



**D. CITY CODE AMENDMENT**

**CCA-17-01**

**TEXT AMENDMENT**

- (1) Initiate action to Amend Chapter 4, Article IV, Division 5, Section 4-90 of the Eden City Code to comply with the North Carolina General Statutes provisions determining that the owner(s) have abandoned their intent to repair a structure.
- (2) Consideration of amending Chapter 4, Article IV, Division 5, Section 4-90 by adding a new subsection (D) to add a provision from the North Carolina General Statutes that the owner(s) has abandoned the intent and purpose to repair, alter or improve the dwelling and then renumbering the existing (D) to (E).

7. Items from Staff:

8. Items from the Planning Board:

9. Adjournment.

**PLEASE CALL OR EMAIL THE PLANNING AND INSPECTIONS DEPARTMENT IMMEDIATELY  
TO LET US KNOW IF YOU ARE OR ARE NOT PLANNING TO ATTEND  
336-623-2110 OPTION 2**

EDEN PLANNING BOARD  
JANUARY 24, 2017

A regular meeting of the Eden Planning Board was held on Tuesday, January 24, 2017, at 5:30 P.M. in the conference room at City Hall. Members present:

Eddie Barker  
Tamyra Caple  
Amelia Dallas  
Carol Helms  
Jerry W. Holland, Jr.  
Steve Morgan  
Matt Smith  
Gwen Taylor

Members absent: Tamyra Caple  
Fred Ramsey

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

Others Present: David and Rhonda Price

\*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

**ROLL CALL:**

It was noted that everyone was present except Tamyra Caple and Fred Ramsey.

**SET MEETING AGENDA:**

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

New board member, Gwen Taylor, introduced herself to the board.

**APPROVAL OF MINUTES OF THE REGULAR MEETING ON NOVEMBER 22, 2016.**

The minutes of the regular meeting on November 22, 2016, were presented to the Board. Eddie Barker made a motion to approve the minutes as submitted. Steve Morgan seconded the motion. Motion carried unanimously.

**NEW BUSINESS:**

**A. ZONING CASE Z-16-05 MAP AMENDMENT**

Consideration of a zoning map amendment request to rezone property at 1672 Price Road from Residential-4 to Industrial – 1. Request submitted by David Price, property owner.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 1672 Price Road from Residential-4 to Industrial – 1.

Kelly Stultz presented the Staff Report and gave a brief background on the history of this property.

Steve Morgan asked if signs are posted on the property when a rezoning requested is filed and if the neighbors receive notice of the rezoning.

Kelly Stultz – Signs are not posted for the Planning Board meeting but they are put out before the City Council meeting and a notice is published in the newspaper.

Amelia Dallas – Have you heard from any neighbors on this rezoning?

Kelly Stultz – No, we haven't heard from any as of today. Neighbors can appear at the City Council meeting and speak during the public hearing.

David Price – I don't want to do any to upset the neighbors. I need somewhere to put vehicles temporarily for the Fire Department, Police Department and Rescue Squad to use for demonstrations. After that, we have them crushed.

Rhonda Price – We don't have space for them at our business on Monroe Street. Is there anything else we could change it to?

Kelly Stultz – Only Industrial – 3.

Eddie Barker – If we approve this it will open it for other properties.

Steve Morgan made a motion to recommend denial of the request to the City Council. Jerry Holland seconded the motion and it passed.

Jerry Holland made a motion to adopt the Statement of Consistency recommending denial of the rezoning request. Eddie Barker seconded, the motion passed.

**A. ZONING CASE Z-16-06 MAP AMENDMENT**

Consideration of a zoning map amendment request to rezone property at 524 Morgan Road from Business–General to Residential-6. Request submitted by Jesse Griffith, property owner.

Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 524 Morgan Road from Business–General to Residential-6.

Kelly Stultz presented the Staff Report and a history of the zoning changes for the property. It was previously zoned as residential and was changed to Business-General when the owners wanted to open a day care in the house. The house has recently been sold and the owner wants to use the house as his principal residence.

Jerry Holland made a motion to recommend approval of the zoning request to the City Council and to adopt the Resolution Adopting a Statement of Consistency. Steve Morgan seconded the motion and it passed unanimously.

**ADJOURNMENT:**

There being no further business to come before the Board, Jerry Holland 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 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: Jerry Haymore TELEPHONE: 336-402-2933  
MAILING ADDRESS: 140 Thomas Estates Road  
CITY Eden STATE N.C. ZIP CODE 27288

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

B-4 # 1

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

N/A

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

Add Dog boarding

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

Adding options for our customers

(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.

Jerry Hays  
Applicant's Signature

2-24-2017  
Date of Signature

---

**DEPARTMENTAL USE ONLY**

APPLICATION NUMBER: 2-17-01  
RECEIVED BY: XKS

FEE PAID:   
DATE: 2-24-2017

PAID  
FEB 24 2017  
CITY OF EDEN

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
March 13, 2017**

---

**CASE NUMBER:** Z-17-01

**REQUESTED ACTION:** To amend Section 11.24(k)(1) to allow dog boarding as a permitted use in the BH-1 district.

**APPLICANT:** Jerry Haymore

---

**EXISTING TEXT**

---

**Section 11.24(k)**

(1) (None)

---

---

**PROPOSED TEXT**

---

**Section 11.24(k)**

(1) Dog and Cat Boarding, provided the animals are kept primarily inside (except for outside exercise and toileting). Outside exercise areas must be completely fenced and kept clean and free of animal waste. Must meet all district requirements with regards to screening and buffering.

---

---

**GENERAL INFORMATION**

---

This request was submitted by the Jerry Haymore.

---

---

**STAFF ANALYSIS**

---

This amendment was initiated after a request to allow dog boarding as a permitted use in the BH-1 district. The BH-1 district is established solely for the developing business area along NC 14 and the intersecting streets in the general vicinity of Morehead Hospital. These districts are designed to serve the special needs of the traveling public and the local citizens. The district provisions are designed to encourage low density development on large lots in the strategically urbanizing areas. It is very important that the district be developed in accordance with high standards. In working toward this objective, permitted uses in this district are limited to those uses compatible to existing uses and that would not be offensive to the contiguous residential and institutional districts.

Currently pet grooming (dogs and cats) is allowed as a permitted use in the BH-1 district. This amendment would allow dog boarding as a permitted use in these districts. Staff is of the opinion that allowing boarding of dogs and cats would be an appropriate use in the BH-1 district, with



the provisions that the animals are kept primarily inside, and that outside exercise areas are completely fenced and kept clean and free of animal waste.

Therefore, staff recommends that dog and cat boarding be allowed as a permitted use in the BH-1 districts, with the provisions listed.

Based upon the foregoing information, staff recommends in favor of the text 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-17-01**  
**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 allow Dog and Cat Boarding as a permitted use in the Business-Highway #1 District.

STATEMENT OF NEED:

Staff is of the opinion that allowing boarding of dogs and cats would be an appropriate use in the BH-1 District with the provisions that the animals are kept primarily inside and that outside exercise areas are completely fenced and kept clean and free of animal waste.

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 28th day of March, 2017.

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 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: Osborne Baptist Church TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

(2) APPLICABLE SECTION OF THE ZONING ORDINANCE:

11.26(g) Office and Institutional

(3) EXISTING WORDING IN TEXT:

none

(4) REQUESTED WORDING IN TEXT:


Food Service to the public as an accessory use to a church so long as the food service supports the ministry of the church

(5) REASON FOR REQUESTED CHANGE:

need

(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.

  
Applicant's Signature L. EVERETT / ADMIN.

FEB. 22 2017  
Date of Signature

---

**DEPARTMENTAL USE ONLY**

APPLICATION NUMBER: Z-17-02

FEE PAID: \$150<sup>00</sup>

RECEIVED BY: D. Balloway

DATE: 2/28/17

---

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
March 13, 2017**

---

**CASE NUMBER:** Z-17-02

**REQUESTED ACTION:** To amend Section 11.24(g)(1) to allow food service to the general public as an accessory use to a church in the O&I district.

**APPLICANT:** Osborne Baptist Church

---

**EXISTING TEXT**

---

**Section 11.24(g)**

(1) (None)

---

**PROPOSED TEXT**

---

**Section 11.24(g)**

(1) Food Service to the General Public (as an accessory use to a church)

---

**GENERAL INFORMATION**

---

This request was submitted by the Osborne Baptist Church.

---

**STAFF ANALYSIS**

---

This amendment was initiated after a request to allow food service to the general public as an accessory use to a church in the O&I district. The O&I district is established primarily for office and institutional uses which have only limited contact with the general public and which have no offensive noises, odors, smoke, fumes, and other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas.

Currently event centers are allowed with a special use permit in the O&I district. The district also allows country clubs and public and private recreation facilities which, by their nature, could also provide food service to their patrons. This amendment would allow food service to the general public as an accessory use to churches located in the O&I districts. Staff is of the opinion that allowing churches to provide food service to the general public would be compatible with the intent of the O&I district, due to the other similar uses allowed in the district, so long as the use is secondary to an active church congregation. Since churches already create a certain amount of traffic in these areas, and since churches must already provide adequate parking for their congregations, staff does not feel that allowing food service would greatly increase the amount

of traffic or create any other conditions which would be detrimental to these areas. Any food service provided by the church must also meet all other applicable provisions for food service establishments and for the O&I district.

Therefore, staff recommends that food service to the general public be allowed as an accessory use to churches in the O&I districts.

Based upon the foregoing information, staff recommends in favor of the text 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-17-02**  
**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 allow Food Service to the general public as an accessory use to a church as a permitted use in the Office & Institutional District.

STATEMENT OF NEED:

Staff is of the opinion that allowing churches to provide food service to the general public would be compatible with the intent of the Office & Institutional District due to the other similar uses allowed in the district, so long as the use is secondary to an active church congregation.

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 28th day of March, 2017.

CITY OF EDEN PLANNING BOARD

By \_\_\_\_\_  
Matthew W. Smith, Chair

ATTEST:

\_\_\_\_\_  
Kelly K. Stultz, Administrative  
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
March 13, 2017**

---

**CASE NUMBER:** Z-17-03

**REQUESTED ACTION:** To amend Section 11.22(q)(1)&(2) to regulate the type of buildings that can be used as accessory structures.

**APPLICANT:** Planning Board

---

**EXISTING TEXT**

---

**Section 11.22**

(q) Accessory Structures - Accessory structures, including but not limited to, accessory buildings, swimming pools, satellite dishes, and communication towers, are permitted on residential and nonresidential lots provided all requirements of this subsection are met and provided all necessary permits are obtained.

- (1) Residential accessory structures - All accessory structures for residential uses shall meet the following requirements.
  - (a) Location - All accessory structures shall be located behind the front building line of the principal structure.
  - (b) Side and corner side yard requirements - All accessory structures located between the front building line and the rear building line of the principal structure shall comply with the side yard and corner side yard requirements of the applicable zoning district, except as permitted for carports in subsection below. All accessory structures located behind the rear building line of the principal structure shall observe a 5 feet minimum side yard setback and a 15 feet corner side yard set-back.
  - (c) Rear yard requirements - All accessory structures shall observe a 5 feet minimum setback from the rear lot line.
  - (d) Height - The height of all accessory structures shall meet the height requirements of the applicable zoning district; except for carports permitted in subsection (f).
  - (e) Maximum accessory building area - The total gross floor area for all accessory buildings for single-family and two-family dwellings shall not exceed 50 percent of the gross floor area of the principal building or 600 square feet, whichever is greater.

- (f) Carports - One (1) carport accessory building may be permitted to be located between the front building line and the rear building line of a single-family or two-family dwelling and permitted to encroach into the minimum required side and corner side yard of the applicable zoning district provided all of the following requirements are met: The carport shall be (1) 480 square feet or less in area, (2) a freestanding structure detached from any other principal or accessory structure, (3) unenclosed on all four sides of the structure, (4) setback a minimum 5 feet from all side lot lines, (5) setback a minimum of 15 feet from all corner side lot lines, and (6) not exceeding 12 feet in height. Where such carport exceeds 12 feet in height, the carport shall setback an additional 2 feet from the side and corner side lot lines for every 1 foot of height exceeding 12 feet.

- (2) Nonresidential accessory structures - All accessory structures for nonresidential uses shall meet all minimum yard and height requirements of the applicable zoning district.

---

---

**PROPOSED TEXT**

---

---

**Section 11.22**

(q) Accessory Structures - Accessory structures, including but not limited to, accessory buildings, swimming pools, satellite dishes, and communication towers, are permitted on residential and nonresidential lots provided all requirements of this subsection are met and provided all necessary permits are obtained.

- (1) Residential accessory structures - All accessory structures for residential uses shall meet the following requirements.
- (a) Location - All accessory structures shall be located behind the front building line of the principal structure.
  - (b) Side and corner side yard requirements - All accessory structures located between the front building line and the rear building line of the principal structure shall comply with the side yard and corner side yard requirements of the applicable zoning district, except as permitted for carports in subsection below. All accessory structures located behind the rear building line of the principal structure shall observe a 5 feet minimum side yard setback and a 15 feet corner side yard set-back.
  - (c) Rear yard requirements - All accessory structures shall observe a 5 feet minimum setback from the rear lot line.
  - (d) Height - The height of all accessory structures shall meet the height requirements of the applicable zoning district; except for carports permitted in subsection (f).
  - (e) Maximum accessory building area - The total gross floor area for all accessory buildings for single-family and two-family dwellings shall not exceed 50 percent

of the gross floor area of the principal building or 600 square feet, whichever is greater.

- (f) Carports - One (1) carport accessory building may be permitted to be located between the front building line and the rear building line of a single-family or two-family dwelling and permitted to encroach into the minimum required side and corner side yard of the applicable zoning district provided all of the following requirements are met: The carport shall be (1) 480 square feet or less in area, (2) a freestanding structure detached from any other principal or accessory structure, (3) unenclosed on all four sides of the structure, (4) setback a minimum 5 feet from all side lot lines, (5) setback a minimum of 15 feet from all corner side lot lines, and (6) not exceeding 12 feet in height. Where such carport exceeds 12 feet in height, the carport shall setback an additional 2 feet from the side and corner side lot lines for every 1 foot of height exceeding 12 feet.
- (g) All accessory structures must be designed for the purpose for which they are to be used; i.e., storage units must be designed as permanent storage buildings, carports must be designed to house automobiles, etc. No tractor trailers, mobile homes, automobiles, or other such items may be used as accessory structures or storage buildings, whether or not wheels have been removed.

(2) Nonresidential accessory structures - All accessory structures for nonresidential uses shall meet all minimum yard and height requirements of the applicable zoning district. All accessory structures must be designed for the purpose for which they are to be used; i.e., storage units must be designed as permanent storage buildings, carports must be designed to house automobiles, etc. No tractor trailers, mobile homes, automobiles, or other such items may be used as accessory structures or storage buildings, whether or not wheels have been removed. Any storage unit which is subject to public access (i.e., sales and overflow merchandise storage) must meet commercial building code and fire codes for the particular use.

---

---

### **GENERAL INFORMATION**

---

---

This request was submitted by the Planning Board.

---

---

### **STAFF ANALYSIS**

---

---

This amendment was initiated as a result of numerous businesses and some residences which are using tractor trailers as permanent storage facilities. Some of these businesses even allow public access to the units. This can be very dangerous, as the tractor trailers are not on permanent foundations and may not be securely anchored or stabilized. Other properties (residential and commercial) have used old mobile homes or even old vehicles as storage units. This is not only unsightly, but may also be dangerous. Staff is of the opinion that these items, which are not designed as storage units, should not be allowed for these purposes.

Therefore, staff recommends that tractor trailers, mobile homes, vehicles and other such items be prohibited as storage facilities.

Based upon the foregoing information, staff recommends in favor of the text 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-17-03**  
**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 initiated a request for an amendment to the Zoning Ordinance as follows:

To amend Section 11.22(q)(1) & (2) to regulate the type of buildings that can be used as accessory structures.

**STATEMENT OF NEED:**

Allowing tractor trailers, mobile homes, vehicles, and other types of structures to be used as permanent storage facilities can be dangerous and unsightly. Staff is of the opinion that these items, which are not designed as storage units, should not be allowed for these purposes.

**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 28th day of March, 2017.

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 14, 2017**

---

**CASE NUMBER:** CCA-17-01

**REQUESTED ACTION:** To amend Chapter 4, Article IV: Section 4-90 of the Eden City Code dealing with abandoned intent to repair derelict buildings.

**APPLICANT:** Planning Board

---

---

**EXISTING TEXT**

---

**Chapter 4, Article IV: Section 4-90(D).**

**FAILURE TO COMPLY WITH ORDER; OWNER.**

(D) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. passed 5-15-95)

---

---

**PROPOSED TEXT**

---

**Chapter 4, Article IV: Section 4-90(D-E).**

**FAILURE TO COMPLY WITH ORDER; OWNER.**

(D) If the Director shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in Section 4-89(1), and if the dwelling has been vacated and closed for a period of one year pursuant to the order; then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent



and affordable housing in this State, then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

(2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds of Rockingham County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Director shall effectuate the purpose of the ordinance.

(E) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Director shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided by G.S. Chapter 160A, Article 10. If the dwelling is removed or demolished by the Director, he shall sell the materials of such dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Rockingham County by the Director, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. passed 5-15-95)

---

---

### GENERAL INFORMATION

---

---

This request was submitted by the Planning Board.

---

---

### STAFF ANALYSIS

---

---

This amendment was initiated in response to changes in the N.C. General Statutes which allow municipalities to repair or demolish properties for which the owner(s) has abandoned the intent to repair or demolish.

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

**STAFF RECOMMENDATION:**

**Approval of the text amendment.**