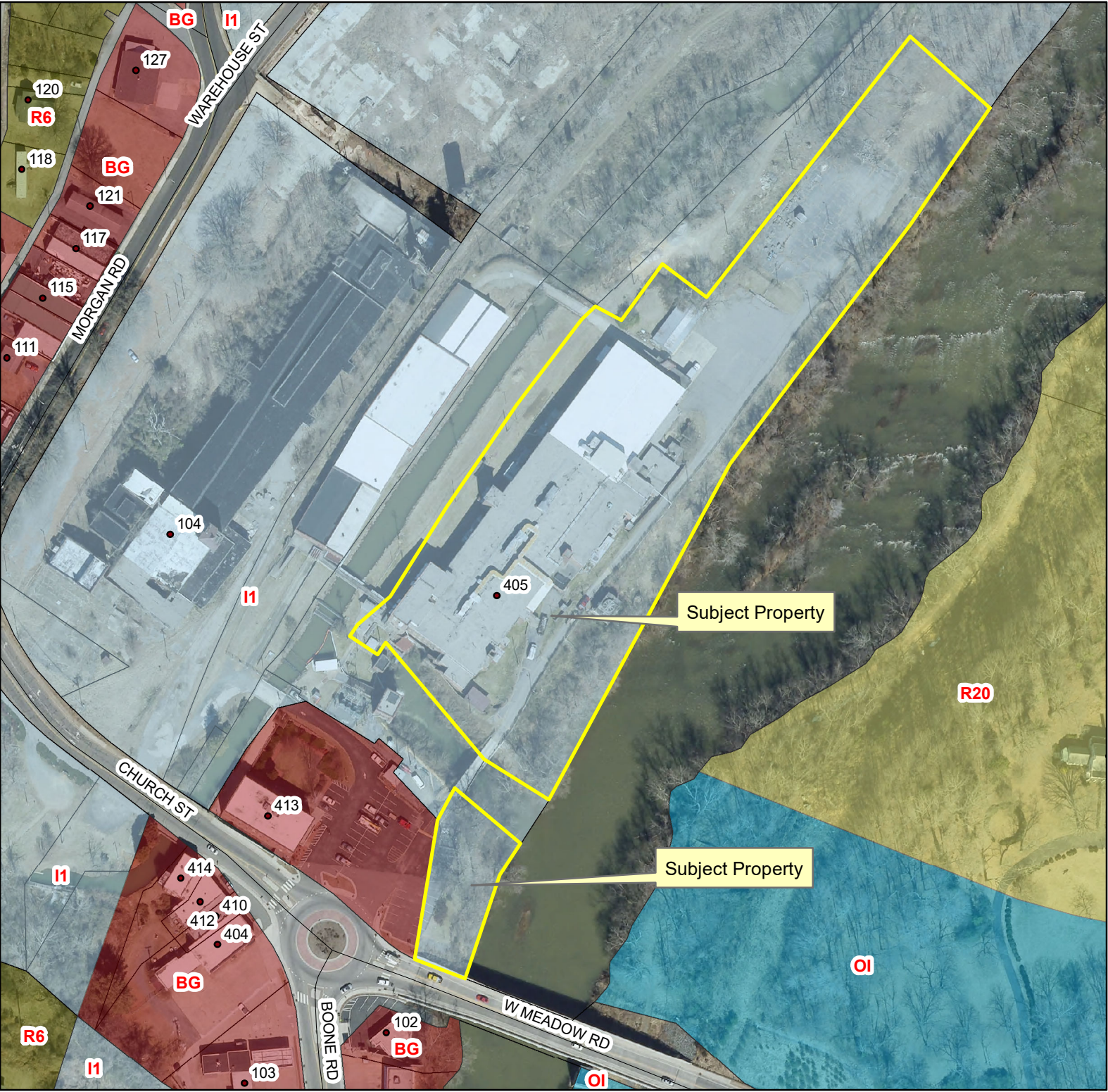
**Zoned:
Industrial - 1**

**Requested:
PUD - MU**

ZONING CASE

Z-18-02

ZONING MAP



Subject Property

Subject Property

405 Church Street

**Zoned:
Industrial - 1**

**Requested:
PUD - MU**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-18-02
MAP 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 rezone property located at 405 Church Street from I-1 (Industrial-1) to PUD-MU (PUD-Mixed Use).

STATEMENT OF NEED:

This area contains some of the City's most historic resources, however most of the buildings and the entire area has been in a state of decline since the closing of the mills. This property is a notable exception, in that the building has been well-preserved and is more susceptible to adaptive reuse due to its condition. Also its location adjacent to the Smith River makes it a good candidate for redevelopment and possible revitalization of the area. The PUD-MU district is specifically designed for such uses. This property is located in an area designed as Town Center in the City of Eden Land Development Plan.

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 will be consistent with the goals and policies expressed in the Land Development Plan, as amended, 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 amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended, which shows this property being used as part of a Town Center.
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 in the public's best interest.

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

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board



PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR ZONING ORDINANCE AMENDMENT
PETITION FOR MAP 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: Susan C. Pace and Wanda T. Dyer TELEPHONE: _____
MAILING ADDRESS: P O Box 672
CITY Eden STATE NC ZIP CODE 27289
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S): Owner

(2) PROPERTY OWNER INFORMATION:

NAME: SAME TELEPHONE: _____
MAILING ADDRESS: _____
CITY _____ STATE _____ ZIP CODE _____

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 7969-04-63-3445 and 7969-04-63-1634
STREET LOCATION: 1815 NC 135 and 2401 Harrington Hwy
DEED BOOK: 1432 | 799 PAGE NUMBER 1374 | 940
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2009 & 2012
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 0.92 & 0.73 acres
PUBLIC WATER AVAILABLE YES NO PUBLIC SEWER AVAILABLE YES NO
CURRENT USE OF PROPERTY: Residential & Vacant

(4) ZONING INFORMATION:

EXISTING ZONING DISTRICT: R-20 REQUESTED ZONING DISTRICT: B-G

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.
INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

(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.

Wanda Z. Ayer 3-8-18
Applicant's Signature Date of Signature

(7) PROPERTY OWNER(S) 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.

Susan C. Pace 3-9-18
Property Owner's Signature Date of Signature

Wanda Z. Ayer _____
Property Owner's Signature Date of Signature

(8) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which is described in this application for zoning ordinance amendment and that the Corporation hereby petitions the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

Secretary

By: _____

President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: 2-18-03

FEE PAID: \$ 150⁰⁰

RECEIVED BY: Nebbia Dalloway

DATE: 3-12-18

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
March 19, 2018**

CASE NUMBER:	Z-18-03
EXISTING ZONING DISTRICT:	R-20
REQUESTED ZONING DISTRICT:	BG
APPLICANT:	Susan C. Pace and Wanda T. Dyer
APPLICANT'S STATUS:	Property Owners

PROPERTY INFORMATION

LOCATION:	1815 NC 135 and 2401 Harrington Highway
PIN:	7969-04-63-3445 and 7969-04-63-1634
SIZE:	.92 acres and .73
ACCESS:	NC 135 and Harrington Highway
LAND USE:	Residential
PHYSICAL CHARACTERISTICS:	Single-family residence and vacant
ZONING HISTORY:	R-20 at time of original ETJ zoning

AREA INFORMATION

CHARACTERISTICS:	<p>1815 NC 135: Bordered on the north by vacant R-20 property; bordered on the east by BG property containing a mini-storage facility; bordered on the west by BG property containing a single-family residence; bordered on the south (across NC 135) by BG property containing single-family residences.</p> <p>2401 Harrington Highway: Bordered on the north by R-20 property containing a single-family residence; bordered on the east by BG property containing a mini-storage facility; bordered on the west (across Harrington Highway) by R-20 and BG property containing single-family residences; bordered on the south by BG and R-20 property containing single-family residences.</p>
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ADJACENT ZONING:	North:	R-20
	South:	BG, R-20
	East:	BG
	West:	BG, R-20

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Town Center
FLOOD HAZARD AREA:	No
WATER SUPPLY WATERSHED:	WS-IV

STAFF ANALYSIS

The request is to rezone approximately 1.65 acres (total) from R-20 to BG. The R-20 Residential District is established as a district in which the principal use of the land is for single-family residences. The regulations of this district are intended to protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet. The B-G Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of the land is for dispersing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement and suitable landscaping.

The subject parcels are located in an area of mixed residential and commercial uses on the western edge of the city limits. There has been no recent development pressure in the area. The formerly residential area has become increasingly commercial over the years. There is also an I-2 property containing a contractor storage yard in the area. It is unlikely that any residential development pressure would occur in this area, as the immediate location is more suited for commercial uses due to its location at the intersection of two major traffic arteries. Due to the existing commercial uses in the area, and the proximity of two major roads, staff is of the opinion that these properties are more suited for commercial uses, and the BG designation would be appropriate.

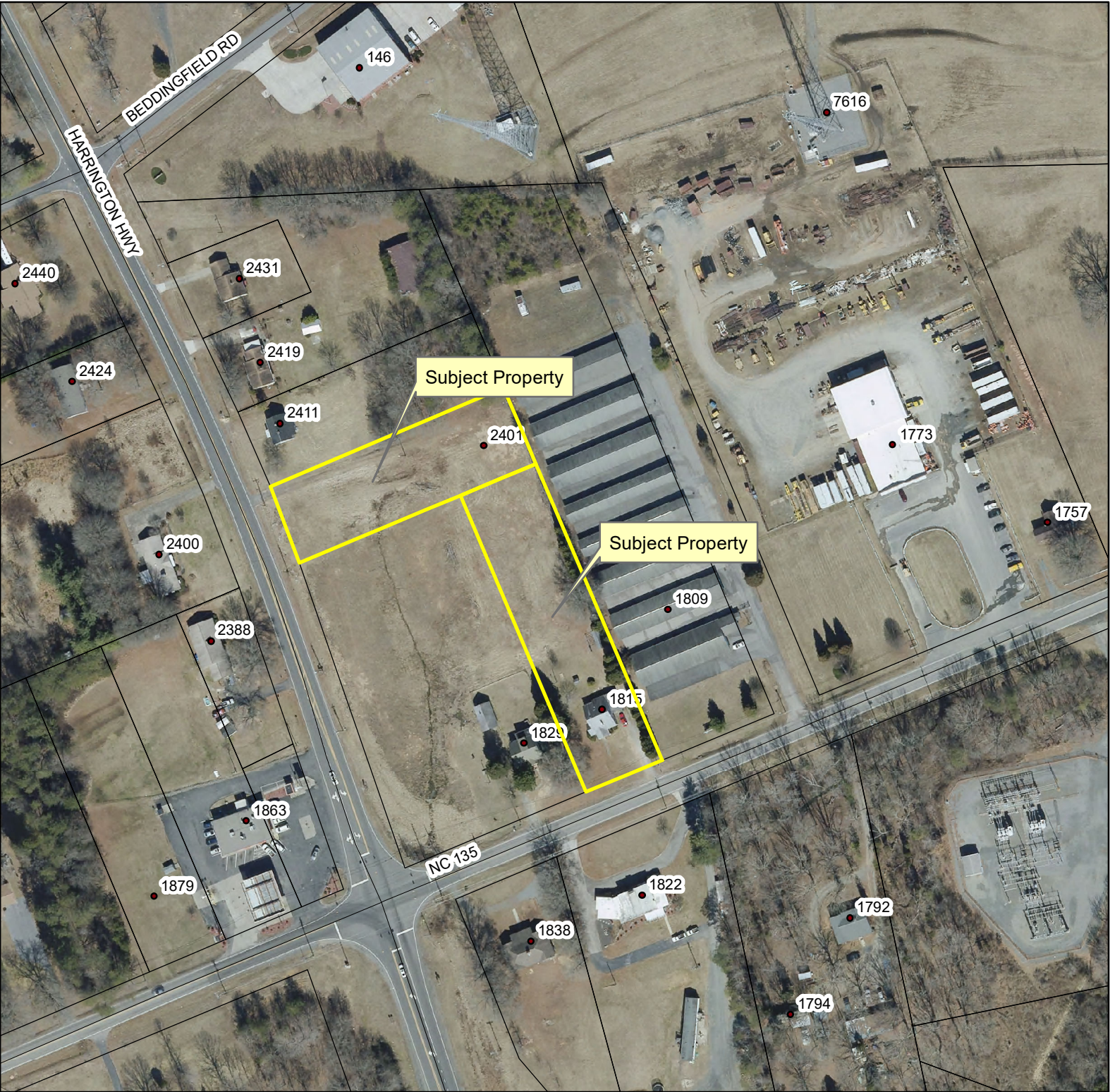
Based upon the character of the area and the mixed commercial and residential uses in the area, staff recommends approval of the request.

STAFF RECOMMENDATION: **Approval of the BG request.**

ZONING CASE

Z-18-03

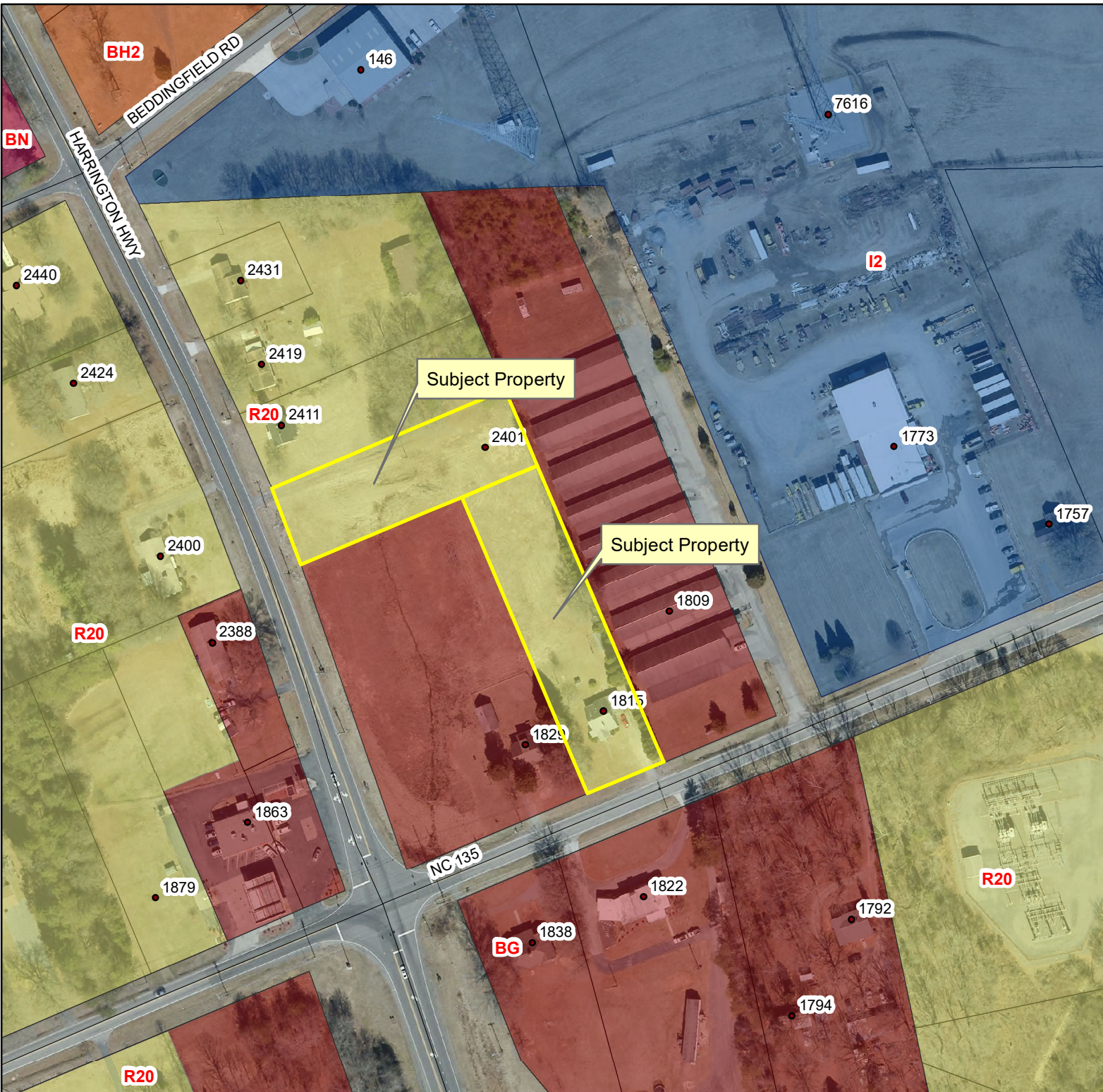
AERIAL MAP



**1815 NC 135 and
2401 Harrington Hwy**

**Zoned:
Residential - 20**

**Requested:
Business - General**



ZONING CASE
Z-18-03
ZONING MAP



**1815 NC 135 and
2401 Harrington Hwy**

**Zoned:
Residential - 20**

**Requested:
Business - General**

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-18-03
MAP 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 rezone property located at 1815 NC 135 and 2401 Harrington Highway from R-20 to BG.

STATEMENT OF NEED:

It is unlikely that any residential development pressure would occur in this area, as the immediate location is more suited for commercial uses due to its location at the intersection of two major traffic arteries. Due to the existing commercial uses in the area, and the proximity of two major roads, staff is of the opinion that these properties are more suited for commercial uses, and the BG designation would be appropriate. This area is designated as a Town Center in the City of Eden Land Development Plan.

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.
- F.

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 amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended, which shows this property being used as a Town Center.
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 March, 2018.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT
CITY CODE AMENDMENT REPORT
March 19, 2018**

CASE NUMBER: CCA-18-01

REQUESTED ACTION: To amend Chapter 2, Article III of the Eden City Code to add Division 9 – Strategic Planning Commission.

APPLICANT: Planning Board

EXISTING TEXT

Chapter 2, Article III: Division 9

(Does not exist)

PROPOSED TEXT

Chapter 2, Article III: Division 9 – Strategic Planning Commission.

Sec. 2-148. Created.

The City of Eden Strategic Planning Commission is hereby created pursuant to Chapter 160A-361 of the N.C. Gen. Statutes and the provisions of this ordinance.

Sec. 2-149. Membership and vacancies.

The Strategic Planning Commission shall consist of 12 members. Members shall be citizens and residents of the City of Eden, its ETJ, local business owners or shall be persons with expertise deemed to be appropriate for inclusion on the Commission. The members shall be appointed for terms of three (3) years, with the exception of the initial members. Four (4) of the initial members shall be appointed for a term of one (1) year; four (4) for two (2) years; and four (4) for three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Members may be re-appointed. The Strategic Planning Commission shall make recommendations to the City Council for members either to fill unexpired terms or new members.

Sec. 2-150. Absence and attendance.

It shall be the duty of all Strategic Planning Commission members to inform the administrative assistant of the board of any anticipated absence and notification shall be immediately after receipt of the agenda. A member who misses three (3) consecutive regular meetings or more than 30% of the meetings in a calendar year loses his status

as a member of the Commission until reappointed or replaced by the governing body of his respective unit after the receipt of a recommendation from the Strategic Planning Commission.

Sec. 2-151. Rules of Conduct for Members.

Members of the Strategic Planning Commission may be removed for cause by the City Council, including violation of the rules stated below.

- (1) Faithful attendance at all Commission meetings and conscientious performance of the duties required of Commission members shall be considered a prerequisite of continuing membership on the Commission.
- (2) Each member of the Commission shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Commission as time and circumstances permit.
- (3) It shall be the duty of every Commission member to avoid even the appearance of conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the Commission in any matter that would substantially affect, directly or indirectly, his or her personal financial interests or the financial interests of a member of his household. This prohibition includes formal or informal consideration of the matter by the Commission, whether conducted in public or private. This provision does not prohibit participation in advisory decisions that will have a similar effect on all citizens of the Eden planning area or in which the financial interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule, the following procedure shall govern:
 - (a) A member who has a conflict of interest shall disqualify himself and withdraw from participation in the matter. The member shall not sit with the Commission during the consideration and discussion of that matter.
 - (b) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.
 - (c) Any Commission member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Commission. By majority vote, the Commission may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.

- (d) If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the commission may, by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.
- (4) Members of the Commission shall not commit themselves on any question scheduled to be considered by the Commission prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Commission.

Sec. 2-152. Organization, rules, meetings and records.

The Strategic Planning Commission shall elect a chair and create and fill such offices as it may determine. The term of the chair and other officers shall be one (1) year, with eligibility for reelection. The Planning and Inspections Director or his designated appointee shall act as the administrative assistant to the Commission, and subject to the direction of the chair, shall be responsible for taking minutes of all meetings, conducting all correspondence of the Commission, supervising all clerical work of the Commission, maintaining a file of all studies, plans, reports, recommendations and actions of the Commission, as well as, providing other technical and professional assistance to the Commission. The administrative assistant shall not be eligible to vote on any matter. The Commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which shall be a public record. The Strategic Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with its duties. All meetings shall be open to the public. A majority of the members, excluding vacant positions, shall constitute a quorum.

Sec. 2-153. General powers and duties.

It shall be the duty of the Strategic Planning Commission, in general:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- (2) To identify needs and problems growing out of those needs;
- (3) To prepare and, from time to time, amend and revise a strategic and coordinated plan for the physical, social, and economic development of the area;

- (4) To prepare and recommend to the City Council projects, ordinances, initiatives and programs along lines indicated in the Strategic Plan and advise it concerning these issues;
- (5) To keep the City Council and the general public informed and advised as to these matters;
- (6) To monitor the progress and success of the Strategic Plan and to inform the City Council and the Citizens of the City of Eden Planning Jurisdiction; and
- (6) To perform any other duties that may lawfully be assigned to it.

Sec. 2-154. Basic studies.

As background for its Strategic Plan and any ordinances it may prepare, the Strategic Planning Commission may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Strategic Planning Commission may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of public facilities.

All city officials shall, upon request, furnish to the Strategic Planning Commission such available records or information as it may require in its work. The Commission or its agents may, in the performance of its official duties, enter upon lands and make examinations of surveys and maintain necessary monuments thereon.

Sec. 2-155. Annual report, budget request, receipt and expenditure of funds.

The Strategic Planning Commission shall, in February of each year, submit in writing to the City Council a report of its activities, an analysis of its expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. All accounts and funds of the Strategic Planning Commission shall be administered substantially in accordance with the requirements of the Local Government Fiscal Control Act all as shown in Article 3, Chapter 159, Section 7 of the N.C. General Statutes.

The Strategic Planning Commission is authorized to receive contributions from private agencies, organizations and individuals, in addition to any funds that may be appropriated for its use by the City Council. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions that it deems acceptable, whether or not such projects are included in the approved budget.

Sec. 2-156. Special committees.

The Strategic Planning Commission may from time to time establish special committees to assist it in studying specific questions and problems. The membership of such committees shall not be limited to commission members. The Commission shall not delegate to any such committee its official powers and duties.

Sec. 2-157. Reserved.

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

This amendment was initiated to create the Strategic Planning Commission pursuant to Chapter 160A-361 of the N.C. General Statutes and the provisions of the ordinance. The Strategic Planning Commission is created to oversee the work of the City's Strategic Plan, so that all activities of the plan are carried out according to the City Code and the Zoning Ordinance.

Based upon the foregoing information, staff recommends in favor of the text amendment.

STAFF RECOMMENDATION:

Approval of the text amendment.

DIVISION 9. STRATEGIC PLANNING COMMISSION

Sec. 2-148. Created.

The City of Eden Strategic Planning Commission is hereby created pursuant to Chapter 160A-361 of the N.C. Gen. Statutes and the provisions of this ordinance.

Sec. 2-149. Membership and vacancies.

The Strategic Planning Commission shall consist of 12 members. Members shall be citizens and residents of the City of Eden, its ETJ, local business owners or shall be persons with expertise deemed to be appropriate for inclusion on the commission. The members shall be appointed for terms of three (3) years, with the exception of the initial members. Four (4) of the initial members shall be appointed for a term of one (1) year; four (4) for two (2) years; and four (4) for three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Members may be re-appointed. The Strategic Planning Commission shall make recommendations to the City Council for members either to fill unexpired terms or new members.

Sec. 2-150. Absence and attendance.

It shall be the duty of all Strategic Planning Commission members to inform the administrative assistant of the commission of any anticipated absence and notification shall be immediately after receipt of the agenda. A member who misses three (3) consecutive regular meetings or more than 30% of the meetings in a calendar year loses his status as a member of the commission until reappointed or replaced by the governing body of his respective unit after the receipt of a recommendation from the Strategic Planning Commission.

Sec. 2-151. Rules of Conduct for Members.

Members of the Strategic Planning Commission may be removed for cause by the City Council, including violation of the rules stated below.

- (1) Faithful attendance at all Commission meetings and conscientious performance of the duties required of Commission members shall be considered a prerequisite of continuing membership on the Commission.
- (2) Each member of the Commission shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Commission as time and circumstances permit.
- (3) It shall be the duty of every Commission member to avoid even the appearance of conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the Commission in any matter

that would substantially affect, directly or indirectly, his or her personal financial interests or the financial interests of a member of his household. This prohibition includes formal or informal consideration of the matter by the Commission, whether conducted in public or private. This provision does not prohibit participation in advisory decisions that will have a similar effect on all citizens of the Eden planning area or in which the financial interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule the following procedure shall govern:

- (a) A member who has a conflict of interest shall disqualify himself and withdraw from participation in the matter. The member shall not sit with the Commission during the consideration and discussion of that matter.
 - (b) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.
 - (c) Any Commission member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Commission. By majority vote, the Commission may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.
 - (d) If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the commission may, by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.
- (4) Members of the Commission shall not commit themselves on any question scheduled to be considered by the Commission prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Commission.

Sec. 2-152. Organization, rules, meetings and records.

The Strategic Planning Commission shall elect a chair and create and fill such offices as it may determine. The term of the chair and other officers shall be one (1) year, with eligibility for reelection. The Planning and Inspections Director or his designated appointee shall act as the administrative assistant to the commission, and subject to the direction of the chair, shall be responsible for taking minutes of all meetings, conducting all correspondence of the Commission, supervising all clerical work of the Commission,

maintaining a file of all studies, plans, reports, recommendations and actions of the Commission, as well as, providing other technical and professional assistance to the Commission. The administrative assistant shall not be eligible to vote on any matter. The Commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which shall be a public record. The Strategic Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with its duties. All meetings shall be open to the public. A majority of the members, excluding vacant positions, shall constitute a quorum.

Sec. 2-153. General powers and duties.

It shall be the duty of the Strategic Planning Commission, in general:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- (2) To identify needs and problems growing out of those needs;
- (3) To prepare and from time to time amend and revise a strategic and coordinated plan for the physical, social, and economic development of the area;
- (4) To prepare and recommend to the City Council projects, ordinances, initiatives and programs along lines indicated in the Strategic Plan and advise it concerning these issues;
- (5) To keep the City Council and the general public informed and advised as to these matters;
- (6) To monitor the progress and success of the Strategic Plan and to inform the City Council and the Citizens of the City of Eden Planning Jurisdiction; and
- (6) To perform any other duties that may lawfully be assigned to it.

Sec. 2-154. Basic studies.

As background for its Strategic Plan and any ordinances it may prepare, the Strategic Planning Commission may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Strategic Planning Commission may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of public facilities.

All city officials shall, upon request, furnish to the Strategic Planning Commission such available records or information as it may require in its work. The Commission or its agents may, in the performance of its official duties, enter upon lands and make examinations of surveys and maintain necessary monuments thereon.

Sec. 2-155. Annual report, budget request, receipt and expenditure of funds.

The Strategic Planning Commission shall, in February of each year, submit in writing to the City Council a report of its activities, an analysis of its expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. All accounts and funds of the Strategic Planning Commission shall be administered substantially in accordance with the requirements of the Local Government Fiscal Control Act all as shown in Article 3, Chapter 159, Section 7 of the N.C. General Statutes.

The Strategic Planning Commission is authorized to receive contributions from private agencies, organizations and individuals, in addition to any funds that may be appropriated for its use by the City Council. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions that it deems acceptable, whether or not such projects are included in the approved budget.

Sec. 2-156. Special committees.

The Strategic Planning Commission may from time to time establish special committees to assist it in studying specific questions and problems. The membership of such committees shall not be limited to commission members. The Commission shall not delegate to any such committee its official powers and duties.

Sec. 2-157. Reserved.

RULES OF PROCEDURE
STRATEGIC PLANNING COMMISSION
CITY OF EDEN
NORTH CAROLINA

Article 1. Purpose.

To establish procedures for organizing and conducting the business of the Strategic Planning Commission of the City of Eden, North Carolina.

Article 2. General Governing Statutes, Ordinances, and Rules.

The Strategic Planning Commission, hereinafter referred to as "the Commission," shall be governed by all of the following statutes, ordinances, and rules:

2.1 Applicable State Statutes, Local Ordinances and Rules.

To the extent that they remain in force and effect, as they are amended, or as they may be added to, the Commission and its members and officers shall be governed by state statutes and local ordinances including the following:

- (a) State statutes applying generally to public bodies, members, and officials, including:

Open Meetings Law, N.C. General Statutes Chapter 143-33B.

- (b) State statutes relating to activities of the board including:

Planning and Regulation of Development, N.C. General Statutes Chapter 160A, Article 19.

- (c) Ordinances and rules of the City of Eden generally affecting its local boards and officials, including:

City of Eden Planning Organization Ordinance.

- (d) **The Zoning Ordinance of the city of Eden.**

- (e) **The Subdivision Regulations of the city of Eden.**

- (f) **The rules of the board, as set forth herein.**

2.2 Requirement for Familiarity with State Statutes, Local Ordinances and Rules Affecting the Board.

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing state statutes, ordinances and rules, and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

2.3 Rules of Commission to be Available to Public.

A certified official copy of rules of the Commission, in current form, shall be available in the office of the administrative assistant to the Commission. Additional copies shall be provided to members of the Commission and made available to the public on request, but the official copy shall govern. No amendment to these rules shall become effective until incorporated in the official copy.

Article 3. Membership; Term; Absence and Attendance; Resignations; Vacancies; and Rules of Conduct.

3.1 Membership.

The Commission shall consist of 12 members, appointed by City Council. Members shall be citizens and residents of the City of Eden, its ETJ, local business owners or shall be persons with expertise deemed to be appropriate for inclusion on the commission.

3.2 Term of Appointment.

The members shall be appointed for terms of three (3) years, with the exception of the initial members. Four (4) of the initial members shall be appointed for a term of one (1) year; four (4) for two (2) years; and four (4) for three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Members may be re-appointed. The Strategic Planning Commission shall make recommendations to the City Council for members either to fill unexpired terms or new members.

3.3 Absence and Attendance.

It shall be the duty of all Commission members to inform the administrative assistant of the Commission of any anticipated absence and notification shall be immediately after receipt of the agenda. A member who misses three (3) consecutive regular meetings or 30% or more of the meetings in a calendar year loses his status as a member of the Commission until reappointed or replaced by the governing body of his respective unit. Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Commission; except, that in the event of a long illness or other such case for prolonged absence the member may be replaced.

3.4 Resignations.

If a City member moves outside the City, or if an extraterritorial member moves outside the planning and zoning jurisdiction, that shall constitute a resignation from the Commission effective upon the date a replacement is appointed.

When members propose to resign, if reasonably feasible, they shall give notice of their intent to the chairman or administrative assistant, or make the date of resignation effective, in such a manner as to allow time for appointment of replacements.

3.5 Vacancies.

Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

When a member dies or resigns (including resignation by absence), the administrative assistant shall promptly indicate to the City Council that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be protracted period, or moves from the jurisdiction, or becomes for any other reason no longer qualified for office, and fails to resign, the chairman shall cause any necessary investigation to be made and if appropriate shall declare the office vacant, and the administrative assistant shall promptly indicate to the City Council that a vacancy exists.

3.6 Rules of Conduct.

Members of the Commission may be removed for cause by the City Council, including violation of the rules stated below.

- (a) Faithful attendance at all Commission meetings and conscientious performance of the duties required of Commission members shall be considered a prerequisite of continuing membership on the Commission.
- (b) Each member of the Commission shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the board as time and circumstances permit.
- (c) It shall be the duty of every Commission member to avoid even the appearance of conflict of interest. Therefore, no member shall vote on, discuss, debate, advocate, influence, or otherwise participate before the board in any matter that would substantially affect, directly or indirectly, his or her personal financial interests or the financial interests of a member of his household. This prohibition includes formal or informal consideration of the matter by the Commission, whether conducted in public or private. This provision does not prohibit participation in advisory decisions that will have a similar effect on all citizens of the Eden planning area or in which the financial interest is so insignificant or remote that it is unlikely to affect the member's official action in any way. In applying this rule, the following procedure shall govern:
 - (1) A member who has a conflict of interest shall disqualify himself and withdraw from participation in the matter. The member shall not sit with the Commission during the consideration and discussion of that matter.
 - (2) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.
 - (3) Any Commission member may seek an opinion from the City Attorney as to the applicability of this section to a particular decision or set of facts. The response to such a request shall be made to the member making the request, and a copy shall be provided to the chairman of the Commission.

By majority vote, the Commission may seek the opinion of the City Attorney as to the applicability of this section to a particular decision or set of facts.

- (4) If an opinion is received from the City Attorney that a member has an impermissible conflict of interest pursuant to a particular decision or set of facts and the member does not disqualify himself or herself, the Commission may by majority vote (not considering the vote of the member with the alleged conflict) disqualify that member from all participation in the matter involved.
- (d) Members of the Commission shall not commit themselves on any question scheduled to be considered by the Commission prior to the consideration of the matter at a duly authorized meeting. Members shall use discretion in discussing with individuals scheduled agenda items which are later to be voted on by the Commission.

Article 4. Officers, Committees, Administrative Assistant; Duties.

- 4.1 Regular Election of Chairman, Vice Chairman; Provisions for Contingencies; Continuation of Service Until Successors Take Office.

Annually, as the first item of business at the regular meeting of the Commission in the month of January, the Commission shall elect a chairman and vice chairman. If such regular meeting is cancelled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting. The prior chairman and acting chairman shall remain in office until their successors take office at the next regular or special meeting following their election or appointment.

- 4.2 Succession of Vice Chairman to Office of Chairman; Special Elections.

If the chairman resigns his office or becomes no longer a member of the Commission, the vice chairman shall succeed him in office for the remainder of the term. If the vice chairman resigns his office, becomes no longer a member of the Commission, or succeeds to the chairman's office, a special election shall be held at the next regular meeting of the Commission to select a vice chairman to complete the term. If such regular meeting is one immediately preceding the regular election and any duties to be performed by the vice chairman in the intervening period can be performed in a satisfactory manner, the Commission may permit the office of vice chairman to remain vacant for the period.

- 4.3 Duties of Chairman, Presiding Officer.

If present and able, the chairman shall preside at all meetings. If the chairman is absent or unable to preside, the vice chairman shall preside. If both are absent or unable to preside, the members present shall appoint a temporary chairman to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and passed. He shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

4.4 Additional Duties of Chairman.

Subject to the rules and further instructions from the Commission, the chairman shall direct the official business of the Commission, request needed assistance and exercise general disciplinary power. The chairman shall make appointments to any committees established by the Commission.

The chairman shall report to the Commission on all official transactions which have not otherwise come to the attention of the Commission. The chairman shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the City Council.

4.5 Duties of Vice Chairman.

The chairman may delegate specific duties generally to the vice chairman or may authorize the vice chairman to perform specific duties, during his absence from the jurisdiction or in case of his other disability to perform necessary Commission functions in a timely manner. The vice chairman shall perform all duties so delegated, and in case of absence or incapacity of the chairman, on approval by majority of the Commission, shall perform any or all duties of the chairman whether or not delegated.

4.6 Special Committees.

The Commission may, from time to time, establish special committees to assist it in studying specific questions and problems. The membership of such committees shall not be limited to Commission members. The Commission shall not delegate to any such committee its official powers and duties.

4.7 Administrative Assistant.

The Planning and Inspections Director or his designated appointee shall act as the administrative assistant to the Commission. The administrative assistant shall not be eligible to vote on any matter. Subject to the direction of the chair, the administrative assistant shall be responsible for taking minutes of all meetings, conducting all correspondence of the Commission, supervising all clerical work of the Commission, maintaining a file of all studies, plans, reports, recommendations and actions of the Commission, as well as, providing other technical and professional assistance to the Commission. In particular:

(a) Minute Book.

The administrative assistant shall maintain a minute book which shall be kept posted to date. In the minute book shall be recorded the Commission's proceedings, showing attendance and all absences, with indications as to whether absences were excused or unexcused, any disqualifications of members, all official actions, and the vote of each member voting on every question. The minutes of the Commission shall be a public record, kept in the office of the administrative assistant.

Article 5. Meetings.

5.1 Regular Meetings.

Regular meetings of the Commission shall be held quarterly at 8:00 a.m. in the conference room at City Hall, or at such other times as the Commission may determine; provided that such meetings may be held at any other convenient place if directed by the chairman in advance of the meeting or upon a finding that such other location would serve public convenience or necessity. A schedule of the regular meetings shall be posted on the principal bulletin board at City Hall.

5.2 Special Meetings.

The chairman, or in his absence the acting chairman, may call special meetings of the Commission at any time by signing a written notice stating the time and place of the meeting and the subjects to be considered. Only those items of business specified in the notice may be transacted at a special meeting. Written or oral notice of the meeting shall be given, by either the administrative assistant or the chairman, to each member of the Commission. In addition, written notice of a special meeting shall be posted on the principal bulletin board at City Hall. Written or oral notice shall also be given to each media establishment or to any person who has filed a written request with the administrative assistant. An annual fee of ten (\$10.00) shall be charged to persons other than the media who request such notice. The notice of the special meeting shall be posted and mailed or delivered at least 48 hours before the time of the meeting.

5.3 Recess or Adjournment.

Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a particular time and place shall not require additional public notice.

5.4 Cancellation of Meetings.

If there is no business for the Commission, or if so many members notify the administrative assistant that they cannot attend, and thus a quorum will not be available, the chairman may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours before the time set for the meeting.

5.5 Quorum.

A majority of the members, excluding vacant positions, shall constitute a quorum.

5.6 Voting.

All actions of the Commission shall be taken by majority vote, a quorum being present. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Section 3.6.

A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

The chairman shall not vote unless his vote is needed to break a tie or make a tie.

5.7 Agenda, Order of Business.

All meetings shall be open to the public. The Commission shall work from a prepared agenda. The order of business at regular meetings shall be as follows:

- (a) Meeting called to order.
- (b) Roll call.
- (c) Set Meeting Agenda.
- (d) Approval of minutes of the previous meeting, including any special meetings.
- (e) Unfinished business.
- (f) New business.
- (g) Adjournment.

If the Commission directs that any item be considered as a special order of business at a future meeting, such item shall have precedence over all other items of business arising at such meeting. All cases before the Commission shall be brought to the Commission in the order they were received by the administrative assistant. The chairman at his discretion, without objection from a majority of the Commission, may vary the order in which the cases are heard and decided.

5.8 Conduct of the Meeting.

All requests from the public to address the Commission shall be duly noted on the printed agenda prior to the meeting.

The Commission will allow public comment on an agenda item in accordance with the following procedure:

- (a) If there is a desire from a large number of citizens to comment on one or more particular agenda items or if the Commission has a lengthy agenda of business to transact, the chairman, at the beginning of the meeting and prior to the discussion of any business, may establish an appropriate time limit for individual public comment.
- (b) In order for the Commission to give full consideration to each item of business, any group of persons present to comment on an agenda item may be encouraged by the chairman to have a spokesperson address the group's concerns to the Commission.
- (c) The chairman may limit repetitive comments previously addressed to the Commission concerning an agenda item and may restrict anyone from making inappropriate comments or remarks not pertaining to the item of business.
- (d) In addressing the Commission, individuals shall approach the podium, state their name and address for the record and limit their comments to the agenda item being discussed. All questions shall be addressed to the Commission.

- (e) In considering amendments to the zoning ordinance, the Commission will observe the following procedure:
- (1) The chairman, or such person as he shall direct, shall give a preliminary statement concerning the amendment.
 - (2) The Planning and Inspections Department staff shall present the Department's report on the amendment.
 - (3) The Commission shall have an opportunity to ask questions of the staff regarding the report and the amendment.
 - (4) The applicant, if applicable, shall be given an opportunity to make a presentation to the Commission and offer comments.
 - (5) Then, interested citizens will be allowed to offer comments to the Commission pertaining to the amendment in accordance with the foregoing procedures. Statements from the public in support of the amendment shall be presented to the Commission first, then statements in opposition shall be presented.
 - (6) The Commission may ask questions of the applicant, citizens or staff prior to taking any appropriate action on the amendment.

5.9 Application of Robert's Rules of Order.

Except as otherwise specified by these rules, parliamentary procedures of the Commission during meetings shall be in accord with Robert's Rules of Order.

Article 6. Amending or Waiving Rules.

6.1 Amending Rules.

These rules may be amended by a majority of the Commission membership except where such amendment would be contrary to requirement or limitations set by state law or local ordinance. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting. Not less than seven (7) days prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed change.

6.2. Waiving or Suspending Rules.

A rule of procedure may be suspended or waived at any meeting by unanimous vote of board members present unless such rule is set by state legislation or local ordinance.

APPROVED, ADOPTED AND EFFECTIVE, this _____ day of March, 2018.

CITY OF EDEN
PLANNING BOARD

By: _____
Matt Smith, Chairman

ATTEST:

Administrative Assistant
to the Commission