

ARTICLE 4 – ZONING DISTRICTS

[Replaces & Revises Zoning Ordinance - Section 11.24 and portion of Watershed Protection Ordinance]

4.01 APPLICABILITY

This Article of the Eden UDO establishes base and overlay zoning districts; the official zoning map, as well as the rules for its maintenance, amendments, interpretation and replacement; the use table, which identifies the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use table.

4.02 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Official Zoning Map. After adoption of this UDO, amendments to the zoning map shall be made by plat, legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scrivener's or other error in such plat or description is manifestly contrary to the intent of the amended ordinance.

A. BASE ZONING DISTRICTS

- The following Base Zoning Districts are established:

Base Zoning District:	Description:
a. Residential-Agricultural District (R-A) <i>Previous District(s): R-S, M-H</i>	The R-A District is intended to accommodate lower-density residential and agricultural uses. Areas within this district may be restricted due to lack of available utilities, unsuitable soil types or steep slopes.
b. Residential Districts (R-20, R-12, R-6) <i>Previous District(s): R-20, R-12, R-12S, R-6, R-6S, R-4, M-H</i>	These districts are established for residential developments and related recreational, religious and educational facilities. They are intended to act as transitional zoning districts between rural development and the more urban development of the City. These regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.
c. Residential Mixed Use (RMX)	The RMX District is established to accommodate a variety of housing types in a neighborhood setting and is intended to provide areas for higher density residential development near commercial areas such as the BC, NMX and BH districts. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.
d. Neighborhood Mixed Use (NMX) <i>Previous District(s): O-I, B-N, B-G</i>	The NMX District is intended to provide pedestrian-scaled, higher density residential housing and opportunities for

	limited scaled commercial & office activities. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically smaller in scale and detached.
e. Business, Central District (BC) <i>Previous District(s): B-C</i>	The primary purpose of the B-C district is to serve as the central commercial areas of the City of Eden and to provide for uses customarily located in central business districts.
f. Business, Highway District (BH) <i>Previous District(s): BH-1, BH-2, B-SC</i>	The BH District is designed to accommodate highway-oriented retail, commercial service uses and in some cases light manufacturing.
g. Light Industrial District (LI) <i>Previous District(s): I-1, IP-1, I-2</i>	The LI District is intended to accommodate externally benign industrial and office uses that pose little nuisance to adjacent residential areas.
h. Heavy Industrial District (HI) <i>Previous District(s): I-3, I-3 SU</i>	The HI District is established to accommodate those industrial, manufacturing, or large-scale utility operations that are known to pose levels of noise, vibration, odor, or truck traffic that are considered nuisances to surrounding development. This district is customarily located in proximity to railroad sidings and/or major thoroughfares.
i. Open Space District (OS)	The Open Space District is established to preserve and protect environmentally sensitive lands and properties that are restricted for open space, parks and recreational type uses.

B. OVERLAY DISTRICTS

1. For purposes of managing certain environmentally sensitive or visually important geographic areas, certain overlay districts have been established to impose design, use, or other standards in addition to the requirements of the underlying base district.
2. The following Overlay Zoning Districts are established:

Overlay Zoning District:	Description:
a. Outdoor Advertising Overlay District (OAO)	The Outdoor Advertising Overlay District is established to provide for the erection and regulation of signs classified as outdoor advertising as per Article 13 – Definitions & Interpretations.
b. Watershed Protection Overlay District (WPO)	Pursuant to requirements of NCGS 143-214.5, two Watershed Protection Overlay Districts have been established for lands within the Dan River and Smith River watersheds. This watershed is classified as a Water Supply IV and is divided into a WS-IV-CA (Critical Area) and WS-IV-PA (Protected Area).

3. **Outdoor Advertising Overlay District (OAO)**
 - a. **Applicability**
 - (1) The area affected by this overlay district are those parcels labeled OAO as indicated on the City's Official Zoning Map.
 - b. **Specific Development Standards**
 - (1) See *Article 7 - Signs*
4. **Watershed Protection Overlay District (WPO)**
 - a. **Applicability**
 - (1) To carry out the purpose of this overlay district, the City hereby designates two (2) overlay districts, the boundaries of which are shown on the City's Official Zoning Map.
 - (a) WPO-CA: Watershed Protection Overlay District – Critical Area; and
 - (b) WPO-PA: Watershed Protection Overlay District – Protected Area.
 - b. **Specific Development Standards**
 - (1) See *Article 10 – Environmental Protection*

4.03 **CONDITIONAL ZONING DISTRICTS (CZD)**

A. PURPOSE

1. Conditional Zoning Districts are districts with conditions voluntarily added only in response to a petition by the owner of all the property to be included in such district.
2. In accordance with NCGS §160D-703 specific conditions applicable to these districts may be proposed by the applicant or City but only those conditions mutually approved by the City and the applicant may be incorporated into the Conditional Zoning District.
3. Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional Zoning District developments are constructed in a comprehensive manner, they may establish their own building, street, block, and lot pattern which may be unique from other surrounding blocks or neighborhoods.
4. These districts are not intended to relieve hardships that would otherwise be handled using a variance procedure.
5. In addition to modification of specific base district provisions (except use), the various provisions detailed in this Article may be varied if specifically requested by the petitioner as part of a Conditional Zoning District application.

B. STANDARDS

1. **Permitted uses**
 - a. Permitted uses in any conditional zoning district may include or exclude any uses permitted as specified in the Table of Permitted Uses in Article 5 for that particular base zoning district, excluding non-permitted uses.
2. **Development Standards**
 - a. **Non-Residential/Mixed-Use Structures:**

- (1) 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.
 - (2) Commercial areas and adjacent residential, office and industrial areas shall be arranged to promote pedestrian access between and within such areas.
 - (3) The scale and setback of buildings and structures in the CZD within 150 feet of the perimeter of the CZD shall be in harmony with development on adjacent properties.
- b. Residential Structures**
- (1) The minimum size and the minimum dimensional standards shall be the same as the minimum size and minimum dimensional standards required in the base zoning district; provided that this provision may be waived as part of the conditional zoning district approval.
- 3. Streets & Parking**
- a. Traffic circulation may be via public streets or private drives. A private drive is a roadway clearly marked "PRIVATE" and the CZD plan and statement of street dedication and ownership filed with the Register of Deeds. Private drives shall be included in the defined common area and maintained by the Property Owner's Association.
 - b. All public streets shall conform to the street requirements of the City of Eden as contained in this ordinance.
 - c. Parking shall conform to *Article 6 – General Development Standards* of this ordinance.
- 4. Common Areas**
- a. 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 CZD.
- 5. Property Owners Association**
- a. The developer shall submit a draft of the Articles of Incorporation for the Property Owner's Association that may be part of the CZD. 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.

4.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The Eden UDO shall be effective throughout the City of Eden and its extraterritorial planning jurisdiction (ETJ) as identified on the Official Zoning Map of the City of Eden. However, pursuant to G.S. § 160D-903, property that is located in the extraterritorial jurisdiction which is used for bona fide farm purposes is exempt from the regulations of this UDO. The planning jurisdiction of the City may be modified from time to time in accordance with G.S. § 160D. The Official Zoning Map is on file with the City Clerk and with the Administrator of this Ordinance. The Official Zoning Map and its boundaries shall be incorporated and made a part of this Ordinance.

4.05 DIMENSIONAL STANDARDS TABLE

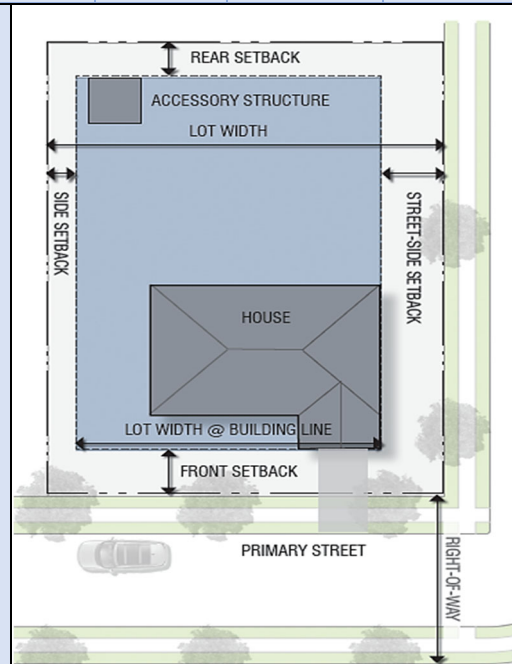
This table and the setback illustration below provides basic design elements for each base zoning district.

Zoning District	Max. Height	Minimum Lot Size	Minimum Lot Width	Max. Density	*Front Setback	*Side Setback	*Side Street Setback	*Rear Setback
R-A	35 ft.	40,000 sf	150 ft. ^[2]	N/A	50 ft.	20 ft.	30 ft.	25 ft.
R-20	35 ft.	20,000 sf ^[1]	100 ft. ^[2]	N/A	40 ft.	15 ft. ^[4]	30 ft.	25 ft.
R-12 ^[6]	35 ft.	12,000 sf ^[3] plus 6,000 sf for additional dwelling units	80 ft. plus an additional 20 ft. for additional dwelling units ^[2]	N/A	35 ft.	10 ft. ^[4]	25 ft.	20 ft.
R-6 ^[6]	35 ft.	6,000 sf. plus 3,000 sf for additional dwelling units ^[3]	60 ft. plus an additional 5 ft. for additional dwelling units ^[2]	12 units per acre	30 ft.	8 ft. ^[4]	25 ft.	20 ft.
RMX ^[5] ^[6]	4 stories	N/A	N/A	18 units per acre	10 ft. maximum	N/A	20 ft.	8 ft.
NMX ^[5] ^[6]	4 stories	N/A	N/A	N/A	10 ft. maximum	N/A	12 ft. max.	N/A
B-C ^[5]	4 stories	N/A	N/A	N/A	6 ft. maximum	N/A	6 ft. max.	N/A
B-H	35 ft.	N/A	100 ft.	N/A	25 ft.	10 ft.	20 ft.	20 ft.
LI	35 ft.	40,000 sf	200 ft.	N/A	50 ft.	20 ft.	25 ft.	25 ft.
HI	50 ft.	2 acres	400 ft.	N/A	100 ft.	100 ft.	100 ft.	100 ft.
OS	35 ft.	N/A	N/A	N/A	N/A	N/A </tr		

NOTES TO TABLE:

- ^[1] Minimum lot size without community/public water & sewer is 25,000 sf. Minimum lot size for non-residential uses is 30,000 sf.
- ^[2] Minimum lot width for non-residential uses is 200 ft.
- ^[3] Minimum lot size serviced by private septic system is 20,000 sf. Min. lot size for non-residential uses is 30,000 sf.
- ^[4] Minimum side setback for non-residential uses is 20 ft.
- ^[5] See Article 6 – General Development Standards for specific building & site design standards.
- ^[6] Lots in these districts that are situated between two (2) adjoining lots, each of which a principal building is located on the lot, then the front and side and rear yard requirements of the principal structure may be modified. The front, side or rear yards of the principal residential structure to be erected or remodeled shall be determined by either (i) averaging the front, side or rear yards of the adjoining lots, or (ii) making the front, side or rear setbacks the same as one of the adjoining lots. If one of the adjoining sides is vacant, then the setbacks will be averaged based upon all principal residential structures on the same side of the street of the block in which the proposed development is to take place.

*See Article 5, Section 5.09 for accessory setback requirements.



The figure above should be used to visually illustrate setbacks and measurements as listed in 4.05 – Dimensional Standards Table.

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