



8. Items from the Planning Board:

9. Adjournment.

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



zoning map amendment as amended. Carol Helms seconded the motion and it passed unanimously.

CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING THE PROPOSED MAP AMENDMENT REQUEST TO REZONE PROPERTY AT 14020 NC 87 FROM BUSINESS – GENERAL TO RESIDENTIAL – 12.

Carol Helms made a motion to adopt the Resolution Adopting a Statement of Consistency regarding the proposed map amendment request as amended. Steve Morgan seconded the motion and it passed unanimously.

**CITY CODE CASE**

**CCA-16-01**

**TEXT AMENDMENT**

Consideration of a request to amend Chapter 6, Article II, Section 6-39 of the Eden City Code dealing with chronic violators of the public nuisance and overgrown vegetation ordinance.

Kelly Stultz read the Staff Report and explained the process which the City of Eden follows in notifying property owners that are in violation of the Nuisance Ordinance. The City has many property owners that only mow when they receive a Notice of Code Violation from the City. This changed, which was authorized by the North Carolina General Assembly, will require only one (1) notice the year after the property owner has received three (3) notices of violation of the ordinance.

Board members asked about the method of service on the property owners. They were told that the first notice to a chronic violator will be served by the Sheriff of Rockingham County to establish proper service under the North Carolina General Statutes.

Steve Morgan made a motion to recommend approval of the City Code amendment. Amelia Dallas seconded the motion and it passed unanimously.

**ITEMS FROM STAFF:**

Kelly: Kathy Doss left at the end of July and we are adjusting job duties among the remaining staff members.

**ADJOURNMENT:**

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

Respectfully submitted,

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Kelly K. Stultz, Administrative Assistant to  
the Planning Board

Attest:

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Matthew W. Smith, Chair

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
November 16, 2016**

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**CASE NUMBER:** Z-16-03

**REQUESTED ACTION:** To create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses.

**APPLICANT:** Planning Board

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**EXISTING TEXT**

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**Section 11.22(f-1)**

(None)

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**PROPOSED TEXT**

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**Section 11.22(f-1) PUD-Mixed Use District**

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.

**Approved by:** City Council, upon recommendation from the Planning Board.

**Preliminary Plans – Preliminary Approval Phase:**

*(Note: Developer may request preliminary approval followed later by a Special Use Permit request; or developer may submit all required plans and request a Special Use Permit initially.)*

A preliminary site plan of the proposed PUD-MU at a scale of not less than one (1) inch to 100 feet shall be presented for the preliminary approval phase. The preliminary plan shall show the entire PUD. The site plan shall show location, approximate size and type of ownership of all structures within the site. It shall also show proposed location of common areas, proposed parking areas and traffic patterns, and whether proposed streets are to be public or private. The preliminary site plan shall also show all easements and rights-of-way adjoining or intersecting the property, points of access and egress, and intended location of all utilities. General areas and types of landscaping and buffers shall be indicated as well as the location of existing structures within 100 feet of the proposed site. Topography of the site at intervals not greater than five (5) feet shall also be indicated.

#### **Owners' Association – Preliminary Approval Phase:**

The developer shall also submit a draft of the Articles of Incorporation for the Owner's Association. The Articles of Incorporation shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of these areas. The automatic membership rights and assessment obligations of all owners of property within the PUD shall be so covered by covenants running with the land and other contractual provisions as to insure the property maintenance of all commonly owned areas, and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development.

#### **Statement of Readiness – Preliminary Approval Phase:**

The developer shall file with the Building Inspector a statement indicating readiness to proceed with the proposed development. The agreement signed by the owner or owners of the proposed PUD shall state that construction will begin on one (1) or more phases of the development within one (1) year from the date the Special Use is granted, if such is the case, and that it will be prosecuted to completion within a reasonable period of time.

#### **Development Plan:**

If the City Council, upon review by the Planning Board grants preliminary approval for the PUD-MU development, the owner or developer shall submit a final development plan to obtain a Special Use Permit.

The final development plan shall cover the entire development; or if it is to be built in phases, final plans shall be presented for each phase prior to construction or development of that phase. When final plans are prepared for one (1) phase of a PUD, the developer may be required to present detailed plans and data for streets and utilities which will extend beyond that phase, but which are necessary for the provision of services in the proposed new phase.

Final plans for at least one (1) phase shall be presented to the City Council within one (1) year after preliminary approval is granted. Approval shall have been obtained from city staff and the Planning Board. All drawings shall be at a scale of not less than one (1) inch to 100 feet. The final development plan shall show the following:

- a. Dimensions of the property and adjacent lots and streets.
- b. Location, use and ownership of all buildings, with dimensions and ground area.
- c. Public and private streets, and parking areas with spaces and channelization.
- d. All pedestrian ways.
- e. A title, including the names of the developers, date, scale of the plan, and the person or firm preparing the plan.
- f. Proposed landscaping, with property buffers between other uses.
- g. Storm drainage and sanitary sewer.
- h. Size and location of signs.
- i. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.
- j. Location and height of all fences, walls and hedges.
- k. Profiles of publicly maintained water and sewer lines.
- l. Profiles, cross sections and slopes of on-site and off-site ditches carrying water runoff.
- m. Erosion and sedimentation control plan.
- n. Lighting plan where applicable.
- o. Location and amount of recreation area.
- p. Proposed land uses.

**Common Area:**

Land not reserved for individual development shall be commonly owned land. Such land shall be designated on the development plan as common area to be held in separate ownership for the use and benefits of the residents/occupants of the PUD.

**Minimum Size:**

No PUD-MU District shall be approved for a site of less than five (5) contiguous acres under unified ownership or control for new construction projects. PUD-MU districts may be approved for the adaptive reuse of existing structures on less than five (5) acres of land.

**Allowed Uses:**

The PUD-MU District may allow all uses permitted in the BC, BG, BH1, BH2, O&I, IP1 and I1 Districts, and may also allow residential uses as a secondary use to the business, commercial, industrial and office uses. Proposed shall be reviewed individually and may be approved depending on whether they are in harmony with other uses in the PUD and with existing adjacent development. Such determination shall be made based on the recommendation of the Planning and Inspections Department and the Planning Board, and approval of the City Council.

**Development Standards:**

Areas between structures shall be covered by easements where necessary to provide for maintenance and utility service. Primary vehicular access to office, commercial and industrial development shall not be through residential development.

Commercial areas and adjacent residential, office and industrial areas shall be arranged to promote pedestrian access between and within such areas.

The scale and setback of buildings and structures in the PUD-MU District within 150 feet of the perimeter of the PUD shall be in harmony with development on adjacent properties. No commercial or industrial use shall be allowed within 150 feet of the perimeter of the PUD boundaries unless the adjacent zoning district permits the same or similar use at the time of zoning approval.

**Parking:**

Off-street parking for each use in the PUD-MU District shall be provided in accordance with the standards set forth in the Zoning Ordinance for the particular use.

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**GENERAL INFORMATION**

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This request was submitted by the Planning Board.

The PUD-Mixed Use District (PUD-MU) is intended to allow for the adaptive reuse of existing commercial and industrial properties and for the development of new properties. The mixed used development concept is a way to allow multiple uses on properties and to concentrate development in these areas in a way that encourages reuse and redevelopment of existing properties, utilization of existing infrastructure, and more pedestrian friendly development.

There are numerous areas in the City where large structures and parcels of former industrial and commercial property sit vacant and declining, due to changes in the economy and loss of industry. This is also true in the downtown areas. Mixed use development and adaptive reuse is a way to reuse these properties, preserving existing and historic structures in new and innovative ways, and also to encourage new development on property that might otherwise sit vacant. The PUD-MU District would allow this development in certain areas, while providing safeguards so that the development is an asset rather than a detriment to surrounding properties.

Based on this information, staff recommends in favor of the text amendment creating the PUD-MU District.

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**STAFF ANALYSIS**

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**STAFF RECOMMENDATION:**

**Approval of the text amendment.**



**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING TEXT AMENDMENT REPORT  
November 16, 2016**

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**CASE NUMBER:** Z-16-03  
**REQUESTED ACTION:** To amend Section 11.26 Board of Adjustment  
**APPLICANT:** Planning Board

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**EXISTING TEXT**

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**Section 11.26(c)(3)(b)(1)**

- (1) Special Use Permits in all zoning districts other than I-3 Industrial District and the PUDR district shall be issued by the Board of Adjustment for the uses enumerated in the following subsection 11.26(c) after a hearing and upon a Petition for the issuance thereof. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in this section.
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**PROPOSED TEXT**

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**Section 11.26(c)(3)(b)(1)**

- (1) Special Use Permits in all zoning districts other than the I-3 Industrial District, the PUD-R district, and the PUD-MU district, shall be issued by the Board of Adjustment for the uses enumerated in the following subsection 11.26(c) after a hearing and upon a Petition for the issuance thereof. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in this 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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For any property to be rezoned to the PUD-MU district, approval must be granted by the City Council after receiving a recommendation from the Planning Board.

Mixed use zoning is a tool that many jurisdictions in North Carolina and across the country use as a way to encourage smart development, adaptively reuse existing buildings and to avoid the damage done to a community by derelict buildings left to crumble. Eden is no exception. This is a tool that will aid growth in our economy.

Based upon the foregoing information, staff is of the opinion that the amendment be approved.

**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-16-03**  
**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 initiated a request for an amendment to the Zoning Ordinance as follows:

To create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses.

STATEMENT OF NEED:

The City of Eden is one of the small communities in North Carolina that has been hit hard by the closing of manufacturing facilities. In effort to revitalize and reuse these buildings, it has become popular to renovate them for multi-purposes. Staff is of the opinion that creating a Planned Unit Development-Mixed Use District will improve the opportunities for investors to buy and develop some of the closed manufacturing facilities.

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.
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 interest.

Approved, adopted and effective this 22nd day of November, 2016.

CITY OF EDEN PLANNING BOARD

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

ATTEST:

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Kelly K. Stultz, Administrative  
Assistant to the Planning Board

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-16-03**  
**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 initiated a request for an amendment to the Zoning Ordinance as follows:

To create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses.

STATEMENT OF NEED:

Section 11.26(c)(3)(b)(1) needs to be amended to require that any Special Use Permit for the PUD-MU district requires the approval of the City Council after receiving a recommendation from the Planning Board.

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.
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 interest.

Approved, adopted and effective this 22nd day of November, 2016.

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 CASE REPORT  
November 15, 2016**

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<b>CASE NUMBER:</b>	<b>Z-16-04</b>
<b>EXISTING ZONING DISTRICT:</b>	<b>R-12</b>
<b>REQUESTED ZONING DISTRICT:</b>	<b>O&amp;I</b>
<b>APPLICANT:</b>	<b>Matthew W. Smith</b>
<b>APPLICANT'S STATUS:</b>	<b>Legal Representative for Property Owner (Boys' and Girls' Club of Eden, Inc.)</b>

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**PROPERTY INFORMATION**

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<b>LOCATION:</b>	Southwest Corner Reynolds and Manning Streets
<b>PARCEL NUMBER:</b>	138104
<b>SIZE:</b>	1.08 acres
<b>ACCESS:</b>	Reynolds Street
<b>LAND USE:</b>	Vacant
<b>PHYSICAL CHARACTERISTICS:</b>	Vacant wooded parcel
<b>ZONING HISTORY:</b>	Zoned R-12 at time of original zoning

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**AREA INFORMATION**

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<b>CHARACTERISTICS:</b>	Bordered on the north (across unopened portion of Manning Street) by R-12 residential property; bordered on the east (across Reynolds Street) by R-12 residential property; bordered on the south by R-12 residential property; bordered on the west by R-20 residential property.		
<b>ADJACENT ZONING:</b>	North:	R-12	
	South:	R-12	
	East:	R-12	
	West:	R-20	

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**PLANNING AND DEVELOPMENT INFORMATION**

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<b>STREET IMPROVEMENTS:</b>	Yes
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PUBLIC WATER AVAILABLE: Yes  
PUBLIC SEWER AVAILABLE: Yes  
LAND DEVELOPMENT PLAN (2007): Traditional Neighborhood  
FLOOD HAZARD AREA: None  
WATER SUPPLY WATERSHED: WS-IV

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### **STAFF ANALYSIS**

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The request is to zone approximately 1.08 acres from Residential-12 to Office and Institutional. The R-12 Residential District is established as a district in which the principal use of the land is single-family residences. The regulations of this district are intended to discourage any use which because of its character, would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within the district. The Office and Institutional district is established primarily for office and institutional uses which have only limited contact with the general public and have no offensive noises, odors, smoke, fumes or 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.

The subject parcel is located in an established medium density residential neighborhood containing primarily single-family homes. The Boys' and Girls' Club property (zoned O&I) is located on Harris Street, one-half block to the south of the subject property. Based on the character of the neighborhood, the uses allowed in the O&I district, and the proximity of other O&I property, staff is of the opinion that rezoning the property to O&I would not be detrimental to the character of the residential neighborhood and the surrounding residential property.

Based upon the character of the area and the residential and office and institutional uses in the area, staff recommends in favor of the request.

**STAFF RECOMMENDATION:**

**Approval of the O&I request.**





**ZONING CASE**  
**Z-16-04**  
**AERIAL MAP**

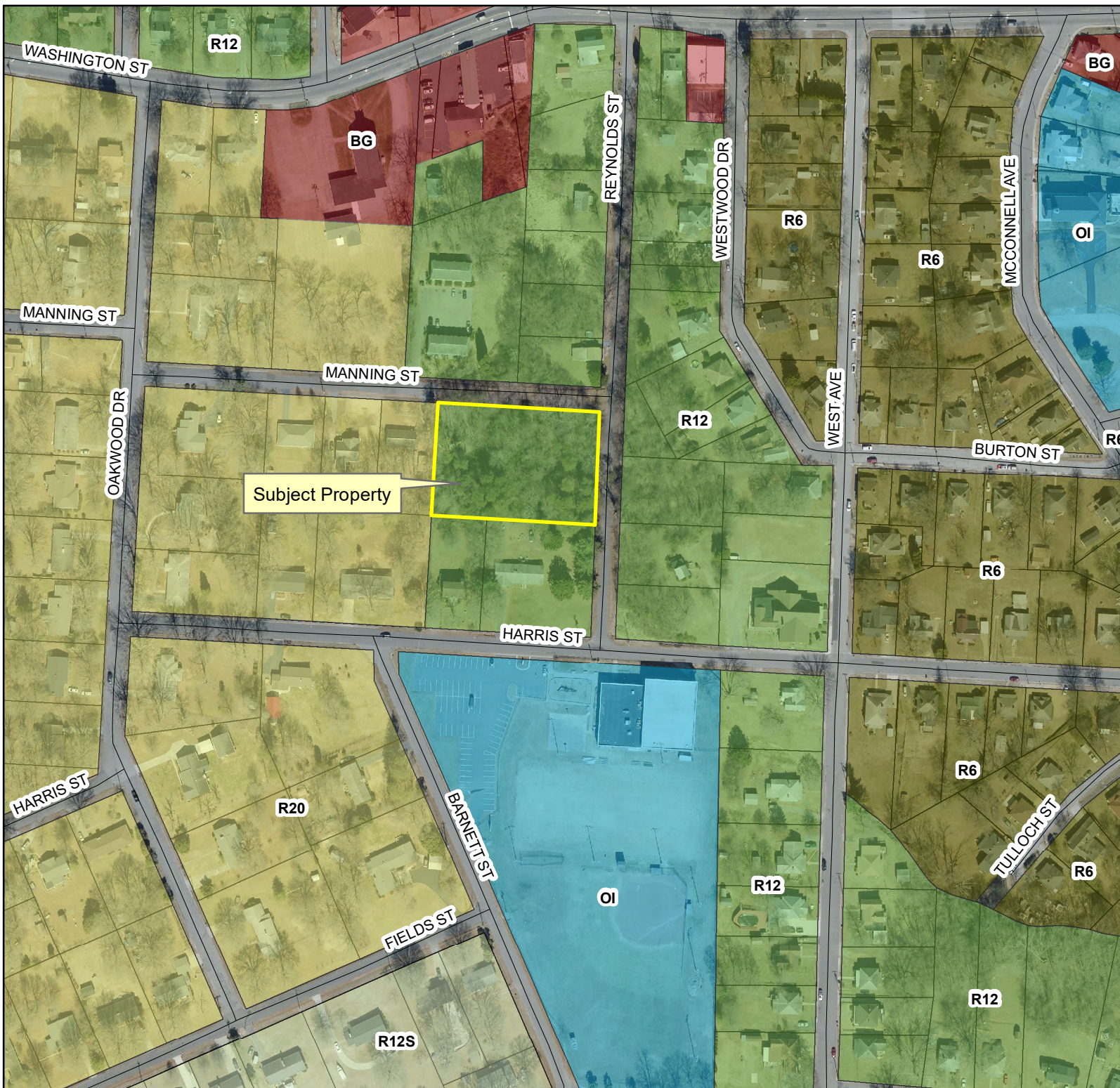


Reynolds Street  
Residential - 12  
to  
Office & Institutional

**ZONING CASE**  
**Z-16-04**  
**ZONING MAP**



Reynolds Street  
Residential - 12  
to  
Office & Institutional



A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-16-04**  
**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 on Reynolds Street from Residential-12 to Office and Institutional.

STATEMENT OF NEED:

Staff is of the opinion that this request would be appropriate for the subject property because of the character of the area and because there are other Office and Institutional properties in the area.

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, 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 map 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 in the public interest.

Approved, adopted and effective this 22nd day of November, 2016.

CITY OF EDEN PLANNING BOARD

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

ATTEST:

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