



**C. ZONING CASE**

**Z-17-07**

**TEXT AMENDMENT**

- (1) Consideration of a zoning text amendment to repeal Section 11.24(r) (I-RO Industrial Reuse Overlay District) and 11.24(s) (M-H Manufactured Home Overlay District).
  - (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to repeal Section 11.24(r) (I-RO Industrial Reuse Overlay District) and 11.24(s) (M-H Manufactured Home Overlay District).
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7. Items from Staff:
  8. Items from the Planning Board:
  9. Adjournment.

**PLEASE CALL THE PLANNING AND INSPECTIONS DEPARTMENT IMMEDIATELY IF  
YOU ARE UNABLE TO ATTEND THE MEETING  
336-623-2110 OPTION 2**

**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING TEXT AMENDMENT REPORT**  
September 11, 2017

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**CASE NUMBER:** Z-17-07

**REQUESTED ACTION:** To amend Section 11.24(i)(2) to remove wording which requires that automobile sales lots be paved.

**APPLICANT:** Roger Ore

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**EXISTING TEXT**

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**Section 11.24(i)(2) Conditional Uses**

Automobile sales, *provided that the sales lot area be paved*; provided further that the office and any other structures located on the property be permanent structures situated on permanent foundations, and that said structures meet all state and local building codes; provided further that any exterior lighting associated with the business may directly illuminate only the said property; provided further that any public address system associated with the business be operated only during normal business hours, and turned off after normal hours of operation; provided further that all entrances, exits and traffic patterns associated with the business meet N. C. Department of Transportation and City standards, and that said entrances, exits and traffic patterns be approved by the Planning Department.

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**PROPOSED TEXT**

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**Section 11.24(i)(2) Conditional Uses**

Automobile sales, provided that the office and any other structures located on the property be permanent structures situated on permanent foundations, and that said structures meet all state and local building codes; provided further that any exterior lighting associated with the business may directly illuminate only the said property; provided further that any public address system associated with the business be operated only during normal business hours, and turned off after normal hours of operation; provided further that all entrances, exits and traffic patterns associated with the business meet N. C. Department of Transportation and City standards, and that said entrances, exits and traffic patterns be approved by the Planning Department.

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**GENERAL INFORMATION**

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This request was submitted by Roger Ore.

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## STAFF ANALYSIS

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This amendment was initiated by Roger Ore so that he could use his property in the BG district for a used car business. The property in question formerly housed a used car business which was “grandfathered” when the zoning ordinance was amended to require that used car lots be paved. The property owner planned to open a similar business on the property, but because the former business has been closed for longer than six months, it has lost its legal-nonconforming status.

The original amendment to the zoning ordinance, to require that used automobile sales lots be paved, was initiated primarily for the BH-1 and BH-2 districts along Highway 14. Staff is of the opinion that requiring the sales lot for used cars to be paved places an unnecessary hardship on property owners wishing to operate used automobile sales businesses in the BG district. Furthermore, staff can see no benefit to requiring that the sales lots be paved, since paving creates more impervious surface, which creates more runoff into the watershed and other areas.

Therefore, staff recommends removing the requirement that used automobile sales lots be paved in the BG district.

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-17-07**  
**TEXT AMENDMENT**

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

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

WHEREAS, the City of Eden Planning Board received an application to amend the Zoning Ordinance as follows:

To amend Section 11.24(i)(2) to remove the requirement that the automobile sales lots be paved.

STATEMENT OF NEED:

The original amendment to the zoning ordinance, to require that used automobile sales lots be paved, was initiated primarily for the BH-1 and BH-2 districts along Highway 14. Staff is of the opinion that requiring the sales lot for used cars to be paved places an unnecessary hardship on property owners wishing to operate used automobile sales businesses in the BG district. Furthermore, staff can see no benefit to requiring that the sales lots be paved, since paving creates more impervious surface, which creates more runoff into the watershed and other areas.

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 26th day of September, 2017.

CITY OF EDEN PLANNING BOARD

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

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT**  
**ZONING TEXT AMENDMENT REPORT**  
September 11, 2017

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**CASE NUMBER:** Z-17-08

**REQUESTED ACTION:** To amend Section 11.24(k) and 11.24(l) to remove automobile repair as a conditional use in the BH-1 and BH-2 districts and to allow automobile repair as a permitted use in these districts.

**APPLICANT:** Planning Board

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**EXISTING TEXT**

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**Section 11.24(k)(2) and Section 11.24(l)(2) Conditional Uses**

Service stations, but not including major repair work, provided that all gasoline and kerosene pumps and other stationary equipment shall be located at least 12 feet inside the property line; provided further, that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided. All storage of gasoline, kerosene, and diesel fuel shall be stored underground; except that one above ground fuel tank may be permitted provided that: (1) the tank does not exceed 660 gallons in size; (2) the tank is screened with a six (6) foot high, solid visual barrier fence, except where it is not practical because of the fuel tank dispenser; and (3) the tank meets all applicable N. C. Fire Code requirements.

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**PROPOSED TEXT**

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**Section 11.24(k)(1) Permitted Uses**

Automobile repair, towing and temporary storage services (including body works, but excluding open storage of wrecked automobiles).

**Section 11.24(k)(2) and Section 11.24(l)(2) Conditional Uses**

Service stations, provided that all gasoline and kerosene pumps and other stationary equipment shall be located at least 12 feet inside the property line; provided further, that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided. All storage of gasoline, kerosene, and diesel fuel shall be stored underground; except that one above ground fuel tank may be permitted provided that: (1) the tank does not exceed 660 gallons in size; (2) the tank is screened with a six (6) foot high, solid visual barrier fence, except where it is not practical because of the fuel tank dispenser; and (3) the tank meets all applicable N. C. Fire Code requirements.

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## GENERAL INFORMATION

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This request was submitted by the Planning Board.

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## STAFF ANALYSIS

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This amendment was initiated by the Planning Board in order to correct some inconsistencies in the zoning ordinance. Currently, service stations are allowed as a conditional use in the BH-1 and BH-2 districts, however major automobile repair is not allowed in the BH-1 district. Over the years, there have been numerous automobile repair businesses (both major and minor) operated in these districts, either independently or in conjunction with service stations. There are several properties that have operated as legal non-conforming uses in these areas for years. There are also several vacant properties that would be ideally suited for this type of business, if allowed. This amendment would allow reuse of these properties with proper provisions in place so as not to adversely affect surrounding properties and other districts. Staff is of the opinion that there are sufficient provisions in place (buffer requirements, no open storage, etc.) so that automobile repair can be compatible with other uses in these districts.

Staff recommends that service stations continue to be allowed as a conditional use in the BH-1 and BH-2 districts. Staff also recommends that automobile repair be allowed (as stated above) in the BH-1 district, and therefore in the BH-2 district, with the conditions listed (no open storage, etc.)

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-17-08**  
**TEXT AMENDMENT**

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

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

WHEREAS, the City of Eden Planning Board received an application to amend the Zoning Ordinance as follows:

To amend Sections 11.24(k) and 11.24(l) to remove automobile repair as a conditional use in the BH-1 and BH-2 districts and to allow automobile repair as a permitted use in these districts.

**STATEMENT OF NEED:**

Currently, service stations are allowed as a conditional use in the BH-1 and BH-2 districts, however major automobile repair is not allowed in the BH-1 district. Over the years, there have been numerous automobile repair businesses (both major and minor) operated in these districts, either independently or in conjunction with service stations. There are several properties that have operated as legal non-conforming uses in these areas for years. There are also several vacant properties that would be ideally suited for this type of business, if allowed. This amendment would allow reuse of these properties with proper provisions in place so as not to adversely affect surrounding properties and other districts. Staff is of the opinion that there are sufficient provisions in place (buffer requirements, no open storage, etc.) so that automobile repair can be compatible with other uses in these districts.

**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 26th day of September, 2017.

CITY OF EDEN PLANNING BOARD

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

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
September 19, 2017**

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**CASE NUMBER:** Z-17-09

**REQUESTED ACTION:** To repeal Section 11.24(r) (I-RO Industrial Reuse Overlay District) and 11.24(s) (M-H Manufactured Home Overlay District).

**APPLICANT:** Planning Board

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**EXISTING TEXT**

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**Section 11.24(o) I-RO INDUSTRIAL REUSE OVERLAY DISTRICT**

The city recognizes a need to encourage industrial and economic growth that provides for quality employment opportunities and makes effective use of city resources. Furthermore, the city desires to encourage the adaptive reuse of existing buildings, when appropriately located, for light industrial use. Therefore, the city establishes the Industrial Reuse Overlay District.

The purpose of this district is to provide an incentive to reuse structurally sound older buildings, located in Business-General districts, for which their commercial use may no longer be economically viable. This section allows for existing building(s) to be developed for light industrial uses that are environmentally and aesthetically compatible with the surrounding area.

This district is intended to provide for individual or limited industrial uses where such use would maintain the basic character of the underlying Business-General district in terms of building appearance, and where the degree of activity and other aspects of the operation would not be incompatible with the area, and subject to such regulations and conditions imposed by the district and City Council as are necessary to insure compatibility with existing uses in the area.

The I-RO district is established as a supplemental district that is approved by City Council in accordance with Section 11.27 of this ordinance. This district overlays a property in a Business-General district and is applicable only to existing buildings in the Business-General district.

The approval standards provide a mechanism to evaluate each development on its own merit. It is recognized that some light industrial uses will be more appropriate than others and the approval of an overlay district in one situation does not necessarily indicate that the same use will be applicable in other situations.

**Section 11.24(s) M-H MANUFACTURED HOME OVERLAY DISTRICT**

The Manufactured Home Overlay District (MH) is established to provide greater flexibility and increased alternatives for the siting of manufactured dwelling units. It is the intent of these

regulations to ensure that such dwelling units are located so as to conform to the greatest extent possible with the character of the existing housing stock in the surrounding area.

A M-H overlay district may be established upon any residential zoning district. All map amendments to a MH overlay district shall follow the ordinance amendment procedure set forth in Section 11.27 of this ordinance. However, no tract or parcel of land which is less than 5 acres in area shall be considered for a manufactured home overlay district map amendment.

All uses and regulations for the M-H overlay district are supplemental to those uses and regulations in the underlying district, except where such regulations conflict. In such cases of conflict, the more stringent regulations shall apply.

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**PROPOSED TEXT**

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**Section 11.24(o) (Delete entire section)**

**Section 11.24(s) (Delete entire section)**

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**GENERAL INFORMATION**

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This request was submitted by the Planning Board.

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**STAFF ANALYSIS**

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This amendment was initiated by the Planning staff in an on-going effort to update the city's land use regulations. The Zoning Ordinance has far too many districts, and some of these have become unnecessary or obsolete over time.

The Industrial Reuse Overlay District (I-RO) was designed to allow manufacturing operations in districts that would not otherwise allow them. This district was originally created when a local company requested to establish a textile sewing operation in a former grocery store building in a downtown district. That was the one-and-only request the Planning Department has ever received for this type of use, and that company has long since ceased to exist. The City now has a mixed-use district that would allow such a use as part of a development plan.

The Manufactured Home Overlay District (M-HO) was a district created specifically for mobile home parks. Since 1967 the City has had no new applications for a mobile home park. The Zoning Ordinance provides for orderly development of subdivisions for manufactured housing. Therefore this district is obsolete.

Staff is of the opinion that the I-RO or the M-HO districts are no longer needed in the Zoning Ordinance.

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-17-09**  
**TEXT AMENDMENT**

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WHEREAS, the City of Eden Planning Board received an application to amend the Zoning Ordinance as follows:

To repeal Section 11.24(r) (I-RO Industrial Reuse Overlay District) and 11.24(s) (M-H Manufactured Home Overlay District).

STATEMENT OF NEED:

Staff is of the opinion that the I-RO or the M-HO districts are no longer needed in the Zoning Ordinance.

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:

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- 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;

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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 26th day of September, 2017.

CITY OF EDEN PLANNING BOARD

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

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board